

CONGRESSIONAL RECORD:

1877

CONTAINING

THE PROCEEDINGS AND DEBATES



OF THE

FORTY-FIFTH CONGRESS, THIRD SESSION.

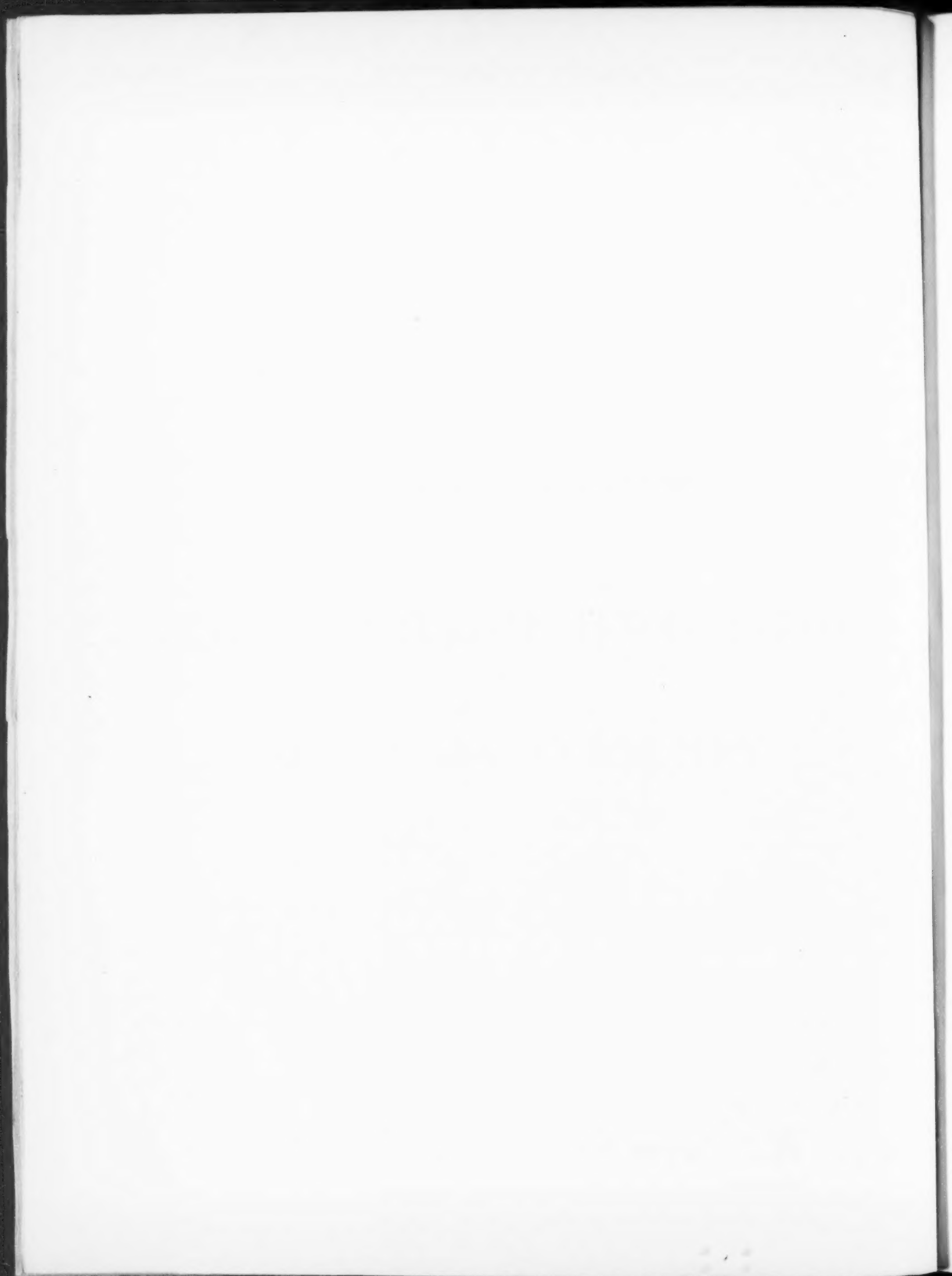
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VOLUME VIII, PART III.

CONGRESSIONAL RECORD AND APPENDIX,

FORTY-FIFTH CONGRESS, THIRD SESSION.



Mr. HARRIS. I desire to say that if it meets the approbation of the Senate to go on and act upon the bill and dispense with further proceedings under the call, there being a quorum present, I shall not myself insist upon further proceeding under the call.

Mr. EDMUNDS. I wish to say that I have staid here at great inconvenience, to keep up a quorum of the Senate, and have tried to do it and not waste time in speeches; but if the Senate the moment two or three gentlemen are willing to come are ready to excuse all the rest, then I hope I shall be considered excused the moment you dispense with further proceedings under the call; and I shall beg leave to go home when I can do so without any contempt of the order of the Senate.

Mr. MORGAN. I ask for a statement of the question.

The PRESIDING OFFICER. The Senator from New York moves that further proceedings under the call and under the order be dispensed with.

The motion was not agreed to, there being on a division—ayes 15, noes 19.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Alabama as amended.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate as directed.

Mr. HARRIS. It is not in order I suppose to proceed with any other business pending this call.

The PRESIDING OFFICER. It is not, except to move to suspend the call or to adjourn.

Mr. EATON. I have had frequent occasion to say that I have very great confidence in the opinion of the Chair, but is not the Chair wrong? Let us reflect one moment. There is no call here. A certain resolution has passed ordering the Sergeant-at-Arms to perform certain duties, but on a vote had it is disclosed that there is a majority of the Senate present. There is a quorum here. Where is the rule that prevents our going on with the ordinary business when a quorum is here?

The PRESIDING OFFICER. The Secretary will read the rule and the Senator will see that pending the execution of the order of the Senate but two motions are in order.

Mr. EDMUNDS. That is the parliamentary law too.

The Secretary read as follows:

3. No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Mr. EATON. There is a quorum present. That is the very point that I make. There is a quorum here, and therefore we can go on with business.

The PRESIDING OFFICER. The quorum of the Senate have ordered the execution of the order, the last order of the Senate.

Mr. EATON. Upon my word I do not see that that is the rule at all. I think we have a perfect right to go on with the regular business whenever there is a quorum here. A quorum can do anything they choose.

Mr. KIRKWOOD. But we must go on with the call.

Mr. EATON. There is no call about it. The call is ended. There is a certain order that the Sergeant-at-Arms shall bring certain recalcitrant Senators here; but that is not a call of the Senate. It is an order made by a majority vote of the Senate, and therefore that majority of the Senate can go on with the business of the Senate, in my judgment.

Mr. HOWE. I think there is an order of the Senate being executed. That seems to me very plain. I do not recall what the practice is, but upon the plain reading of the rule it seems to me that the restraint upon the Senate continues no longer than until a quorum is present. Pending its execution and until a quorum shall be present, debate shall not be in order, and only the prescribed motions may be entertained and until a quorum shall be present.

Mr. PADDOCK. I move to suspend all further proceedings under the call. There is evidently a quorum present.

Mr. CAMERON, of Wisconsin. That is disclosed by the vote. There is no question about that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska that all proceedings under the call be suspended.

The question being put, there were on a division—ayes 14, noes 15.

Mr. PADDOCK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MORRILL. I am paired with the Senator from Indiana, [Mr. McDONALD,] and having been excused for the night I decline to vote.

The Secretary resumed and concluded the roll-call; and the result was announced—yeas 15, nays 24; as follows:

YEAS—15.

Allison,	Conover,	Hill,	Paddock,
Bailey,	Davis of Illinois,	Howe,	Saunders,
Beck,	Ferry,	Jones of Nevada,	Thurman.
Cameron of Wis.,	Grover,	Kernan,	

NAYS—24.

Burnside,	Edmunds,	Jones of Florida,	Maxey,
Cameron of Pa.,	Eustis,	Kellogg,	Merrimon,
Cockrell,	Garland,	Kirkwood,	Morgan,
Coke,	Gordon,	Lamar,	Spencer,
Davis of W. Va.,	Harris,	McMillan,	Teller,
Eaton,	Hereford,	Matthews,	Voorhees.

ABSENT—37.

Anthony,	Dawes,	Mitchell,	Sharon,
Barnum,	Dennis,	Morrill,	Shields,
Bayard,	Dorsey,	Oglesby,	Wadleigh,
Blaine,	Hamlin,	Patterson,	Wallace,
Booth,	Hear,	Plumb,	Whyte,
Bruce,	Ingalls,	Randolph,	Windom,
Butler,	Johnston,	Ransom,	Withers.
Chaffee,	McCreery,	Rollins,	
Chandler,	McDonald,	Sargent,	
Conkling,	McPherson,	Saulsbury,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question now pending is on the amendment proposed by the Senator from New York [Mr. KERNAN] to the bill. Is the Senate ready for the question?

Mr. TELLER. What is the question?

The PRESIDING OFFICER. The Secretary will report the amendment.

Mr. EDMUNDS. What has become of the proceedings under the call?

The PRESIDING OFFICER. That still stands with the Sergeant-at-Arms executing the order of the Senate in that regard. A quorum being present, the Senate proceeds with business.

Mr. PADDOCK. Let the amendment be reported.

The PRESIDING OFFICER. It will be reported.

Mr. EDMUNDS. That is a curious proposition. I thought the Chair ruled on that point and held that it was not in order to proceed.

The PRESIDING OFFICER. The Chair did not rule on the question. The order is being executed by the Sergeant-at-Arms, but there being a quorum present the Senate proceeds with business, and the pending question is on the amendment of the Senator from New York. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out after the word "entry," in line 25 of section 6, the following words:

In case the health officer at any such port appointed by local authority shall refuse to adopt and observe the rules and regulations prescribed by the Bureau of Health for the inspection, disinfection, and treatment of vessels, their cargoes, passengers, and crews, or, in the opinion of the board of health, shall neglect or fail so to do.

The PRESIDING OFFICER. The question is on agreeing to this amendment.

Mr. EDMUNDS. The yeas and nays have been ordered I think.

The PRESIDING OFFICER. On which the yeas and nays have been ordered.

Mr. THURMAN. I wish to say one single word on this amendment. As the bill stands it proposes to supersede the State police and the State sanitary laws, and that upon an idea that they have refused or neglected, without establishing any mode of deciding whether they have refused or whether they have neglected, even if we had the power to supersede them. I have the impression that the Supreme Court once said that in respect of the police powers of a State they were left untouched by the Federal Constitution. I am not willing to undertake to supersede them. I hope, therefore, and I speak it in the interest of the bill, that the amendment of the Senator from New York will prevail.

Mr. VOORHEES. This question was thoroughly discussed in the earlier part of the evening, when the Senator from Ohio was not present or paying attention to the debate which was going on. The question was raised then by the Senator from New York, and elaborately discussed by him, and in a feeble manner by myself and in an able manner by the Senator from Tennessee. It was then settled against the construction of the Senator from New York; that is to say, it was held by the Senate that the Federal Government was not precluded from making a regulation upon this question by the action or non-action of a State. The State might make no regulation whatever, and resolve to make none and legislate to make none; she might declare by legislative action that she would make none; and thereby as thoroughly shut out the Federal power from making the regulation which this bill contemplates as if the State had made all the regulations called for by public interests. Consequently the Senate fell back upon the principle evolved in the Constitution of the United States, that Congress has power to regulate commerce, and in that regulation is involved the question whether infected goods should be brought to our ports, whether in one State or another, or quarantined. A State may lay down certain regulations against the introduction of goods infected in this way, or a State may not, the Federal Government all the time having the power to regulate that whole question. If the Senator from Ohio had been as careful and as vigilant in his attention in the early part of the evening as he is now he would have heard this question debated and he would not have raised such a question after it had been fully debated and fully settled.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, [Mr. KERNAN.]

The Secretary proceeded to call the roll.

Mr. MORRILL, (when his name was called.) On account of the

pair that I have with the Senator from Indiana, [Mr. McDONALD,] having been excused the greater part of the night by the Senate, I decline to vote.

Mr. WADLEIGH. (when his name was called.) In the early part of the evening, as I have said, I paired with the Senator from Delaware, [Mr. SAULSBURY.] Not knowing how he would vote on this question, I refrain from voting.

The Secretary concluded the call of the roll.

Mr. HOWE. If there is not a quorum without my vote, I vote "yea."

Mr. WADLEIGH. I shall vote "yea," to make a quorum.

The result was announced—yeas 17, nays 24; as follows:

YEAS—17.

Allison,	Edmunds,	Morgan,	Thurman,
Booth,	Hill,	Oglesby,	Wadleigh.
Coke,	Howe,	Saunders,	
Davis of W. Va.,	Kernan,	Spencer,	
Eaton,	McMillan,	Teller,	

NAYS—24.

Bailey,	Davis of Illinois,	Grover,	Lamar,
Beck,	Dawes,	Harris,	Matthews,
Burnside,	Eustis,	Jones of Florida,	Maxey,
Cameron of Wis.,	Ferry,	Jones of Nevada,	Merrimon,
Cockrell,	Garland,	Kellogg,	Paddock,
Conover,	Gordon,	Kirkwood,	Voorhees.

ABSENT—35.

Anthony,	Conkling,	McDonald,	Sargent,
Barnum,	Dennis,	McPherson,	Saulsbury,
Bayard,	Dorsey,	Mitchell,	Sharon,
Blaine,	Hamlin,	Morrill,	Shields,
Bruce,	Hereford,	Patterson,	Wallace,
Butler,	Hoar,	Plumb,	Whyte,
Cameron of Pa.,	Ingalls,	Randolph,	Windom,
Chaffee,	Johnston,	Ransom,	Withers.
Chandler,	McCreery,	Rollins,	

So the amendment was rejected.

Mr. EDMUNDS. My belief is that this last vote that we have taken is entirely irregular, because I believe the pending business is the call of the Senate until the Senate either suspends it or postpones it. Therefore on reflection I believe I shall not vote any more, apologizing to the Senate for voting this time, until we have disposed of the call by putting it off or suspending it, or something.

Mr. PADDOCK. I move that the proviso offered by the Senator from Tennessee [Mr. HARRIS] be stricken out.

Mr. HILL and others. Oh, no.

Mr. DAVIS, of Illinois. That has been concurred in.

The PRESIDING OFFICER. That has been concurred in, and the motion to strike it out is not in order, unless something be added to it.

Mr. PADDOCK. I withdraw the motion.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUR OF MEETING.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns it adjourn to meet to-morrow at two o'clock.

Mr. SPENCER. I suggest one o'clock.

Mr. ALLISON. Oh, no; twelve o'clock.

Mr. CAMERON, of Pennsylvania. I insist on two o'clock.

Mr. TELLER and others. Let us adjourn to twelve o'clock.

Mr. VOORHEES. I move that the Senate adjourn until twelve o'clock.

Mr. ALLISON. Is the motion amendable?

The PRESIDING OFFICER. It is amendable.

Mr. ALLISON. I move to amend by fixing twelve o'clock as the hour.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa that when the Senate adjourns it be to meet at twelve o'clock.

Mr. EATON. I move to strike out "twelve" and insert "one."

Mr. EDMUNDS. That is just the motion that the Senator from Iowa made.

The PRESIDING OFFICER. The Senator from Iowa moved to strike out "two" and insert "twelve." The amendment of the Senator from Connecticut is in order. The Senator from Connecticut moved to insert "one" instead of "twelve."

The question being put, there were on a division—ayes 23, noes 16.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 19; as follows:

YEAS—22.

Bailey,	Coke,	Hill,	Morgan,
Beck,	Dawes,	Jones of Florida,	Saunders,
Booth,	Eaton,	Jones of Nevada,	Thurman,
Burnside,	Eustis,	Lamar,	Wadleigh.
Cameron of Pa.,	Garland,	McMillan,	
Cockrell,	Grover,	Merrimon,	

NAYS—19.

Allison,	Ferry,	Kernan,	Paddock,
Cameron of Wis.,	Gordon,	Kirkwood,	Spencer,
Davis of Illinois,	Harris,	Matthews,	Teller,
Davis of W. Va.,	Hereford,	Maxey,	Voorhees.
Edmunds,	Howe,	Oglesby,	

ABSENT—35.

Anthony,	Conover,	McDonald,	Sargent,
Barnum,	Dennis,	McPherson,	Saulsbury,
Bayard,	Dorsey,	Mitchell,	Sharon,
Blaine,	Hamlin,	Morrill,	Shields,
Bruce,	Hoar,	Patterson,	Wallace,
Butler,	Ingalls,	Plumb,	Whyte,
Chaffee,	Johnston,	Randolph,	Windom,
Chandler,	Kellogg,	Ransom,	Withers.
Conkling,	McCreery,	Rollins,	

So the amendment of Mr. EATON was agreed to.

The PRESIDING OFFICER. The question recurs on the motion as amended, that when the Senate adjourns it be to meet at one o'clock to-morrow.

Mr. EDMUNDS. Pending that question I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. Let us take up the deficiency appropriation bill.

Mr. EDMUNDS. We cannot take it up just now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate do now adjourn.

The Senate refused to adjourn, there being on a division—ayes 16, noes 18.

Mr. EATON. I desire to ask a question. Was my motion agreed to?

The PRESIDING OFFICER. The amendment of the Senator from Connecticut was agreed to fixing one o'clock instead of twelve. The question now recurs on the motion as amended, that when the Senate adjourns it be to meet at one o'clock to-morrow.

Mr. EDMUNDS. Pending that motion I move that the Senate do now adjourn until twelve o'clock to-morrow.

The PRESIDING OFFICER put the question and declared that the noes appeared to prevail.

Mr. EDMUNDS. Let us divide, Mr. President, and see if we cannot get on with the appropriation bills some way.

The motion was not agreed to, there being on a division—ayes 12, noes 24.

The PRESIDING OFFICER. The question recurs on the motion that when the Senate adjourns it be to meet at one o'clock to-morrow.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. VOORHEES. I will amend that motion by moving that we take up the Calendar. There are four hundred bills on the Calendar.

Mr. ALLISON. I hope that the Senator from Indiana will not antagonize a regular appropriation bill.

Mr. DAVIS, of Illinois. Certainly not.

Mr. VOORHEES. There is no use in belittling a motion to take up the Calendar by anybody, even the great weight of the Senator from Illinois, especially as he is deeply interested in the Calendar.

Mr. DAVIS, of Illinois. I am willing to give it up.

Mr. VOORHEES. I presume the Senator from Illinois is willing to give up the interest he has in the Calendar.

Mr. DAVIS, of Illinois. For the time being.

Mr. VOORHEES. He is willing to give up General McNulta and all the rest; but I want it distinctly understood that I do not waive an inch when the issue is made on the Calendar. It is a special order; it was the order afternoon, and was laid aside, and it is the special order in order now, and I antagonize every motion to take up anything else.

The PRESIDING OFFICER. Does the Senator from Indiana move to amend the motion of the Senator from Iowa?

Mr. VOORHEES. I insist on the regular order. It was laid aside this afternoon for the Senator from Tennessee to move to proceed to the consideration of his bill just passed. I care not who waives the deep and sacred rights on the Calendar, I shall not. Therefore I insist on the regular order.

The PRESIDING OFFICER. The Senator from Iowa moves to proceed to the consideration of the general deficiency appropriation bill.

Mr. VOORHEES. I insist on the regular order, which is the Calendar.

The PRESIDING OFFICER. That is not in order.

Mr. VOORHEES. Why not?

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

Mr. VOORHEES. I ask for a division.

The question being put, there were on a division—ayes 36—

Mr. VOORHEES. Mr. President, I call for the yeas and nays.

Mr. PADDOCK. I hope the Senator from Indiana will withdraw his call for the yeas and nays.

Mr. VOORHEES. I will not withdraw it, because there are not thirty-six Senators voting here.

The PRESIDING OFFICER. The Senator from Indiana calls for the yeas and nays on the motion of the Senator from Iowa.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion of the Senator from Iowa stands agreed to; and the deficiency appropriation bill is before the Senate.

Mr. PADDOCK. I move that the hour between one and two o'clock

to-morrow be considered the morning hour, and that morning business be then received.

Mr. EDMUNDS. Regular order.

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and thirty-five minutes a. m., Tuesday, February 25) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 24, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday last was read and approved.

CORRECTION OF THE JOURNAL AND RECORD.

Mr. KEIFER. I desire to correct the RECORD. I am recorded as having voted against the motion of Mr. BACON to lay on the table the internal-revenue bill. My vote should have been recorded "ay." I desire to correct both the Journal and the RECORD in that respect.

There was no objection, and the correction was ordered to be made.

ORDER OF BUSINESS.

Mr. ELLIS. I move that we take a recess at five o'clock this evening for the purpose of discussing the contested-election case from the first district of South Carolina.

Mr. HALE. I object.

Mr. BLACKBURN. I would inquire whether to-night's session is for debate only?

Mr. HALE. Let us have the regular order.

The SPEAKER. The subject-matter to which the gentleman from Louisiana [Mr. ELLIS] refers is a question of the highest privilege, and gentlemen can call up the case at any time. If there be an evening session the gentleman rising to call up that case will be recognized by the Chair. The Chair is compelled to recognize the gentleman who rises to a question of the highest privilege.

INTERNAL-REVENUE BILL.

Mr. HALE. Now let us have the regular order.

The SPEAKER. The regular order is the unfinished business coming over from the session of Saturday last under the previous question, being the amendments of the Senate to the bill of the House (H. R. No. 4414) to amend the laws relating to internal revenue. And the question is upon the last amendment, upon which a separate vote was demanded by the gentleman from Illinois, [Mr. EDEN.] The amendment will be read by the Clerk.

The Clerk read the amendment, which was to add to the bill the following:

SEC. 22. That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed, or collected, or paid into the Treasury of the United States on account of such bank which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings-banks as shall be found to affect the claims of their depositors.

That in making further collections of internal-revenue taxes on bank deposits, no savings-bank, recognized as such by the laws of its State, and having no capital stock, shall, on account of mercantile or business deposits heretofore received, upon which no interest has been allowed to the parties making such deposits, be denied the exemptions allowed to savings-banks having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the banks, if such bank has paid the lawful tax upon the entire average amount of such business or mercantile deposits.

That section 3408 of the Revised Statutes be amended by striking out all after the thirtieth line and inserting the following:

"The deposits in associations or companies known as provident institutions, savings-banks, savings-funds, or savings institutions, recognized solely as such by the laws of their respective States, shall be exempt from tax on so much of their deposits as they have invested in securities of the United States, and on \$2,000 of each deposit made in the name of any one person, firm, or corporation; and the exemption provided for by this section shall equally apply to all savings deposits in any legally organized banks whatever. That all laws and parts of laws inconsistent with the provisions of this section be, and the same are hereby, repealed."

Mr. EDEN. I move that the amendment of the Senate be non-concurred in.

The SPEAKER. The first question will be upon concurring in the amendment of the Senate.

Mr. GARFIELD. I ask unanimous consent of the House to make a verbal amendment in the Senate amendment—to insert the word "like" before the words "savings deposits," in the last part of the amendment; so that it will read:

And the exemption provided for by this section shall equally apply to all like savings deposits in any legally organized banks whatever.

Mr. EDEN. I object.

Mr. BUCKNER. Cannot a separate vote be taken upon the different portions of this amendment?

Mr. EDEN. I object to any separate vote.

The SPEAKER. The different clauses constitute one amendment of the Senate, which cannot be divided.

Mr. PRICE. I desire to ask a question—

Mr. EDEN. I object to debate.

Mr. GARFIELD. I move to lay the bill and amendments on the table.

Mr. BANNING. And on that motion I call for the yeas and nays.

Mr. GARFIELD. Very well. The question was taken upon the motion of Mr. GARFIELD to lay the bill and amendments on the table; and upon a division there were—ayes 98, noes 122.

Before the result of this vote was announced,

Mr. HALE called for the yeas and nays.

The yeas and nays were ordered; there being 52 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 116, nays 147, not voting 27; as follows:

YEAS—116.

Bacon,	Deering,	Keightley,	Robinson, G. D.
Bagley,	Denison,	Ketcham,	Robinson, M. S.
Bailey,	Dunnell,	Lapham,	Ryan,
Baker, John H.	Eames,	Lathrop,	Sampson,
Baker, William H.	Evans, I. Newton	Lindsey,	Sapp,
Ballou,	Evans, James L.	Loring,	Sexton,
Banks,	Fort,	Majors,	Shallenberger,
Bayne,	Foster,	Marsh,	Sinnickson,
Benedict,	Frye,	Mayham,	Smith, A. Herr
Blair,	Gardner,	McCook,	Starin,
Boyd,	Garfield,	McGowan,	Stewart,
Brewer,	Hale,	McKinley,	Stone, John W.
Briggs,	Hanna,	Mitchell,	Stone, Joseph C.
Brown,	Harmer,	Monroe,	Strait,
Bundy,	Harris, Benj. W.	Morse,	Thompson,
Burchard,	Haskell,	Neal,	Tipton,
Calkins,	Hayes,	Norcross,	Townsend, Amos
Camp,	Hazelton,	Oliver,	Townsend, M. I.
Campbell,	Hendee,	O'Neill,	Van Vorhes,
Cannon,	Henderson,	Overton,	Wait,
Caswell,	Hewitt, Abram S.	Patterson, G. W.	Ward,
Chittenden,	Hubbell,	Peddle,	Watson,
Clark, Rush	Hunter,	Phillips,	White, Harry
Conger,	Humphrey,	Pound,	White, Michael D.
Covert,	Hungerford,	Powers,	Williams, Andrew
Crapo,	James,	Price,	Williams, C. G.
Cummings,	Jones, John S.	Pugh,	Williams, Richard
Cutler,	Joyce,	Randolph,	Willis, Benj. A.
Danford,	Keifer,	Rice, William W.	Willits.

NAYS—147.

Acklen,	Davis, Horace	Hooker,	Roberts,
Aiken,	Davis, Joseph J.	House,	Ross,
Aldrich,	Dean,	Hunton,	Saylor,
Atkins,	Dibrell,	Ittner,	Seales,
Banning,	Dickey,	Jones, Frank	Shelley,
Beale,	Durham,	Jones, James T.	Singleton,
Bell,	Eden,	Jorgensen,	Slemons,
Bicknell,	Eickhoff,	Kelley,	Smalls,
Blackburn,	Elam,	Kenna,	Smith, William E.
Bliss,	Ellis,	Kimmel,	Southard,
Blount,	Evins, John H.	Knapp,	Sparks,
Boone,	Ewing,	Knott,	Springer,
Brentano,	Felton,	Landers,	Steele,
Bridges,	Finley, Ebenezer B.	Ligon,	Stenger,
Bright,	Finley, Jesse J.	Lockwood,	Stephens,
Brogden,	Fleming,	Luttrell,	Swann,
Buckner,	Forney,	Manning,	Throckmorton,
Burdick,	Franklin,	Martin,	Townsend, R. W.
Cabell,	Fuller,	McKenzie,	Tucker,
Caldwell, John W.	Garth,	McMahon,	Turner,
Caldwell, W. P.	Gause,	Mills,	Turney,
Candler,	Giddings,	Money,	Vance,
Carlisle,	Glover,	Morgan,	Veeder,
Chalmers,	Goode,	Morrison,	Waddell,
Clark, Alvah A.	Gunter,	Muldraw,	Walker,
Clarke of Kentucky,	Hamilton,	Muller,	Warner,
Clark of Missouri,	Hardenbergh,	Page,	Whitthorne,
Clymer,	Harris, Henry R.	Patterson, T. M.	Wigginton,
Cobb,	Harris, John T.	Phelps,	Williams, James
Collins,	Harrison,	Pollard,	Williams, Jere N.
Cook,	Hart,	Pridemore,	Willis, Albert S.
Cox, Jacob D.	Hartzell,	Rainey,	Wood,
Cox, Samuel S.	Hatcher,	Rea,	Wright,
Cravens,	Benkle,	Reagan,	Yeafoo,
Crittenden,	Henry,	Reilly,	Young, Casey
Culberson,	Hewitt, G. W.	Rice, Americus V.	Young, John S.
Davidson,	Herbert,	Robbins,	

NOT VOTING—27.

Beebe,	Cole,	Killinger,	Riddle,
Bland,	Dwight,	Lynde,	Robertson,
Bouck,	Ellsworth,	Mackey,	Thornburgh,
Bragg,	Errett,	Maish,	Walsh,
Butler,	Freeman,	Metcalfe,	Wilson,
Cain,	Gibson,	Potter,	Wren.
Cladin,	Hiscock,	Reed,	

So the motion to lay the bill and amendments on the table was not agreed to.

During the roll-call the following announcements were made:

Mr. GIBSON. I am paired with the gentleman from Maine, Mr. REED. If he were present, he would vote "ay" and I should vote "no."

Mr. BOUCK. I am paired with the gentleman from Massachusetts, Mr. CLAFIN. If he were here, he would vote "ay" and I should vote "no."

Mr. DAVIS, of California. I am paired generally with the gentleman from West Virginia, Mr. WILSON; but as I understand he would vote "no" on this question, I vote "no."

Mr. METCALFE. I am paired with my colleague, Mr. BLAND.

Mr. O'NEILL. My colleague, Mr. FREEMAN, is paired with the gentleman from Tennessee, Mr. RIDDLE.

The result of the vote was then announced as above stated.

The SPEAKER. The question now recurs on concurring in the amendment of the Senate in relation to the tax on national banks and savings-banks.

The question being taken, there were—ayes 69, noes 91.

Mr. PAGE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WAIT. I would like to have this amendment reported again in order that we may know just what we are voting on.

The amendment of the Senate was again read.

The question was taken; and there were—yeas 125, nays 132, not voting 33; as follows:

YEAS—125.

Aldrich,	Davis, Horace	Keifer,	Robinson, M. S.
Bacon,	Deering,	Keightley,	Ryan,
Bagley,	Denison,	Kelley,	Sampson,
Bailey,	Dunnell,	Ketcham,	Sapp,
Baker, John H.	Dwight,	Lapham,	Sexton,
Baker, William H.	Eames,	Lathrop,	Shallenberger,
Ballou,	Eickhoff,	Lindsey,	Sinnickson,
Banks,	Ellis,	Lockwood,	Smalls,
Bayne,	Ellsworth,	Luttrell,	Smith, A. Herr
Benedict,	Errett,	Mackey,	Starin,
Blair,	Evans, James L.	Mayham,	Stewart,
Bliss,	Frye,	McCook,	Stone, John W.
Boyd,	Gardner,	McGowan,	Stratt,
Brentano,	Garfield,	McKinley,	Townsend, Amos
Brewer,	Hanna,	Mitchell,	Townsend, M. I.
Bridges,	Harmer,	Monroe,	Van Vorhes,
Briggs,	Harrison,	Morse,	Veeder,
Browne,	Hart,	Neal,	Wait,
Bundy,	Hayes,	Notecross,	Ward,
Burchard,	Hazleton,	O'Neill,	Warner,
Burdick,	Hendee,	Overton,	Watson,
Calkins,	Henry,	Page,	White, Michael D.
Camp,	Hewitt, Abram S.	Patterson, G. W.	Wigginton,
Caswell,	Hubbell,	Peddle,	Williams, Andrew
Chittenden,	Humphrey,	Phelps,	Williams, Richard
Clark, Alvah A.	Hungerford,	Pollard,	Willis, Benj. A.
Clark, Rush	Ittner,	Pound,	Willits,
Cole,	James,	Powers,	Wood,
Conger,	Jones, Frank	Pugh,	Wren.
Covert,	Jones, John S.	Raney,	
Crapo,	Joyce,	Rice, William W.	
Danford,		Robinson, G. D.	

NAYS—132.

Aiken,	Dickey,	Hunter,	Rice, Americus V.
Atkins,	Durham,	Hunton,	Robbins,
Banning,	Eden,	Jones, James T.	Roberts,
Bell,	Elam,	Jorgensen,	Ross,
Bicknell,	Evins, John H.	Kenna,	Saylor,
Blackburn,	Ewing,	Kimmel,	Scales,
Blount,	Felton,	Knapp,	Shelley,
Boone,	Finley, Ebenezer B.	Knott,	Singleton,
Bragg,	Finley, Jesse J.	Landers,	Slemmons,
Bright,	Fleming,	Ligon,	Smith, William E.
Brogden,	Forney,	Lynde,	Southard,
Buckner,	Fort,	Majors,	Sparks,
Cabell,	Franklin,	Manning,	Springer,
Caldwell, John W.	Fuller,	Marsh,	Steele,
Caldwell, W. P.	Garth,	Martin,	Stephens,
Campbell,	Gause,	McKenzie,	Swann,
Candler,	Giddings,	McMahon,	Throckmorton,
Cannon,	Glover,	Mills,	Tipton,
Carlisle,	Goode,	Money,	Townsend, R. W.
Chalmers,	Gunter,	Morgan,	Tucker,
Clarke of Kentucky,	Hamilton,	Morrison,	Turner,
Clark of Missouri,	Hardenbergh,	Muldrow,	Turney,
Clymer,	Harris, Henry R.	Muller,	Vance,
Cobb,	Harris, John T.	Oliver,	Waddell,
Collins,	Hartzell,	Patterson, T. M.	White, Harry
Cook,	Haskell,	Phillips,	Whitthorne,
Cravens,	Hatcher,	Potter,	Williams, James
Crittenden,	Henderson,	Price,	Williams, Jere N.
Culbertson,	Henkle,	Pridemore,	Willis, Albert S.
Cutler,	Herbert,	Randolph,	Wright,
Davidson,	Hewitt, G. W.	Rea,	Yeates,
Davis, Joseph J.	Hooker,	Reagan,	Young, Casey
Dibrell,	House,	Reilly,	Young, John S.

NOT VOTING—33.

Acklen,	Cox, Samuel S.	Killinger,	Thompson,
Beale,	Cummings,	Loring,	Thornburgh,
Beebe,	Evans, I. Newton	Maish,	Walker,
Bland,	Foster,	Metcalfe,	Walsh,
Bouck,	Freeman,	Reed,	Williams, C. G.
Butler,	Gibson,	Riddle,	Wilson.
Cain,	Hale,	Robertson,	
Clatlin,	Harris, Benj. W.	Stenger,	
Cox, Jacob D.	Hiscock,	Stone, Joseph C.	

So the amendment was non-concurred in.

During the roll-call the following announcements were made:

Mr. GIBSON. I am paired with Mr. REED. If he were present, I would vote in the affirmative.

Mr. BOUCK. I am paired with Mr. CLATLIN. If he were present, I would vote "no."

Mr. ACKLEN. I am paired with Mr. LORING. If he were present, he would vote "ay" and I would vote "no."

Mr. ERRETT. My colleague Mr. KILLINGER is paired with my other colleague, Mr. MAISH.

Mr. DAVIS, of California. Mr. WILSON is paired with Mr. CUMMINGS.

Mr. METCALFE. I am paired with my colleague, Mr. BLAND. If he were present, I would vote "ay."

Mr. BURCHARD moved that the reading of the names be dispensed with.

Mr. HUNTON objected.

The vote was then announced as above recorded.

Mr. EDEN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TUCKER. The amendments of the Senate having been finished, and the House having concurred in some and non-concurred in others, I ask that a committee of conference be requested on the part of the House on the disagreeing votes of the two Houses.

The House divided; and there were—ayes 100, noes 70.

Mr. DANFORD demanded the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. TUCKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR.

Mr. EDEN. I ask by unanimous consent that the morning hour of Monday for the introduction of bills and joint resolutions for reference be dispensed with, and the House proceed with the regular order after the morning hour. [Cries of "No!" "No!"]

Mr. BAKER, of Indiana. What would follow if the morning hour were dispensed with?

The SPEAKER. Motions for the suspension of the rules.

Mr. WHITE, of Pennsylvania, and others objected.

The SPEAKER. The morning hour begins at twenty-five minutes to one o'clock; and this being Monday, the first business in order is the call of States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

Mr. COX, of New York. I hope the gentleman who objected to the morning hour will withdraw it, as it is now too late to introduce bills for reference as there will be no time to act upon them.

Mr. BURCHARD. There is no objection to going to the second call of the States.

Mr. COX, of New York. Who objected?

The SPEAKER. The gentleman from Pennsylvania, Mr. WHITE, and others.

HENRY WATERMAN.

Mr. RICE, of Massachusetts, introduced a bill (H. R. No. 6472) for the relief of Henry Waterman; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CADET ENGINEERS.

Mr. WILLIS, of New York, introduced a bill (H. R. No. 6473) in relation to cadet engineers in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REAR-ADMIRAL.

Mr. WILLIS, of New York, also introduced a bill (H. R. No. 6474) in relation to the promotion of officers in the Navy to the grade of rear-admiral; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVAL OFFICERS WHO HAVE BEEN DISMISSED.

Mr. WILLIS, of New York, also introduced a bill (H. R. No. 6475) in relation to officers of the Navy who have been dismissed from the service by sentence of court-martial or otherwise; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COMMODORES ON RETIRED LIST.

Mr. WILLIS, of New York, also introduced a bill (H. R. No. 6476) in relation to the promotion of commodores on the retired list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REUBEN HOPKINS PLASS.

Mr. MULLER introduced a bill (H. R. No. 6477) for the relief of Reuben Hopkins Plass; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

BRIDGE ACROSS EAST RIVER.

Mr. BLISS introduced a bill (H. R. No. 6478) to establish a bridge across the East River and over Blackwell's Island, between the city of New York and Long Island City, State of New York, a post-road; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHANGE OF NAME OF VESSEL.

Mr. BLISS also introduced a bill (H. R. No. 6479) to change the name of the steam-propeller Nuhpa to Metropolitan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RETIREMENT OF BANK-NOTES.

Mr. COX, of New York, introduced a bill (H. R. No. 6480) to retire national-bank notes, and for other purposes; which was read a first

and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WIDOW OF GENERAL WILLIAM GATES.

Mr. COX, of New York, also introduced a bill (H. R. No. 6481) for the relief of the widow of General William Gates, United States Army; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ATLANTIC AND PACIFIC SHIP-CANAL.

Mr. MCCOOK introduced a bill (H. R. No. 6505) to provide for printing the reports and maps of the surveys made by Commander Lull and Lieutenant Collins, United States Navy, for a ship-canal connecting the Atlantic and Pacific Oceans; which was read a first and second time.

Mr. MCCOOK. I ask that the bill and the accompanying memorial from the American Geographical Society be read.

The Clerk proceeded to read the bill and memorial.

Mr. ALDRICE. Is that memorial in order under this call?

Mr. GARFIELD. It is a bill with a preamble reciting a memorial. I ask that it be read.

The SPEAKER. The reading during the morning hour does not carry it into the RECORD.

Mr. MCCOOK. I do not desire to take up the time of the House with the reading of this memorial. It is from a very important society and relates to a very important subject. I ask that it be printed in the RECORD.

The SPEAKER. The Chair will entertain the gentleman's request after the morning hour. The Chair desires to state here that if every bill read in the morning hour of Monday went into the RECORD the result would be to make a very large RECORD, filled with matters that should not go into it. Therefore the Chair has not allowed bills, the reading of which was called for during the morning hour of Monday, to go into the RECORD.

The reading of the bill and memorial was resumed and concluded.

The bill, with the accompanying memorial, was referred to the Committee on Printing, and ordered to be printed.

PUBLICATION OF NAVAL REGISTER.

Mr. BACON introduced a joint resolution (H. R. No. 241) for the publication of the Naval Register; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REMOVAL OF TOBACCO.

Mr. HARDENBERGH introduced a bill (H. R. No. 6482) authorizing the removal of tobacco in process of manufacture; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOSHUA N. DANFORTH.

Mr. ROSS introduced a bill (H. R. No. 6483) for the relief of Joshua N. Danforth, late second lieutenant Thirteenth Infantry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REFUNDING OF NATIONAL DEBT.

Mr. KELLEY (by request) introduced a bill (H. R. No. 6484) to authorize the issue of coupon certificates of deposit in aid of the refunding of the national debt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

I. R. COGHAN.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. No. 6485) granting a pension to I. R. Cogan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN A. DALE.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. No. 6486) for the relief of the heirs of John A. Dale, deceased, late of Tionesta, Pennsylvania; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HEIRS OF HARRIS BOARDMAN.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 6487) to enable the heirs of Harris Boardman, deceased, to make application to the Commissioner of Patents for the extension of letters-patent Nos. 35867 and 49971, for improvements in cork-machines, granted July 15, 1862, and September 19, 1865, to the said Harris Boardman; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SUBMARINE CABLES.

Mr. HARMER introduced a bill (H. R. No. 6488) to grant to the American Ocean Cable and Telegraph Land Wire Association of Philadelphia the right of way and privilege to lay, land, and operate submarine cables on the Atlantic and Pacific coasts of the United States, and to establish telegraphic communication between the United States, Europe, and Asia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CONVERSION OF SMOOTH-BORE RIFLES.

Mr. BAYNE introduced a joint resolution (H. R. No. 242) instructing the Secretary of War to discontinue the conversion of smooth-

bore into muzzle-loading rifles and the fabrication of new guns; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FEDERAL JUDICIARY IN VIRGINIA.

Mr. CABELL presented joint resolutions of the Legislature of Virginia, in regard to the usurpation of power by the Federal judiciary in Virginia; which were referred to the Committee on the Judiciary.

CONFEDERATE STATES FUNDS.

Mr. JORGENSEN introduced a joint resolution (H. R. No. 243) authorizing and directing the President of the United States to cause an investigation to be made as to the disposition of funds belonging to the so-called Confederate States of America remaining at the close of the late war on deposit in the banks of England or in the hands of private citizens of Great Britain, to the end that such funds, if any, may be devoted to the relief of such citizens of so-called Confederate States as incurred permanent disabilities in said service and are now in indigent circumstances; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN W. ROSS.

Mr. MANNING introduced a joint resolution (H. R. No. 244) authorizing the President to appoint Passed Assistant Surgeon John W. Ross a surgeon in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN C. THOMPSON.

Mr. MANNING also (by request) introduced a bill (H. R. No. 6489) for additional compensation to John C. Thompson, for carrying the mail between Washington, District of Columbia, and Leonardtown, Maryland; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN G. LESTER.

Mr. SHELLEY introduced a bill (H. R. No. 6490) granting a pension to John G. Lester, of Lowndes County, State of Alabama; which was read a first and second time.

Mr. EDEN. I call for the reading of the bill.

The bill was read, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL PROCEEDINGS IN LOUISIANA.

Mr. ELAM presented concurrent resolutions of the Legislature of the State of Louisiana, protesting against the proceedings in the United States circuit court, at New Orleans against citizens of various parts of the State of Louisiana, and the subjecting of numerous citizens thereof to the hardships of arrest from distant homes and their removal to New Orleans; which was referred to the Committee on the Judiciary, and ordered to be printed.

ADDITIONAL BOUNTY TO UNION SOLDIERS.

Mr. FINLEY, of Ohio, introduced a bill (H. R. No. 6491) to provide for the payment of additional bounty to the soldiers of the Army of the United States during the war of the rebellion; which was read a first and second time.

Mr. FINLEY, of Ohio. I call for the reading of the bill.

The bill was read, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOIS A. FOSTER.

Mr. BLACKBURN introduced a bill (H. R. No. 6492) granting a pension to Lois A. Foster; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

W. B. DENNY.

Mr. HOUSE introduced a bill (H. R. No. 6493) for the relief of W. B. Denny, of Smith County, Tennessee; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DUTY ON QUININE.

Mr. BRIGHT presented a joint resolution of the General Assembly of the State of Tennessee, asking for the removal of the duty on quinine; which was referred to the Committee of Ways and Means.

ERECTION OF PUBLIC BUILDINGS.

Mr. YOUNG, of Tennessee, introduced a joint resolution (H. R. No. 245) in regard to the erection of public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COMMITTEE ON EPIDEMIC DISEASES.

Mr. YOUNG, of Tennessee, also introduced a joint resolution (H. R. No. 246) providing for continuing the committees on epidemic diseases; which was read a first and second time, referred to the select committee on epidemic diseases, and ordered to be printed.

MRS. C. E. GORDON.

Mr. WHITTHORNE introduced a bill (H. R. No. 6494) to grant a pension to Mrs. Gordon, widow of Powhattan Gordon, of Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. FULLER introduced a bill (H. R. No. 6495) for the relief of the settlers on the Hot Springs reservation, in the State of Arkansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GORDON MILLS.

Mr. CALKINS introduced a bill (H. R. No. 6496) for the relief of Gordon Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BANKRUPTCY.

Mr. SEXTON presented concurrent resolutions of the Legislature of the State of Indiana, in relation to cases in bankruptcy; which were referred to the Committee on the Judiciary.

ARNO VOSS.

Mr. ALDRICH introduced a bill (H. R. No. 6497) for the relief of Arno Voss; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF QUINCY BAY, ILLINOIS.

Mr. SPRINGER presented a joint resolution of the General Assembly of the State of Illinois, instructing Senators and requesting Representatives from that State to secure appropriation for the permanent improvement of Quincy Bay, on the Mississippi River, near Quincy, Illinois; which was referred to the Committee on Commerce.

AMENDMENT OF THE PENSION BILL.

Mr. SPRINGER also presented joint resolutions of the General Assembly of the State of Illinois, praying that the bill granting pensions to the soldiers of the Mexican war be so amended as to authorize the payment of pensions and bounties to the soldiers of the Black Hawk war; which was referred to the Committee on Invalid Pensions.

HARBOR, ETC., AT WAUKEGAN, ILLINOIS.

Mr. SPRINGER also presented joint resolutions of the General Assembly of the State of Illinois, instructing Senators and requesting Representatives from that State to obtain an appropriation for the construction of a harbor and life-saving station at Waukegan, Illinois; which was referred to the Committee on Commerce.

SPECIAL ASSESSMENTS OF THE DISTRICT OF COLUMBIA.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 6498) to empower the commissioners of the District of Columbia to revise, correct, or annul special assessments upon the written application of any person whose real property in said District has been assessed, providing for an appeal to the supreme court of the District of Columbia from the action of the commissioners in respect to such application by any person feeling aggrieved thereby, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WILLIAM C. EBERT.

Mr. POLLARD introduced a bill (H. R. No. 6499) granting a pension to William C. Ebert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF THE ARKANSAS RIVER.

Mr. SLEMONS presented a memorial of the Legislature of the State of Arkansas, asking for the improvement of the main channel of the Arkansas River in front of the city of Pine Bluff, in said State; which was referred to the Committee on Commerce.

INFECTIOUS AND CONTAGIOUS DISEASES.

Mr. MCGOWAN introduced a bill (H. R. No. 6500) to prevent the introduction of infectious and contagious diseases into the United States and to establish a national board of health; which was read a first and second time, referred to the select committee on epidemic diseases, and ordered to be printed.

ADULTERATION OF SUGAR.

Mr. MCGOWAN also presented a joint resolution of the Legislature of Michigan, for the prevention of the adulteration of sugar; which was referred to the Committee of Ways and Means.

ADULTERATION OF HONEY.

Mr. MCGOWAN also presented a joint resolution of the Legislature of Michigan, for the prevention of the adulteration of honey; which was referred to the Committee of Ways and Means.

HOMESTEADS ON RAILROAD LANDS.

Mr. STONE, of Michigan, presented a joint resolution of the Legislature of Michigan, asking that no legislation be had relative to certain railroad lands in that State which does not reserve homestead rights thereon to the persons who have been actual residents upon any of said lands for two years; which was referred to the Committee on the Judiciary.

ADULTERATION OF SUGAR.

Mr. ELLSWORTH presented a joint resolution of the Legislature of Michigan, for the prevention of the adulteration of sugar; which was referred to the Committee of Ways and Means.

IMPROVEMENT OF SAINT CLAIR FLATS.

Mr. ELLSWORTH also presented a joint resolution of the Legisla-

ture of Michigan, asking for an appropriation to improve the Saint Clair Flats at the mouth of Clinton River; which was referred to the Committee on Commerce.

HARBOR OF REFUGE IN STRAITS OF MACKINAW.

Mr. ELLSWORTH also presented a joint resolution of the Legislature of Michigan, asking for an appropriation to provide a harbor of refuge at Mackinaw Island, in the straits of Mackinaw; which was referred to the Committee on Commerce.

ADULTERATION OF HONEY.

Mr. ELLSWORTH also presented a joint resolution of the Legislature of Michigan, for the prevention of adulteration of honey; which was referred to the Committee of Ways and Means.

LIGHT-HOUSE ON WHALE'S BACK POINT, GREEN BAY.

Mr. ELLSWORTH also presented a joint resolution of the Legislature of Michigan, for an appropriation for the establishment of a light-house on the point known as the Whale's Back, on Green Bay, Michigan; which was referred to the Committee on Commerce.

COUNCIL BLUFFS STREET RAILWAY.

Mr. SAPP introduced a bill (H. R. No. 6501) to authorize the Council Bluffs Street Railway Company to construct a ponton bridge across the Missouri River at Council Bluffs, in Pottawattomie County, Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES G. EDDY.

Mr. SAPP also introduced a bill (H. R. No. 6502) for the relief of Charles G. Eddy, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SAPP. I would like to have the evidence in support of this bill printed for the use of the committee.

The SPEAKER. That request cannot be made during this call.

CHARLES W. BALDWIN.

Mr. BURDICK introduced a bill (H. R. No. 6503) granting a pension to Charles W. Baldwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL LANDS IN NEVADA.

Mr. WREN presented a memorial of the Legislature of Nevada, relative to the sixteenth and thirty-sixth sections of public lands in that State; which was referred to the Committee on Public Lands.

ARTESIAN WELLS ON DESERT LANDS IN NEVADA.

Mr. WREN also presented a joint resolution of the Legislature of Nevada, asking the donation of desert lands in that State to persons who shall perfect flowing artesian wells thereon; which was referred to the Committee on Public Lands.

ANNA M. MARSHALL.

Mr. WREN also introduced a bill (H. R. No. 6504) for the relief of Anna M. Marshall, widow of Captain P. S. Marshall; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSFER OF INDIAN BUREAU.

Mr. MAJORS presented a joint resolution of the Legislature of Nebraska, relative to the transfer of the Indian Bureau; which was referred to the Committee on War Claims.

Some time subsequently,

Mr. BOONE said: I understand that an order was made to refer to the Committee on Military Affairs a memorial of the Legislature of Nebraska, relative to the transfer of the Indian Bureau to the War Department. I think that should go to the Committee on Indian Affairs.

The SPEAKER. With the consent of the gentleman from Nebraska [Mr. WREN] it shall be so referred.

There was no objection; and the memorial was accordingly referred to the Committee on Indian Affairs.

MILITARY POST IN SOUTHEASTERN COLORADO.

Mr. PATTERSON, of Colorado, presented a joint resolution of the Legislature of Colorado, praying for the establishment of a military post in Southeastern Colorado; which was referred to the Committee on Military Affairs.

CHARLES AUTOBIAS.

Mr. PATTERSON, of Colorado, also presented a joint resolution of the Legislature of Colorado, praying that the name of Charles Autobias be placed on the pension-roll for meritorious services; which was referred to the Committee on Invalid Pensions.

WAGON-ROAD IN COLORADO.

Mr. PATTERSON, of Colorado, also presented a joint resolution of the Legislature of Colorado, asking an appropriation for the construction of a military wagon-road; which was referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. RICE, of Ohio. Has the morning hour expired?

The SPEAKER. It has.

Mr. RICE, of Ohio. Then I call for the regular order.

Mr. MAGINNIS. There are a few more Territories to be called.
Mr. RICE, of Ohio. I will withdraw the demand for the regular order for the present.

FERRY IN DAKOTA.

Mr. KIDDER introduced a bill (H. R. No. 6506) granting a ferry to Alexander Griggs across the Red River of the North, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LAND GRANT TO IDAHO FOR UNIVERSITY PURPOSES.

Mr. FENN presented a memorial of the legislative council of the Territory of Idaho, for a grant to that Territory of two townships of land for university purposes; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FENN also presented a memorial of the legislative council of the Territory of Idaho, for a military post at old Camp Lyon, on the line of Owyhee County, Idaho, and Baker County, Oregon; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FENN. I ask that this memorial be printed in the RECORD.

The SPEAKER. The Chair cannot submit that request until after the morning hour.

TRANSFER OF THE INDIAN BUREAU.

Mr. MAGINNIS presented a joint resolution of the Legislature of the Territory of Montana, in favor of the transfer of Indian affairs to the War Department; which was read, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN POWER AND A. J. BAILEY.

Mr. BANKS introduced a bill (H. R. No. 6507) for the relief of John Power and Andrew J. Bailey; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

The SPEAKER. The morning hour has now expired.

PUBLIC BUILDINGS.

Mr. HOOKER. I move that the rules be suspended and that the bill which I send to the desk be passed.

The Clerk read as follows:

A bill to provide for the erection of certain public buildings therein named.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase sites for and cause to be erected suitable buildings at the several places and for the purposes hereinafter mentioned.

For custom-house, post-office, and United States court-room at Augusta, Georgia, at a cost not exceeding when completed \$100,000.

For court-house and other public purposes at Oxford, in the State of Mississippi, at a cost when completed not to exceed \$50,000.

For court-house, custom-house, and other public purposes, at Key West, in the State of Florida, at a cost when completed not exceeding \$100,000.

For court-house and other public purposes at Lynchburgh, Virginia, at a cost not to exceed when completed the sum of \$75,000.

For court-house, land office, post-office, and other public purposes at Montgomery, Alabama, at a cost when completed not to exceed \$150,000.

For court-house and other public purposes at La Crosse, Wisconsin, at a cost not to exceed, when completed, \$95,000.

For court-house and other public purposes at Erie, Pennsylvania, not to exceed when completed in cost altogether the sum of \$150,000.

For court-house and other public purposes at Greensborough, North Carolina, at a cost not exceeding \$50,000.

For court-house and other public purposes at Council Bluffs, Iowa, at a cost not exceeding \$75,000.

For court-house and other public purposes at Scranton, Pennsylvania, at a cost not exceeding \$25,000.

For court-house and other public purposes at the city of Jefferson, Missouri, at a cost not to exceed \$60,000.

For court-house and other public purposes at Danville, Virginia, at a cost not to exceed when completed \$60,000.

For court-house and other public purposes at Jackson, Mississippi, at a cost not to exceed when completed \$100,000.

For court-house and other public purposes at Charleston, Kanawha County, in the State of West Virginia, at a cost when completed not to exceed \$50,000.

For court-house and other public purposes at Marquette, in the State of Michigan, at a cost not to exceed the sum of \$50,000.

For court-house and other public purposes at Paducah, Kentucky, at a cost not to exceed \$50,000.

For court-house and other public purposes at Houston, Texas, at a cost not to exceed \$100,000.

All of said buildings to be erected and completed with all necessary fire-proof safes upon plans and specifications to be previously made and approved by the Secretary of the Treasury, who shall see that said buildings are severally adapted to the wants of the Government. That the Secretary of the Treasury be authorized to purchase, by contract or condemnation, all that part of the block of land, not already owned by the United States, bounded by South Main street, Crawford street, South Water street, and Custom avenue, in the city of Providence, Rhode Island, if in his judgment the necessities of the public service require, and for this purpose a sum not to exceed \$125,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That no money to be appropriated for either of the public buildings herein provided for shall be available until a valid title to the site of said building shall be vested in the United States, and until the State in which such building is to be located shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of any civil processes therein.

SEC. 2. That one-half of the several sums herein above affixed as the limitation of the cost of each building and site, the sum named being intended to cover both, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended toward the construction of said several buildings and buying said sites.

SEC. 3. And the Secretary is hereby authorized and directed to repair and extend for the use of the Government offices at Cleveland, Ohio, in accordance with the plans and specifications, submitted by the Supervising Architect of the Treasury, of the Government building at Cleveland, Ohio, provided the cost of the same shall not exceed \$100,000.

Mr. EDEN. Mr. Speaker, is this bill introduced for present action?
The SPEAKER. It is. The motion is to suspend the rules and pass the bill.

Mr. FORT. Has the bill been printed? There has been so much noise during the reading that I cannot tell whether it appropriates any money for a court-house in my State or not.

Mr. EDEN. Are we not entitled to a separate vote on each of these appropriations?

The SPEAKER. The motion is to suspend the rules and pass the bill; and that question is not divisible.

Mr. EDEN. This bill does not come from the Committee on Public Buildings and Grounds, I understand.

The SPEAKER. The Chair is not advised on that subject.

Mr. COOK. No such bill as that has ever been approved by the Committee on Public Buildings and Grounds. I want the House to understand that.

Mr. EDEN and others called for the yeas and nays on the motion of Mr. HOOKER to suspend the rules and pass the bill.

The yeas and nays were ordered.

The Clerk began the roll-call.

Mr. HARTZELL. I would like to know how much money is appropriated in this bill.

Mr. EDEN. This bill has not been examined by or reported from any committee, and nobody can tell the extent of expenditures from the public Treasury that it will involve. It may ultimately involve us in the expenditure of \$50,000,000.

Mr. HOOKER. It will not involve any such large expenditure as the gentleman imagines.

Mr. FORT. I submit it is proper for the House to know something in reference to this proposition before it is passed.

Mr. HOOKER. The roll-call has been begun, and it is not in order to debate the proposition.

Mr. FORT. It is proper the House should know what the bill does provide for. I have been watching to see whether my State has been included, and I have not yet heard that it is.

Mr. HARRIS, of Virginia. The House should not be required to vote blindly on such a bill as this.

The SPEAKER. When the House comes to order proceedings will go on regularly.

Mr. HARRIS, of Virginia. We want to know the number of court-houses provided for in this bill, how much is appropriated for in each, and what the whole thing is to cost.

Mr. FORT. Court-houses are provided in some places where there are no courts.

Mr. BRIDGES. It is impossible in the confusion to know what is going on.

Mr. HOOKER. The roll-call was begun and should be proceeded with.

Several MEMBERS. Let the bill be again read.

The SPEAKER. The gentleman from Mississippi will give his attention. There are several requests to have the bill again read. Does the gentleman object?

Mr. HOOKER. I do not object to its being read again if gentlemen will only give their attention to it.

Mr. EDEN. I object to debate unless the other side can be heard.

The SPEAKER. The other side was heard to say something against it.

Mr. MANNING. We hope the gentleman will not make statements in reference to the amount in this bill if he objects to having my colleague state exactly the amount that is proposed to be appropriated.

The SPEAKER. The Chair hears no objection, and the bill will be again read.

Mr. MANNING. The gentleman from Illinois makes the statement that it will appropriate so much money and then refuses to allow us to reply.

The bill was again read.

Mr. ITTNER. I desire to ask a question, for information, of the gentleman from Mississippi.

Mr. HOOKER. What is it?

Mr. ITTNER. I desire to know if these various amounts have been recommended by the proper government officers?

Mr. HOOKER. I think so.

Mr. COOK. Some of them have not, and the Committee on Public Buildings and Grounds has reported against some of them. I wish this House to understand, Mr. Speaker, that this bill has never passed the Committee on Public Buildings and Grounds, and I trust the House will defeat it.

Mr. HOOKER. I wish to say, Mr. Speaker, that this bill does not involve an appropriation of more than \$655,000, as gentlemen will see by looking at the appropriations in the bill itself.

Mr. COOK. Some of these appropriations were reported against by the Committee on Public Buildings and Grounds.

Mr. ITTNER. I put my question to the gentleman from Mississippi and desire to have an answer to it.

Mr. HOOKER. There are sixteen public buildings embraced in the bill, and I state with one or two exceptions they have all been passed upon by the Committee on Public Buildings and Grounds. The entire appropriation, as the gentleman will see by looking at the bill, is only \$655,000.

Mr. FORT. Why does not the gentleman agree to put in two or three more?

Mr. ITTNER. My question has not been answered.

Several members objected to further debate.

The SPEAKER. The motion is to suspend the rules, which is not debatable, and on that motion the yeas and nays have been ordered.

Mr. HOOKER. I insist upon the vote.

The question was taken; and it was decided in the negative—yeas 63, nays 187, not voting 40; as follows:

YEAS—63.

Aiken,	Elam,	Kenna,	Sampson,
Ballou,	Ellis,	Ligon,	Sapp,
Bliss,	Ellsworth,	Manning,	Scales,
Boone,	Evins, John H.	Martin,	Shelley,
Brogden,	Finley, Jesse J.	Metcalfe,	Singleton,
Burdick,	Foster,	Mills,	Smalls,
Cabell,	Franklin,	Money,	Stephens,
Caldwell, J. W.	Gardner,	Monroe,	Stone, John W.
Chalmers,	Goode,	Muldrow,	Stone, Joseph C.
Clark, Rush	Harmer,	Oliver,	Throckmorton,
Collins,	Herbert,	Page,	Townsend, Amos
Crittenden,	Hooker,	Price,	Tucker,
Davidson,	Hubbell,	Reilly,	Watson,
Davis, Joseph J.	Humphrey,	Robbins,	Wright,
Deering,	Hunt,	Robertson,	Young, Casey.
Eames,	Jones, James T.	Ryan,	

NAYS—187.

A. Ulrich,	Dibrell,	Jones, John S.	Rice, William W.
Atkins,	Dickey,	Joyce,	Roberts,
Bacon,	Dunnell,	Keifer,	Robinson, G. D.
Bagley,	Durham,	Keightley,	Robinson, M. S.
Baker, William H.	Dwight,	Kelley,	Ross,
Baker, John H.	Eden,	Ketchum,	Sexton,
Banks,	Eickhoff,	Knapp,	Shallenberger,
Bayne,	Evans, I. Newton	Landers,	Sinnickson,
Beale,	Evans, James L.	Lapham,	Slemons,
Benedict,	Ewing,	Lathrop,	Smith, A. Herr
Bicknell,	Felton,	Lindsey,	Smith, William E.
Blair,	Finley, Ebenezer B.	Lockwood,	Southard,
Blount,	Fleming,	Luttrell,	Sparks,
Bouck,	Fort,	Lynde,	Springer,
Boyd,	Frve,	Mackey,	Starin,
Bragg,	Fuller,	Maish,	Steele,
Brewer,	Garfield,	Majors,	Stenger,
Bridges,	Garth,	Marsh,	Stewart,
Briggs,	Gause,	Mayham,	Strait,
Brown,	Giddings,	McCook,	Thompson,
Buckner,	Glover,	McGowan,	Tipton,
Bundy,	Gunter,	McKenzie,	Townsend, M. I.
Burchard,	Hale,	McKinley,	Townsend, R. W.
Caldwell, W. P.	Hamilton,	McMahon,	Turner,
Calkins,	Hanna,	Mitchell,	Vance,
Campbell,	Hardenbergh,	Morgan,	Veeder,
Candler,	Harris, Benj. W.	Morrison,	Waddell,
Cannon,	Harris, Henry R.	Morse,	Wait,
Caswell,	Harris, John T.	Muller,	Ward,
Chittenden,	Harrison,	Neal,	Warner,
Clark, Alvah A.	Hart,	Norcross,	White, Harry
Clarke of Kentucky,	Hartzell,	O'Neill,	White, Michael D.
Clark of Missouri,	Hatcher,	Overton,	Whitthorne,
Clymer,	Hayes,	Patterson, G. W.	Wigginton,
Cobb,	Hazelton,	Peddle,	Williams, Andrew
Cole,	Hendee,	Phillips,	Williams, C. G.
Conger,	Henderson,	Pollard,	Williams, James
Cook,	Hewitt, Abram S.	Potter,	Williams, Jere N.
Covert,	Hiscock, G. W.	Powers,	Williams, Richard
Cox, Samuel S.	House,	Pridemore,	Willis, Albert S.
Crapo,	Hungerford,	Pugh,	Willis, Benj. A.
Cravens,	Hunter,	Ramey,	Willits,
Cullberson,	Itner,	Randolph,	Wood,
Cutler,	James,	Rea,	Wren,
Danford,	Jones, Frank	Reagan,	Yeates,
Dean,		Rice, Americus V.	
Denison,			

NOT VOTING—40.

Acklen,	Cain,	Haskell,	Reed,
Bailey,	Camp,	Henkle,	Riddle,
Banning,	Carlisle,	Henry,	Saylor,
Beebe,	Claffin,	Jorgensen,	Swann,
Bell,	Cox, Jacob D.	Killinger,	Thornburgh,
Blackburn,	Cummings,	Kimmel,	Van Vorhes,
Bland,	Davis, Horace	Knott,	Walker,
Brentano,	Errett,	Loring,	Walsh,
Bright,	Freeman,	Patterson, T. M.	Wilson,
Butler,	Gibson,	Pound,	Young, John S.

So the House refused to suspend the rules.

During the roll-call the following announcements were made:

Mr. ACKLEN. I am paired with Mr. LORING.

Mr. BRENTANO. I am paired with Mr. BLACKBURN. If present, he would vote in the negative and I would vote in the affirmative.

Mr. DAVIS, of California. I am paired with Mr. WILSON.

Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT.

The vote was then announced as above recorded.

LEAVE TO PRINT.

Mr. BRENTANO, by unanimous consent, was granted leave to print in the RECORD as part of the debates certain remarks touching the joint resolution for the termination of the Bancroft treaty. [See Appendix.]

Mr. JACOBS, by unanimous consent, was granted leave to print in the RECORD remarks on the proposition to admit Washington Territory as a State into the Union. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage, without amendment, of the following bills and joint resolution:

A bill (H. R. No. 3156) for the relief of the Commercial Bank of Knoxville, Tennessee;

A bill (H. R. No. 6150) authorizing the Secretary of the Navy to accept, for the purposes of a voyage of exploration by way of Behring Strait, the ship Jeannette, tendered by James Gordon Bennett for that purpose; and

A joint resolution (H. R. No. 232) making appropriations for the benefit of the penny-lunch house of Washington, District of Columbia.

It further announced concurrence in the amendment of the House to the bill (S. No. 1099) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia.

It further announced the passage of a bill (S. No. 1830) amending the charter of the Freedman's Savings and Trust Company, and for other purposes; in which concurrence was requested.

ORDER OF BUSINESS.

Mr. MONROE. I move to suspend the rules and pass the bill which I send to the desk.

Mr. ATKINS. I understand that the gentleman from Ohio [Mr. MONROE] yields to me.

Mr. MONROE. The gentleman from Tennessee [Mr. ATKINS] asks me to yield to him that he may report the sundry-civil appropriation bill. As that is a very important bill, I desire to accommodate him and shall do so if he will yield to me after that bill is disposed of.

The SPEAKER. The Chair is acting in obedience to a public statement he made, that he would recognize first the gentleman from Mississippi, [Mr. HOOKER,] and then the gentleman from Ohio, [Mr. MONROE.] If the gentleman from Ohio does not claim his right—

Mr. MONROE. I claim my right.

Mr. BANKS. Then go on with your bill.

Mr. MONROE. I wish to know whether if I yield now to the gentleman from Tennessee the Chair will recognize me immediately after the sundry-civil bill is disposed of.

The SPEAKER. The Chair has made it a rule to recognize a committee where a gentleman is instructed by a committee of which he is a member to move a suspension of the rules, in preference to individuals, because that is in the direction of promoting the public business. If there be a disposition on the part of the House that the Chair should recognize the gentleman from Tennessee, [Mr. ATKINS,] the Chair is quite willing to do it.

Mr. MONROE. I have offered to yield to the gentleman from Tennessee. I now do so.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ATKINS. I move to suspend the rules so as to enable me to report from the Committee on Appropriations and the House to pass the bill (H. R. No. 6471) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes, with amendments.

Mr. GARFIELD. I would suggest that the gentleman can make that motion at any time during the last six days of the session if the stress of business becomes too great. It seems to me we have not reached that point yet.

The SPEAKER. The Chair has no opinion to express as to that. He recognizes the gentleman from Tennessee to make the motion. The bill will be read.

The Clerk commenced the reading of the bill, but before he had concluded it

Mr. CONGER said: Is this bill being read for amendments now?

The SPEAKER. It is not.

Mr. CONGER. I wish to offer an amendment.

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. CONGER. Is it really proposed to pass this bill under a suspension of the rules?

The SPEAKER. So it seems.

Mr. CONGER. Then I shall probably have an opportunity to offer my amendment.

The Clerk resumed and completed the reading of the bill as proposed to be amended by the committee, as follows:

A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed for the fiscal year ending June 30, 1880, namely:

UNDER THE TREASURY DEPARTMENT.

Public buildings:

Court-house and post-office, Atlanta, Georgia: For fencing, grading, and approaches, \$10,000.

Custom-house and post-office, Albany, New York: For continuation of building, \$90,000.

Post-office and subtreasury, Boston, Massachusetts: For continuation of building, \$350,000.

Custom-house and subtreasury, Chicago, Illinois: For continuation of building, \$350,000.

Custom-house and post-office, Cincinnati, Ohio: For continuation of building, \$350,000.

Custom-house and post-office, Fall River, Massachusetts: For continuation of building and for purchase of adjoining land, on Second street, thirty-nine feet in width, \$85,000; of which sum not more than \$25,000 shall be used for the purchase of the land.

Custom-house and post-office, Hartford, Connecticut: For continuation of building, \$75,000.

Court-house and post-office, Harrisburgh, Pennsylvania: For continuation of building, \$50,000.

Court-house and post-office, Kansas City, Missouri: For continuation of building, \$25,000.

Court-house and post-office, Little Rock, Arkansas: For completion of building, \$40,000.

Custom-house, court-house, and post-office, Memphis, Tennessee: For continuation of building, \$60,000.

Custom-house and post-office, New Orleans, Louisiana: For continuation of building, \$40,000.

Custom-house, court-house, and post-office, Nashville, Tennessee: For continuation of building, \$75,000.

Post-office and court-house, Philadelphia, Pennsylvania: For continuation of building, \$350,000.

Custom-house and post-office, Saint Louis, Missouri: For continuation of building, \$350,000.

Court-house and post-office, Topeka, Kansas: For continuation of building, \$30,000.

Court-house and post-office, Utica, New York: For continuation of building, \$25,000.

Treasury building, Washington, District of Columbia: For annual repairs, and for retaining-wall and fences, northeast boundary of the Treasury building, \$25,000.

Repairs and preservation of public buildings: For repairs and preservation of public buildings under the control of the Treasury Department, \$100,000.

LIFE-SAVING STATIONS.

For salaries of superintendents for the life-saving stations, as follows: On the coasts of Maine and New Hampshire, one, of Massachusetts, one, at \$1,000 each; on the coasts of Rhode Island and Long Island, one, at \$1,500; of one assistant superintendent on the coasts of Rhode Island and Long Island, \$500.

For salary of one superintendent for the coast of New Jersey, \$1,500.

For salaries of superintendents on the coasts of Delaware, Maryland, and Virginia, one, at \$1,000; on the coasts of Virginia and North Carolina, one, at \$1,000.

For salary of one superintendent for the house of refuge on the coast of Florida, \$1,000; and of one superintendent for the life-saving and life-boat stations on the coast of the Gulf of Mexico, \$1,000, and of one on the coasts of Lakes Ontario and Erie, \$1,000.

For salaries of superintendents for the life-saving and life-boat stations, as follows: One on the coasts of Lake Huron and Superior, and one on the coast of Lake Michigan, at \$1,000 each.

For salary of one hundred and ninety-six keepers of life-saving and life-boat stations and of houses of refuge, at \$400 each, \$78,400.

For pay of crews of experienced surfmen, employed at the life-saving and life-boat stations, at a rate not to exceed \$40 per month each during the period of actual employment, \$376,960.

For compensation of volunteer crews of life-boat stations, for actual and deserving service rendered upon each occasion of disaster, at such rate, not to exceed \$10 for each person, as the Secretary of the Treasury may determine; and for pay of volunteer crews for drill and exercise, \$5,000.

Contingent expenses: For fuel for one hundred and ninety-six stations and houses of refuge; repairs and outfits for the same; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; and contingent expenses, including freight, storage, repairs to apparatus, medals, labor, stationery, advertising, and miscellaneous expenses that cannot be included under any other head, of life-saving stations on the coasts of the United States, \$45,000.

For establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States, \$78,000.

Revenue-cutter service:

Expenses of revenue-cutter service: For pay of captains, lieutenants, engineers, cadets, and pilots, and for rations for the same; and for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same; and for fuel for vessels, repairs and outfits for same; ship-chandlery and engineers' stores for same; traveling expenses of officers traveling on duty under orders from the Treasury Department; instruction of cadets; commutation of quarters; and contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and miscellaneous expenses, which cannot be included under special heads, \$860,000.

Engraving and printing:

For labor and expenses of engraving and printing, namely: For labor, (by the day, piece, or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States; for materials other than paper required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same; and for expenses of operating macerating-machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, \$350,000.

Expenses of removal of the Bureau of Engraving and Printing: For expenses of removal of the machinery, furniture, and effects of the Bureau of Engraving and Printing from the Treasury Department building to the new building in course of erection for said bureau, when completed; and for the purchase and erection of such new machinery and fixtures as may be needed to complete the establishment of that bureau in the new building, including new boilers and a new engine, \$50,000.

LIGHT-HOUSE ESTABLISHMENT.

Keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of nine hundred and seventy-five light-keepers and fog-signal keepers, \$585,000. And the Secretary of the Treasury is hereby authorized, in his discretion, upon the recommendation of the Light-House Board, to use any surplus portion of the said sum for the purchase of automatic fog-bells.

Expenses of light-vessels: Seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of thirty-one light-ships, and the expenses of maintaining the vessels of the light-house establishment, may be paid from any surplus of the appropriation for the works, general or special, on which the respective vessels are, for the time being, employed; and the cost of repairs to such vessels may be paid from the appropriation under which they respectively were employed when they were injured or became deteriorated to such an extent as to render the repairs necessary; or, if such appropriation be exhausted, then from the appropriation under which they are respectively to be next employed, \$230,000.

Buoys: For expenses of raising, cleaning, painting, repairing, removing, and supplying losses of buoys, spindles, and day-beacons, and for chains, sinkers, and similar necessities, \$325,000.

Fog-signals: For repairs and incidental expenses in renewing, establishing, and improving fog-signals and buildings connected therewith, \$50,000.

Inspecting lights: For expenses of visiting and inspecting lights and other aids to navigation, including rewards paid for information as to collisions, \$4,000.

Supplies of light-houses: For supplying the light-houses, beacon-lights, and fog-signals on the Atlantic, Gulf, Lake, and Pacific coasts with illuminating and cleansing materials, and such other materials as may be required for annual consumption,

including the expenses of inspection and delivery of the same; for books for light stations, and other incidental and necessary expenses, \$375,000.

Repairs of light-houses: For repairs and incidental expenses of light-houses; for rebuilding and improving the same and buildings connected therewith; and for the purchase and repair of illuminating apparatus and machinery, \$275,000.

Lighting and buoyage: For maintenance of lights and buoys on the Mississippi, Ohio, and Missouri Rivers, \$130,000.

Commissions to superintendents of lights: For commissions to collectors of customs acting as superintendents of lights, being for disbursements to be made by them for the light-house establishment during the fiscal year ending June 30, 1880, \$7,500.

Light-houses, beacons, and fog-signals:

For rebuilding tower, repairing dwelling, and purchasing site for beacon at Ipswich light-station, Massachusetts, \$10,000.

For building a double set of quarters for the two keepers at Cape Poge, northeast point of Martha's Vineyard, Massachusetts, \$5,000.

For light-house at Stage Harbor, Massachusetts, \$10,000.

For day-beacons on the coasts of Maine, New Hampshire, and Massachusetts, and for repairing the same, \$10,000.

For reimbursement of Charles J. Gibbs, master of the light-house tender Verben, for amount paid by him in accordance with the judgment of court, in the case of the suit for damages occasioned by the collision of the Verben with the schooner Adell, including attorneys' fees and costs, \$800.

For reimbursing H. W. Arnold, keeper of Conimicut light-station, for losses sustained at the time of the destruction of the keeper's dwelling by ice, \$319.

For steam fog signal at Falkner's Island light-station, New York, \$5,000.

For establishing a first-class fog-signal at Execution Rocks, Long Island Sound, \$15,000.

For protecting the site of the east beacon, Sandy Hook, New Jersey, from the encroachments of the sea, \$5,000.

For purchasing site at Steam Mill Point, Whitehall Narrows, New York, \$300.

For the purchase of additional land at Cumberland Head Light station, New York, \$250.

For establishing a better light and building a keeper's dwelling at Isle La Motte, Lake Champlain, Vermont, \$5,000.

That the amount expended for repairing and refitting the discontinued light-station at Reedy Island, Delaware Bay, to fit it for a fog-signal station, is hereby authorized to be charged to the appropriations for repairs and incidental expenses of light-houses relating to the fiscal years during which such repairs were actually made.

For general repairs and improvements at the general light-house and buoy depot at Staten Island, New York, \$10,000.

For protecting the site of the Absecon light-house at Atlantic City, New Jersey, \$20,000.

To re-establish Reedy Island light, Delaware River, \$3,500.

To establish lights on the Delaware River, from Deepwater Point to League Island, \$60,000.

For repairs and protection of light-station in the fourth light-house district, damaged by storm of October 3, 1878, \$17,400.

That the balance of the appropriation made by the act of July 31, 1876, for the establishment of range-lights at Hilton Head and Bay Point, entrance to Port Royal Harbor, South Carolina, is hereby made available for the construction of a range-light on Paris Island in the same harbor.

For changing position of light on Fig Island, Savannah River, Georgia, and establishing a range-light on the tower of the Exchange building, Savannah, and the Light-house Board is authorized to establish said range-light without session of jurisdiction, provided the Government shall be at no expense for rent, \$3,000.

For establishing a depot for buoys and supplies in the sixth light-house district, \$10,000.

For continuing the construction of a light-house at or near American Shoal, Florida Reefs, Florida, \$50,000.

For repairing the light-house at Northwest Passage, entrance to Key West Harbor, Florida, \$6,000.

To reimburse keepers of Dog Island and Saint Mark's light-stations, Florida, for private property destroyed by a hurricane, \$970.65.

For rebuilding tower at South Pass entrance to Mississippi River, Louisiana, \$50,000.

For establishing a beacon-light to form a range with a large light to guide into the mouth of the Calcasieu River, Louisiana, \$1,500.

For beacon-light on Fryin-Pan Island, at the mouth of Saint Mary's River, Lake Huron, \$2,000.

For continuing the erection of a light-house on Stannard's Rock, Lake Superior, Michigan, \$50,000.

For erection, removal, and repair of pier-head lights on the northern and north-western lakes, \$25,000.

For establishing a first-class steam fog-signal at the light-station on South Farallon Island, California, \$12,000.

For establishing a light-house and fog-bell to mark the entrance to Oakland Harbor, California, \$5,000.

Point Pinos light-station, California: To pay amount of the decree of the United States circuit court, attorneys' fees and costs, in the case of *The United States vs. Theron R. Hopkins* and others, a suit instituted for the purpose of obtaining condemnation of lands for light-house site, \$6,000.

For establishing a depot for buoys and supplies in the twelfth district, \$10,000.

For completing the light-house and fog signal to be established at Point Wilson, Puget Sound, Washington Territory, \$12,000.

For establishing duplicate steam fog-signals on the coasts of the United States, \$20,000.

For building a steamer for service on the Mississippi and Ohio Rivers, \$30,000.

For additions to the laboratory used by the Light-House Board for experiments with illuminating apparatus and materials, \$8,000.

Coast and Geodetic Survey:

Survey of the Atlantic and Gulf coasts: For every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States, the Mississippi and other rivers, to the head of either tidal influence or ship-navigation; soundings, deep-sea temperatures, dredgings, and current observations along the above-named coasts, and in the Gulf of Mexico and the Gulf Stream, including its entrance into the Gulf, its course through the Caribbean and into and around the Sargasso Sea; the triangulation toward the western coast, and furnishing points for State surveys; the triangulation of the Mississippi River from the northern boundary of the State of Mississippi to the Gulf; the usual coast-survey work of that part of Louisiana lying between the mouth of the Red River and the Gulf as a portion of the coast included in the operations of the Coast and Geodetic Survey; the preparation and publication of charts, the Coast Pilot, and other results of the work, with the purchase of materials therefor, including compensation of civilians engaged in the work, \$390,000.

Survey of the western (Pacific) coasts: For every purpose and object necessary for and incident to the continuation of the survey of the Pacific coasts of the United States, including the Columbia and other rivers, to the head of either tidal influence or ship navigation, deep-sea soundings, temperatures, currents, and dredgings along and also in the branch of the Japan stream flowing off these coasts; the triangulation toward the eastern coast and furnishing points for State surveys; the preparation and publication of charts, the Coast Pilot, and other results of the

work, with the purchase of materials therefor, including compensation of civilians employed in the work, \$180,000.

Repairs of vessels: For the repairs and maintenance of the complement of vessels used in the Coast Survey, \$30,000.

Publishing observations: For continuing the publication of observations, and their discussion, made in the progress of the Coast Survey, including compensation of civilians engaged in the work, the publication to be made at the Government Printing Office, \$6,000.

General expenses: For rent of buildings for offices, workrooms, and workshops in Washington, \$13,600.

For rent of fire-proof building, No. 205 New Jersey avenue south, (excepting rooms for standard weights and measures,) for the safe-keeping and preservation of the original astronomical, magnetic, hydrographic, and other records; the original topographical and hydrographic maps and charts; instruments, engraved plates, and other valuable articles of the Coast Survey, \$5,000.

For rent of sub-office at San Francisco, \$2,000.

For fuel for all the offices and buildings, \$2,000.

For transportation of instruments, maps, and charts; the purchase of new instruments, books, maps, and charts; gas and other miscellaneous expenses, \$9,400.

That Senators, Representatives, and Delegates to the House of Representatives shall each be entitled to not more than ten charts published by the Coast Survey, for each regular session of Congress.

Under the Commissioner of Fish and Fisheries:

Propagation of food-fishes: For the introduction of shad into the waters of the Pacific, Atlantic, the Gulf and Great Lake States, and of salmon, whitefish, carp, gonorrund, and other useful food-fishes, into the waters of the United States generally to which they are best adapted; also for the propagation of cod, herring, mackerel, halibut, and other sea-fishes, and for continuing the inquiry into the causes of the decrease of food-fishes of the United States, \$75,000, which shall be immediately available.

Illustrations for Report on Food Fishes: For preparation of illustrations for the Report of the United States Commissioner of Fish and Fisheries, \$1,000.

For maintenance of the United States carp-ponds in the city of Washington and elsewhere, \$5,000.

For collecting statistics of the sea-coast and lake fisheries of the United States, especially those covered by the Washington treaty of 1871, \$3,500.

For construction of a steam-vessel for the hatching of shad, cod, mackerel, halibut, and other fishes along the coast of the United States, to be built under the direction of the Secretary of the Treasury, according to the plans of the United States Fish Commission, \$40,000, or so much thereof as may be necessary; to be available from the passage of this act.

Miscellaneous objects under the Treasury Department:

Expenses of national currency: For paper, engraving, printing, express charges, and other expenses, \$120,000.

Transportation of United States securities: For transportation of notes, bonds, and other securities of the United States, \$60,000; and so much of the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, as authorizes the Secretary of the Treasury to issue coin certificates in exchange for bullion deposited for coinage at mints and assay-offices, other than those mentioned in section 3545 of the Revised Statutes, be, and the same is hereby, repealed; said repeal to take effect at the end of the present fiscal year.

Standard weights and measures: For construction and verification of standard weights and measures, including metric standards, for the custom-houses and other offices of the United States, and for the several States, and of mural standards of length in Washington, District of Columbia, \$5,000; for rent of workshops in building No. 215 South Capitol street, \$400; for rent of fire-proof rooms in building No. 205 New Jersey avenue, south, for the safe-keeping and preservation of finished weights, measures, balances, and metric standards, \$1,000; for fuel and lights, materials, transportation, traveling, and other miscellaneous expenses, \$600; in all, \$7,000.

For contribution to maintenance of International Bureau of Weights and Measures, in conformity with terms of convention signed May 20, 1875, \$1,900, or so much thereof as may be necessary.

Fuel, lights, and water for public buildings: For fuel, light, water, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, such as brooms, mops, brushes, buckets, wheelbarrows, shovels, saws, hatchets, and hammers, for all public buildings under the control of the Treasury Department, \$380,000.

That authority be, and is hereby, given to the Secretary of the Treasury to lease, at his discretion, such unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law.

Furniture and repairs of furniture for public buildings: For furniture and repairs of furniture, and carpets, for all public buildings under the control of the Treasury Department, including furniture for three new buildings, namely: Appraiser's stores at San Francisco, court-house and post-office at Atlanta, Georgia, and court-house and post-office at Little Rock, Arkansas, \$120,000.

Pay of custodians and janitors: For pay of custodians and janitors for all public buildings under the control of the Treasury Department, \$90,000.

Heating apparatus for public buildings: For heating, ventilating, and hoisting apparatus, and repairs of same, for all public buildings under the control of the Treasury Department, \$15,000.

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs of the same, for all public buildings under the control of the Treasury Department, \$50,000.

Plans for public buildings: For photographing materials, and labor for duplicating plans for all public buildings under the control of the Treasury Department, \$1,500.

Suppressing counterfeiting and similar felonies: For expenses of detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States, as well as the coins of the United States, and other felonies against the Government, and for no other purpose whatever, \$75,000.

Compensation in lieu of moiety: For compensation in lieu of moiety in certain cases under the customs-revenue laws, \$20,000.

Salaries and traveling expenses of agents at seal-fisheries in Alaska: For one agent, \$3,650; one assistant agent, \$2,920; two assistant agents, at \$2,100 each; necessary traveling expenses of agents in going to and returning from Alaska, at \$600 each per annum; in all, \$13,350.

Examination of rebel archives and records of captured property: To enable the Secretary of the Treasury to have the records of captured and abandoned property examined, and information furnished therefrom, for the use and protection of the Government, \$5,000.

To enable the Secretary of the Treasury, in his discretion, to refund excess of duties and to pay costs in suits and proceedings in "charges and commissions cases" in which judgments may hereafter be obtained, or which may be compromised by said Secretary, \$15,000.

That section 170 of the Revised Statutes of the United States be so modified that the Secretary of the Treasury be, and hereby is, authorized, during the present fiscal year, to pay, out of the appropriation for refunding the national debt, a reasonable additional compensation to the clerks of his Department who are actually employed upon the refunding of the national debt, in addition to the usual business hours.

Lands and other property of the United States: For custody, care, and protection of lands and other property belonging to the United States, \$5,000.

For purchase of law-books and suitable books of reference for the library of the Treasury Department, \$1,000.

That the Secretary of the Treasury be, and he is hereby, directed to pay the State of Georgia \$72,236.94, in full settlement of advances made to the United States for the suppression of the Creek, Seminole, and Cherokee Indians in 1835, 1836, 1837, and 1838; and that said sum be paid out of any money in the Treasury not otherwise appropriated.

That the Secretary of the Treasury be, and he is hereby, directed to pay the State of Kentucky, on special settlement of the third and fourth installments of her war claims under act of July 27, 1861, the sum of \$6,091.85, which has been confirmed by the Second Comptroller of the Treasury.

That the Secretary of the Treasury be, and he is hereby, directed to pay to the State of Pennsylvania \$8,236.56, being the amount due said State on special settlement of her war claims, under the act of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States."

For three additional clerks in the office of the assistant treasurer of the United States at New York, two at the rate of \$1,500 per annum, and one at the rate of \$1,200 per annum, for the service of the unexpired portion of the current fiscal year a sufficient sum is hereby appropriated.

For salary to Charles Bryant, late special Treasury agent of the seal islands in Alaska, from May 15 to June 30, 1877, inclusive, at the rate of \$3,650 per annum, being a deficiency for the fiscal year 1877, \$471.23.

For professional services rendered and expenses incurred by F. W. Viche, attorney at law, Vincennes, Indiana, in the case of The United States vs. Hall-Neilson and others, involving the title claimed by the United States to a valuable tract of land situated in the city of Vincennes, Indiana, \$1,185.06.

To pay John Sherman, jr., United States marshal for New Mexico, for services rendered and expenses incurred in paying per diem witnesses, bailiffs, and other similar and necessary expenses in the investigation of the Una do Gato land grant in the Territory of New Mexico, under authority given by the act of July 22, 1854, \$361.93.

To pay B. R. Lewis and J. J. Coffee the balances due them as marshal and clerk respectively at the consulate-general at Shanghai, China, during their absence attending on subpoenas as witnesses before a committee of the House of Representatives, the sum of \$2,203.69, to be available at once; and said Lewis and Coffee shall receive no allowance for witness fees and traveling expenses.

To reimburse expenses incurred and paid by C. H. Lord, United States depositary at Tucson, Arizona, under Treasury Department instructions, \$334.87.

That the Secretary of the Treasury be, and he is hereby, authorized to expend, out of the appropriation for defraying the expenses of collecting the revenue from customs, such amount as he may deem necessary, not exceeding \$100,000 per annum, for the detection and prevention of frauds upon the customs revenue.

That the unexpended balance of the appropriation of \$150,000 made by the act of June 14, 1878, to refund and pay back taxes erroneously or illegally assessed or collected under the internal-revenue laws, is hereby continued and made available for the payment of all claims to which the appropriation is applicable, which are not payable from the permanent annual appropriations provided for in section 3689 of the Revised Statutes.

To enable the Secretary of the Treasury to provide for the maintenance of revenue steamers on the coast of Alaska, \$20,000.

UNDER THE WAR DEPARTMENT.

Signal Service:

Observation and report of storms: For the expenses of the observation and report of storms by telegraph and signal for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm signals announcing the probable approach and force of storms; for continuing the establishment and connection of stations at life-saving stations and light-houses; for instrument shelters; for hire, furniture, and expenses of offices maintained for public use in cities or ports, receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for books, periodicals, newspapers, and stationery; and for incidental expenses not otherwise provided for, \$375,000.

Construction, maintenance, and repair of military telegraph lines: For the construction and continuing the construction, maintenance, and use of military telegraph lines on the Indian and Mexican frontiers and in the Northwest, for the connection of military posts and stations; and for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas and the Territories of New Mexico, Arizona, Dakota, and Wyoming, and the Indian Territory, \$45,000, under the provisions of the act approved March 3, 1875.

Armories and arsenals:

For repairs and preservation of grounds, buildings, and machinery, not used for manufacturing purposes, of the arsenal at Springfield, Massachusetts, \$15,000.

Rock Island arsenal: For Shop G, an iron working and finishing shop for the arsenal, \$100,000.

For Shop II, an iron-finishing shop for the armory, \$50,000.

For Shop I, a wood-working and leather-working shop for the arsenal, \$50,000.

For re-covering Fort Armstrong avenue and the causeway to the Rock Island wagon-bridge with macadam, and for putting a new floor on the Rock Island wagon-bridge, \$6,000.

For care and preservation of the Rock Island bridge, and expense of maintaining and operating the draw, \$9,000.

For general care, preservation, and improvement; building new roads; care and preservation of the water-power; painting, and care, and preservation of permanent buildings, and bridges, and shores of the island; building fences, and grading grounds, and repairs of and extension of railroad, \$12,000.

Benicia arsenal, Benicia, California: To rebuild the present wharf, \$5,000.

Pikesville arsenal: That the Secretary of War is hereby authorized and directed to dispose of the grounds, buildings, and appurtenances known as the Pikesville arsenal in the State of Maryland, by public sale to the highest bidder, turning into the Treasury the net proceeds after paying cost of advertising, sale, &c.: *Provided*, That if the State of Maryland shall, prior to the 1st of January, 1880, accept the same, it is hereby granted and donated to said State, to be used for such militia or other purposes as the necessities of the State may require; and the Secretary of War is hereby authorized and directed to transfer said property to the State of Maryland, to be held by it in trust for the use, benefit, and execution of the purposes of this grant.

Buildings and grounds in and around Washington and the Executive Mansion: Improvement and care of public grounds: For filling in and improving grounds south of Executive Mansion, \$5,000.

For ordinary care of greenhouses and the nursery, \$1,500.

For ordinary care of Lafayette Square, \$1,000.

For care and improvement of reservation No. 3, (Monument grounds,) \$1,000.

For construction and repair of iron fences, \$500.

For manure, and hauling the same, \$4,000.

For painting iron fences, vases, lamps, and lamp-posts, \$1,500.

For purchase and repair of seats, \$500.

For purchase and repair of tools, \$500.

For trees, tree-stakes, lime, whitewashing, and stock for nursery, \$3,000.

For removing snow and ice, \$1,000.

For flower-pots, twine, baskets, and lycopodium, \$1,000.
For care and construction and repair of fountains in the public grounds, \$1,500.
For abating nuisances, \$500.
For improving various reservations, \$10,000.

Executive Mansion: For care of and repairs, refurnishing, and fuel for the Executive Mansion, and care of and necessary repair to the greenhouses, and fuel for the same, and recovering the roof of the mansion with tin, \$25,000.

Lighting the Executive Mansion and public grounds: For gas, pay of lamp-lighters, gas-fitters, plumbers, plumbing, lamps, lamp-posts, matches, and repairs of all kinds; lamps for Anacostia bridge; fuel for office, for the watchmen's lodges, and for the greenhouses in the nursery, \$15,000: *Provided*, That no more than \$25 shall be paid per lamp for gas under any expenditure provided for in this act; and in case a contract cannot be made at that rate, the engineer in charge is hereby authorized to substitute other illuminating material, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

Repair of water-pipes and fire-plugs: For repairing and extending water-pipes, purchase of apparatus to clean them, and for cleaning the springs and repairing and renewing the pipes of the same that supply the Capitol, the Executive Mansion, and the War and Navy Departments, \$2,500.

Telegraph to connect the Capitol with the Departments and the Government Printing Office: For repair and care of the same, \$1,000.

Building for State, War, and Navy Departments, (east wing:) To complete the east wing and its approaches, and for continuation of construction of the north wing of the building, \$465,000, of which sum \$65,000 shall be immediately available.

Miscellaneous objects under War Department:

For the completion of the survey of the northern and northwestern lakes, and to finish the field-work and publication of maps, and all work pertaining to said survey except the preparation of the final report, \$25,000.

For furniture for the portion of the new building about to be occupied by the War Department, \$50,000; to be available immediately.

Expenses of military convicts: For payment of costs and charges of State penitentiaries for the care, clothing, maintenance, and medical attendance of United States military convicts confined in them, \$16,000.

For continuing the preparation of the publication of the Official Records of the War of the Rebellion, both of the Union and confederate armies, and for the compensation of temporary clerks and other employees engaged thereon, the collection of such confederate records as may be placed at the disposal of the Government by gift or loan, the rent of building, and the preservation of the Brady War Views, \$40,490: *Provided*, That not more than two clerks of class 4, one clerk of class 3, one clerk of class 2, one clerk of class 1, two clerks at \$1,000 each, twelve copyists at \$900 each, one foreman of printing, one pressman, six compositors, two assistant messengers, one watchman, and one agent for the collection of confederate records shall be employed; and the unexpended balance of the sum of \$1,000,000 appropriated by act of March 3, 1873, to erect head-stones over the graves of soldiers who served in the regular or volunteer army during the war for the Union, is hereby continued and made available.

For the purpose of payment of balance due for records, already purchased, of the late Confederate States of America, of Colonel Thomas L. Sneed, \$6,000, or so much thereof as may be necessary.

For official postage-stamps, as required under the postal union, to prepay postage on matter addressed to postal union countries, \$1,000.

Support and improvement of the Leavenworth military prison, Fort Leavenworth, Kansas: For purchase of subsistence stores, oil, wicking, and fuel for heating and cooking purposes and running machinery, \$44,000.

For hay for prisoners' beds; for blank-books and stationery; for stoves and stove-pipe, for use in buildings not heated by steam; for miscellaneous stores, drainage of grounds, disinfectants, and other general purposes, \$1,040.

For material for clothing for each prisoner on discharge; for payment of \$5 to each prisoner on discharge; for expenses of pursuing and payment of rewards for apprehension and delivery of escaped prisoners, \$3,500.

For hose for use in case of fire and for filling cisterns, and for tools and materials in shops, \$1,000.

For tobacco for issue to prisoners on special and excessive hard labor, \$400.
For foreman and engineers, and mechanics and watchmen, and extra-duty pay, \$7,500.

For extra-duty pay to non-commissioned officers of prison-guard; for extension to prison shops and repairs to prison buildings; for new buildings; for construction of ice-house, \$10,000; in all, \$67,440: *Provided*, That the Secretary of War shall cause to be fabricated at the said prison such supplies for the Army as can be economically and properly manufactured at the said prison.

United States Artillery School at Fortress Monroe, Virginia: To provide for text-books, drawing materials, models, and material necessary in the science of engineering and of artillery, stationery, and miscellaneous necessities for the use of the school, \$4,750.

For completion of the United States barrack buildings at Fortress Monroe, Virginia, \$34,000.

To enable the Secretary of War to establish a military post in the vicinity of Pagosa Springs, on the left bank of the San Juan River, in the State of Colorado, for the protection of the San Juan country, \$40,000.

To enable the Secretary of War to pay for rent of building at San Antonio, Texas, used as headquarters of the Department of Texas, from November 1, 1878, until June 1, 1879, \$2,391.67.

Artificial limbs: For furnishing artificial limbs and appliances, or commutation therefor, and transportation, \$100,000.

Appliances for disabled soldiers: For providing surgical appliances for persons disabled in the military or naval service of the United States not otherwise provided for, \$1,000 dollars.

For continuing the rebuilding of four sets of officers' quarters at Madison Barracks, Sacket's Harbor, New York, destroyed by fire on November 6, 1876, according to plans and specifications in the office of the Quartermaster-General of the United States, \$12,500.

Support of transient paupers: For care, support, and medical treatment of seventy-five transient paupers, medical and surgical patients, in the city of Washington, under a contract to be made with such institution as the Surgeon-General of the Army may select, \$15,000.

For printing and binding the catalogue of the library of the Surgeon-General's office, \$20,000.

Support of National Home for Disabled Volunteer Soldiers: Current expenses, including repairs, for the central branch, for the eastern branch, for the northwestern branch, for the southern branch, and for barracks and other necessary construction purposes, for clothing of extra sizes and underclothing, for out-door relief and incidental expenses, \$280,000: *Provided*, That all purchases of supplies exceeding the sum of \$1,000 at any one time shall be made upon public tender after due advertisement, and that the expenditure for new buildings shall be expressly authorized in writing: *Provided*, That no arrears of pension shall be allowed or paid to any pensioner being a disabled soldier or sailor for the time during which he has been supported in the National Home for Disabled Volunteer Soldiers; and that the estimates hereafter submitted for the support of the National Home shall be made in detail, specifying the several items of expenditure, and separating the cost of food and other supplies in the form usually adopted for the Army, and that this specification be made for each soldiers' home separately.

For the purpose of keeping in repair and protection of the road between Fortress Monroe and Mill Creek, Virginia, \$6,500.

UNDER THE NAVY DEPARTMENT.

Navy yards and stations:
Navy-yard, Mare Island, California: For continuation of work on stone dry-dock, \$75,000.

Repairs and preservation at navy-yards: For repairs at the different navy yards and stations, and preservation of the same, \$300,000.

Miscellaneous:

To enable the Secretary of the Navy to make certain expenditures in experiment with a view to obtain a correct knowledge of the velocity of light, \$5,000.

For the United States Naval Observatory, the following items, to wit: For solar and stellar photography, \$1,000; for illustrations for report on the eclipse of July, 1878, \$1,500; for the same on the California eclipse, January, 1880, \$600; and for thirty-five wood-cuts of nebula in Orion, \$350; in all, \$3,450, which shall be immediately available.

To pay certain claims for bounty for the destruction of enemy's vessels, allowed under the act of June 30, 1864, and duly certified by the proper accounting officers, \$1,210.16.

For furniture and fitting up shelving, file cases, fire apparatus, and similar necessities for the Secretary's office and the bureaus of the Navy Department in the east wing of the new building for the State, War, and Navy Departments, to be available as required, under direction of the Secretary of the Navy, \$50,000.

For repairs to the rope-walk building at the Boston navy-yard, Boston, Massachusetts, new roof and new floors, and other necessary repairs, to make the building in good condition, \$20,000.

To enable the Secretary of the Navy to pay J. F. H. Claiborne amount due him on adjusted account, \$748.10.

UNDER THE DEPARTMENT OF THE INTERIOR.

Public buildings:

Capitol extension: For work on the Capitol, and for general repairs thereof, \$50,000: *Provided*, That \$1,500 of this amount may be used for the purchase of file-cases, or boxes for the file-room of the Clerk's office of the House of Representatives. And hereafter the disbursing clerk of the Department of the Interior is hereby required to act as disbursing clerk of the Architect of the Capitol, and to disburse all moneys appropriated for the United States Capitol extension and improvement of the grounds, and to receive an annual compensation of \$1,000, to be paid out of said appropriation.

Improving Capitol grounds: For improving Capitol grounds, \$60,000.
For payment of retained percentages on contracts made during the fiscal year ending June 30, 1876, for paving roadways in Capitol grounds, \$2,217.94.

Lighting the Capitol and grounds: For lighting Capitol and grounds about the same, including Botanic Garden and Senate stable; for gas, pay of superintendent of meters, lamp-lighters, and gas-fitters; for material for electrical battery; and for general repairs to lamps, pipes, and meters, \$30,000.

Patent Office building: For the fire-proof reconstruction of the Patent Office building within the present walls, under the plans submitted to Congress by the Secretary of the Interior, \$150,000, in addition to the unexpended balance of the amount appropriated for this purpose by the act of June 20, 1878, which is hereby made available for the purpose originally intended; to be expended under the supervision of a board consisting of the Commissioner of Patents, the Architect of the Capitol, and the engineer in charge of public buildings and grounds. To pay the American Photolithographic Company the sum of \$2,000 is hereby appropriated, or so much thereof as may be necessary to enable the Commissioner of Patents to reimburse said company for the actual expenses it incurred in reproducing copies of drawings in 1869 and 1870.

Repairs to court-house, Washington, District of Columbia: For annual repairs to court-house in the city of Washington, and for new furnaces, \$1,000.

Improvement of grounds, Department of Agriculture: For labor, new implements, purchase of trees for arboretum, and repairs of tools, \$6,500.

PUBLIC LANDS.

Expenses of the collection of revenue from sales of public lands:
For salaries and commissions of registers of land offices and receivers of public moneys, at ninety-four local land offices, \$186,000.

For incidental expenses of the several land offices, \$100,000.

For expenses of depositing money received from the sale of public lands, \$10,000.

To meet expenses of protecting timber on the public lands, \$25,000 for depredations on the public timber: *Provided*, That the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, may be authorized to draw, if necessary, from the Treasury of the United States, \$25,000 of the fund paid into the Treasury during the fiscal year, accruing from sales, seizures, or penalties on account of public lands.

For surveying the public lands, \$267,500.

For surveying confirmed private land claims in California at the rates per mile prescribed by law, and office expenses, \$7,500.

For the preliminary survey of unconfirmed and survey of confirmed private land claims in New Mexico, at a rate not exceeding \$16 per linear mile, and office expenses, \$10,000.

For the preliminary survey of unconfirmed and survey of confirmed private land claims in Arizona, at a rate not exceeding \$16 per linear mile, and office expenses, \$15,000.

Occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field, inspect mineral deposits, coal-fields, timber districts, &c., \$3,000.

Survey of the northern boundary of Wyoming Territory, being that part of the forty-fifth parallel of north latitude included between the twenty-seventh and thirty-fourth meridians of west longitude from Washington Observatory, \$29,000.

For appraisement of lands and the buildings erected by the United States, and the sale of the same to the highest bidder, in accordance with the act of June 19, 1874, \$5,000.

To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys now on file, and constituting a part of the records of said office, \$10,000.

For obtaining iron monument from the Colorado River, \$205.22.

For translating, copying, and indexing original Spanish archives, and preserving from destruction originals greatly defaced in the office of the surveyor-general of California, to be expended under the direction of the Secretary of the Interior, \$9,000.

For purchase of an iron safe for the said original Spanish archives, \$1,000.

To enable the Secretary of the Interior to protect, preserve, and improve the Yellowstone National Park, in compliance with section 2475 of the Revised Statutes of the United States, \$10,000.

Offices of surveyors-general of public lands:

Contingent expenses, office of surveyor-general of Louisiana: For fuel, books, stationery, messenger-hire, and other incidental expenses, \$1,000.

Contingent expenses, office of surveyor-general of Florida: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,000.

Contingent expenses, office of surveyor-general of Minnesota: For fuel, books, stationery, pay of messenger, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Dakota: For rent of office of surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Colorado: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of New Mexico: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of California: For fuel, books, stationery, pay of messenger, and other incidental expenses, \$3,000.

Contingent expenses, office of surveyor-general of Idaho: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Nevada: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Oregon: For fuel, books, stationery, pay of messenger, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Washington: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Nebraska and Iowa: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Montana: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Utah: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Wyoming: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

Contingent expenses, office of surveyor-general of Arizona: For rent of office for surveyor-general, fuel, books, stationery, and other incidental expenses, \$1,500.

GEOLOGICAL SURVEY.

For the expenses of the geological survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain provided for under the section of the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes," approved March 3, 1879, to be expended by the Director of the Geological Survey under the direction of the Secretary of the Interior, \$100,000.

For the expenses incurred by the committee of the National Academy of Sciences during their consideration of the scientific surveys of the Territories, \$300.

TENTH CENSUS.

To meet the expenses attendant upon the taking of the tenth census, to be expended under the direction of the Secretary of the Interior, \$250,000.

MISCELLANEOUS OBJECTS.

Government Hospital for the Insane:

Current expenses, Government Hospital for the Insane: For support, clothing, and treatment of the insane of the Army, Navy, Marine Corps, and Revenue-Cutter Service, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane of the District of Columbia, in the Government Hospital for the Insane, \$160,000: *Provided*, That one-half of the expense of the indigent patients from the District of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the General Government, without regard to the date of their admission.

For airing courts for the recreation of the inmates, \$500; for the completion of the rooms in the upper story of the bakery, \$1,500; for changing a portion of the roof and providing additional accommodations for employes in the attic story of the hospital building, \$5,000; in all, \$7,000.

For fire-pump and additional pipe and hose to complete the provision against fire, \$3,000.

For the erection of suitable structures for the present accommodation of patients of the chronic class, to be immediately available, \$30,000.

For general repairs and improvements, \$5,000.

Columbia Institution for the Deaf and Dumb:

Current expenses, Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and \$500 for books and illustrative apparatus, \$50,000.

Freedmen's Hospital and Asylum:

Support of Freedmen's Hospital and Asylum, Washington, District of Columbia: For subsistence, \$18,000; for salaries and compensation, \$9,336; fuel and light, \$3,000; clothing and bedding, forage and transportation, miscellaneous expenses, and repairs, \$5,900; rent of hospital buildings and grounds, \$4,000; medicines and medical supplies, \$1,500; in all, \$41,736.

Indian affairs:

That the Secretary of the Interior is hereby authorized and directed to pay, or cause to be paid, in equal portions, to Susanna Marble, Millie Frances Lee, and John Abel Lee, heirs of Abel S. Lee, or their legal representatives, the sum of \$2,915, with interest thereon at the rate of 7 per cent. per annum from the 9th day of June, 1872, out of any money due and owing, or that may hereafter become due, to the Kiowa tribe of Indians, on account of any treaty between the said tribe of Indians and the United States; the said payment to be in full of all claims of the said heirs of said Abel S. Lee, and of the amount allowed them by the Indian Bureau for property belonging to said Abel S. Lee, taken and destroyed by the said Kiowa Indians in the year 1872. That there be paid Mrs. Celia C. Short, of Lawrence, Kansas, the sum of \$5,000, in five annual installments of \$1,000 each, out of any money that may hereafter be appropriated for the use and benefit of the Cheyenne Indians; the first installment to be paid out of the money appropriated for said Indians by act of Congress approved February 17, 1879, entitled "An act making appropriations for the current and contingent expenses of the Indian department, &c."

That so much of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878, as is in the words following: "To pay to Charles P. Birkett the sum of \$32,565.71, to reimburse the said Birkett, late United States Indian agent, for amount expended by him for the benefit of the Indians at Ponca agency, Dakota," be, and the same is hereby, repealed.

For the survey of lands for allotments to the Red Cloud and Spotted Tail bands of Sioux Indians in Dakota Territory, \$10,000.

Smithsonian Institution:

Preservation of collections, Smithsonian Institution: For preservation and care of the collections of the National Museum, including those from the International Exhibition of 1876, \$23,000.

Distribution of duplicates: For expenses of making up into sets for distribution to colleges and museums, the duplicate ores, minerals, and objects of natural history belonging to the United States, \$5,000.

Preservation of collections, Smithsonian Institution, Armory building: For expenses of watching and storage of articles belonging to the United States, including those transferred from the International Exhibition of 1876, \$2,500.

Additional security against fire: For providing additional security against fire in the Smithsonian building for the Government collections, in accordance with report of the commission appointed to examine the public buildings, December 10, 1877, \$1,000.

For completing and preparing for publication the Contributions to North American Ethnology, under the Smithsonian Institution, \$20,000: *Provided*, That all the archives, records, and materials relating to the Indians of North America, collected

by the Geographical and Geological Survey of the Rocky Mountain Region, shall be turned over to the Smithsonian Institution, that the work may be completed and prepared for publication under its direction: *Provided*, That it shall meet the approval of the Secretary of the Interior and the Secretary of the Smithsonian Institution.

Entomological commission:

For the completion of the work of the United States entomological commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm, the sum of \$10,000.

POST-OFFICE DEPARTMENT.

To pay George H. Giddings, late contractor, for one month's extra pay on discontinuance of a portion of route numbered 8076, Texas, which went into effect July 1, 1861, in accordance with the opinion of the Attorney-General, \$14,583 33.

COURT OF CLAIMS.

For payment of judgments of the Court of Claims that have been or may be rendered, but have not yet been appealed from, in the event of non-appeal, \$100,000.

UNDER THE DEPARTMENT OF JUSTICE.

Miscellaneous:

Defending suits and claims for seizure of captured or abandoned property: For payment of the necessary expenses incurred in defending suits against the Secretary of the Treasury or his agents for the seizure of captured or abandoned property, and for the examination of witnesses in claims against the United States pending in any Department, and for the defense of the United States in the Court of Claims, to be expended under the direction of the Attorney-General, \$25,000.

Prosecution and collection of claims: For expenses to be incurred in the prosecution and collection of claims due to the United States, to be expended under the direction of the Attorney-General, \$2,500.

Punishing violations of intercourse acts and frauds: For detecting and punishing violations of the intercourse acts of Congress and frauds committed in the Indian service, the same to be expended by the Attorney-General in allowing such fees and compensation of witnesses, jurors, and marshals, and in defraying such other expenses as may be necessary for this purpose, \$3,000.

Prosecution of crimes: For detection and prosecution of crimes against the United States; investigation of official acts, records, and accounts, to be disbursed under the direction of the Attorney-General, \$20,000.

To enable the Attorney-General to pay for the editing and preparing for publication and the superintending of the printing of the fifteenth volume of the Opinions of the Attorney-General, including the expense of copying the same, \$1,000.

JUDICIAL.

United States Courts:

Support of convicts: For support and maintenance of convicts transferred from the District of Columbia, for support of convicts transferred from other districts, (and for collection of criminal statistics,) to be disbursed under the direction of the Attorney-General, \$15,000.

Expenses of territorial courts in Utah: For defraying the contingent expenses of the courts, including compensation of the United States district attorney and the fees per diem, and traveling expenses of the United States marshal in the Territory of Utah, with expenses of summoning jurors; subpoenaing witnesses; of arresting, guarding, and transporting prisoners; of hiring and feeding guards; and of supplying and caring for the penitentiary, to be expended only under the direction and order of the Department of Justice, upon accounts duly verified and certified, \$20,000. And this appropriation may be used, under the direction of the said Department, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

That so much of the act "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878, as requires the authorities of the county of Madison or town of Jackson, Tennessee, to provide suitable buildings, free of any expense to the United States, for holding the United States district and circuit courts be, and the same is hereby, repealed.

That the second section of an act entitled "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878, be, and the same is amended to read as follows:

"SEC. 2. That the clerk of the district court and the clerk of the circuit court for the district of Indiana, and the marshal and the district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts; and the clerks of said courts and the marshal shall appoint deputies, to reside and keep their offices at Fort Wayne, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices respectively."

BOTANIC GARDEN.

For improvements and repairs to the buildings and grounds of the Botanic Garden, as follows: For two new boilers and additional pipe for conservatory and one propagating house, \$750; slate tables for west wing of the conservatory to replace rotten wood, \$500; plumbing, \$200; painting and glazing, \$800; carpenters' work, \$300; concrete bottom and completing rim to fountain and curb for beds around the same, \$355; hardware, \$100; concrete walks, \$1,200; brick-work, \$100; soil to fill beds to conform to new grade, and for re-setting and raising main walk, \$1,150; in all, \$5,495.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, and for all the necessary materials which may be needed in the prosecution of the work, \$1,500,000; and from the said sum hereby appropriated, printing and binding may be done by the Public Printer to the amounts following respectively, namely:

For printing and binding for Congress, including the proceedings and debates, \$757,000; for the State Department, \$15,000; for the Treasury Department, \$180,000; for the War Department, \$100,000; for the Navy Department, \$39,000; for the Interior Department, \$191,000; for the Department of Justice, \$7,000; for the Post-Office Department, \$140,000; for the Agricultural Department, \$11,000; for the Supreme Court of the United States, \$30,000; for the supreme court of the District of Columbia, \$1,000; for the Court of Claims, \$10,000; and for the Library of Congress, \$19,000.

For fire-proof extension of the Government Printing Office building, upon plans approved by the Architect of the Capitol, and the work to be done under his direction, including heating apparatus and plumbing, said appropriation to be available during the present fiscal year, \$43,800; and any expenditure on a plan that shall cost a greater sum to complete it shall be deemed unlawful.

For the purchase of portable fire-extinguishers, \$1,000.

For the annual rental and necessary repairs of the telephones and lines connecting the Capitol with the Government Printing Office and the several Executive Departments, \$300, or so much thereof as may be necessary.

HOUSE OF REPRESENTATIVES.

That the parties named below be allowed the amounts set opposite their names on account of expenses incurred by them respectively in contested-election cases: Charles M. Shelley, \$2,500; Jere Haralson, \$2,500; P. D. Wigginton, \$2,500; Romualdo Pacheco, \$2,000; T. M. Patterson, \$237.35; J. B. Belford, \$666; J. J. Finley, \$1,262.71; Horatio Bisbee, Jr., \$4,000; J. H. Acklen, \$2,000; C. B. Darrall, \$1,000; J. B. Elam, \$500; C. E. Nash, \$1,000; E. W. Robertson, \$750; Benjamin Dean, \$1,500; ————, \$1,500; ————, Lynch, \$1,000; ————, Metcalfe, \$1,700; Graham Frost, \$2,000; James L. Nutting, \$4,000; James B. Rellly, \$4,000; John S. Richardson, \$2,000; Joseph H. Rainey, \$2,500; G. D. Tillman, \$2,000; Robert Smalls, \$2,500; Joseph Jorgensen, \$1,000; in all, \$46,616.06, to be immediately available.

That hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding \$1,000 for expenses in election contests, and before any sum whatever shall be paid to a contestant or contestee for expenses of election contests, he shall file with the clerk of the Committee of Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same; and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 123, Revised Statutes of the United States.

The following sums are hereby appropriated to pay the widows and heirs of members of the present Congress, lately deceased, in conformity with the direction of the House of Representatives, namely:

To enable the Clerk of the House to pay the widow of Alpheus S. Williams, \$1,007.88.

To pay the widow of Gustave Schleicher, \$738.85.

To pay Bessie Dandridge Douglas, Evelyn Spotswood Douglas, and Mary Ellen Douglas, children of B. B. Douglas, \$294.43; to be divided and paid in equal sums to them respectively.

To pay the widow of Julian Hartridge, \$765.75.

To pay the widow of Terrence J. Quinn, \$1,525.95.

To pay John W. Polk, late Doorkeeper of the House of Representatives, two months' extra pay under resolution of the House of June 19, 1878, \$416.66.

To pay John E. Kelly balance due for services under the Doorkeeper from December, 1876, to March 4, 1877, \$147.60.

To pay services of L. Q. Washington as clerk to the Committee on the Pacific Railroad, from January 11, 1876, to February 25, 1876, \$184.

To pay Edward L. Parris for services as clerk of the special committee on the Florida elections appointed under resolution of December 4, 1876, from December 7, 1876, to February 10, 1877, and for expenditures made by him for said committee, \$715.60.

To pay the heirs or legal representatives of the late John E. Leonard amount of salary due him, \$4,828.57.

To pay George B. Hilton for forty-two days' services as page during the second session of the Forty-fourth Congress, \$105.

To pay F. M. Schulteis for forty-seven days' services as page in the House in the second session of the Forty-fourth Congress, \$117.50.

To pay Charles Christian for services as laborer in the office of the Sergeant-at-Arms of the House from July 1 to March 4, inclusive, \$406.66.

For services rendered and to be rendered in cleaning Statuary Hall and watching statuary therein for the fiscal years ending June 30, 1879, and June 30, 1880, \$1,440, to be disbursed as contingent expenses of the House of Representatives, subject to the approval of the Architect of the Capitol.

To enable the Clerk of the House to have prepared for the Public Printer copies of the "summary reports" of the Commissioners of Claims in cases reported to Congress as disallowed under the act of March 3, 1871, of which twenty-five copies shall be printed and bound for the use of the Senate, and twenty-five copies for the use of the House of Representatives, \$1,000, or so much thereof as may be necessary.

To enable the Sergeant-at-Arms of the House to pay the widow of Frank Welch, \$2,500.

MISCELLANEOUS.

To meet the expenses of collecting the data upon which to prepare bulletins of health, to be issued from the office of the Surgeon-General of the United States Marine Hospital, \$5,000, under the direction of the Secretary of the Treasury; to be paid out of the permanent appropriation for the above service.

To enable the Secretary of State to pay John C. Myers, late consul-general at Shanghai, in full compensation for amount due him on settlement of his accounts, \$2,283.81.

SEC. 2. That all sums due upon certificates issued, or which may be issued, by the accounting officers of the Treasury in settlement of claims for pay, bounty, prize-money, or other moneys due to colored soldiers, sailors, or marines, or their legal representatives, shall be paid by the officers of the Pay department of the Army, under the direction of the Paymaster-General, who is already charged with the payment of like dues to white soldiers: *Provided, first*, That no such certificate shall be issued until it shall have been ascertained that the application is made by the original claimant, or, if he be dead, by his true living legal representative, nor until the identity of such claimant or representative, as the case may be, shall have been duly established: *Provided, That* if an agent or attorney be employed, the allowance for his services shall not in any case exceed that contemplated in the scale of fees and allowances fixed by the second section of a joint resolution approved July 26, 1866, entitled "Joint resolution amendatory of a joint resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs," approved June 15, 1866, and such allowance shall be stated in a separate certificate in favor of the agent or attorney simultaneously with the issue of a certificate for the amount due the claimant: *Provided further*, That the amount due the claimant, or his living representative, or the balance due after deducting the attorney's fee, if any, shall be paid only to the party named in the certificate, and in current funds or by post-office money-order, and not by checks or drafts; and no power of attorney, transfer, or assignment of the amount of such claims, or any part thereof, shall in any case be recognized; and the sum of \$4,000, or so much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1879, and \$10,000 for the fiscal year ending June 30, 1880, to meet the expenses incurred on account of payment of these claims, for salaries of agents and clerks, rent of offices, fuel and lights, stationery and printing, office furniture, mileage and transportation of officers and agents, telegraphing, postage, and post-office money-orders; and the sum of \$50,000 is hereby appropriated, under the title "Pay of two and three years' volunteers reapportioned," for the payment of such of the claims in question as may be covered by Treasury certificates issued after the passage of this act, and previous to July 1, 1880.

And provided further, That the sum or sums now held by the Treasurer of the United States, turned over to him, under the Attorney-General's decision of December 30, 1878, by the chief disbursing officer of the freedmen's branch of the Adjutant-General's Office, as the balance in said officer's hands of moneys due and unpaid on account of adjusted claims of the class contemplated in the first clause of this section, shall be turned over to the paymaster who may be charged by the Paymaster-General with the payment of such claims, to be by him paid to the proper claimants under the restrictions imposed in said section.

DISTRICT OF COLUMBIA.

SEC. 3. That the sum of \$1,583,361.56 be, and is hereby, appropriated for the purpose of paying one-half of the estimated expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1880, namely:

For improvements and repairs, as follows: Work on Boundary street auxiliary

sewer, \$100,000; lateral sewers, \$15,000; work upon sundry avenues and streets, \$100,000; replacement of pavements, at not to exceed \$2.25 per square yard, \$250,000; repairs to concrete pavements, \$100,000; material issued for permit work, \$15,000; in all, \$380,000.

For constructing, repairing, and maintaining bridges, as follows: Ordinary care of Benning's, Anacostia, and Chain bridges, including fuel, oil, lamps, matches, &c., \$1,200; replanking and painting Chain bridge, \$2,500; repairing Benning's bridge and its carriage-ways, \$2,500; raising embankments of Anacostia bridge and repairing piers and abutments, \$3,000; repairs of Rock Creek bridges, \$1,000; in all, \$10,200.

For maintaining institutions of charity, reformatories, and prisons, as follows: Washington Asylum: One commissioner, \$200; one intendant, \$800; one matron, \$600; one visiting physician, \$1,200; one resident physician, \$480; one resident physician, \$360; one clerk, \$480; one baker, \$120; six overseers, at \$500 each, \$3,000; one watchman, \$300; three watchmen, at \$180 each, \$540; one driver, \$120; one hostler, \$60; one cook, \$120; two cooks, at \$60 each, \$120; five nurses, at \$60 each, \$300; contingent expenses, including provisions, fuel, forage, lumber, hardware, shoes, dry goods, medicines, and miscellaneous items, \$33,300; total Washington Asylum, \$45,000.

Georgetown Almshouse: Support of inmates, \$1,800.

Hospital for the Insane: Board and clothing of inmates, \$17,000.

Transportation of paupers and conveying prisoners to workhouse, \$2,500.

Reform School, District of Columbia: Support of inmates, \$20,000: *Provided*, That all and singular the powers conferred and duties enjoined by existing laws upon the Department of Justice or the board of trustees relating to the Reform School in the District of Columbia be, and the same are hereby, transferred to the commissioners of the District of Columbia.

For the support and maintenance of the Columbia Hospital for Women and Ly-ing-in Asylum, \$12,000.

For the support and maintenance of the Children's Hospital, \$5,000.

For Saint Ann's Infant Asylum, \$5,000.

For the Industrial Home School, \$5,000.

For the National Association for Colored Women and Children, \$5,000.

For the Women's Christian Association, \$5,000: *Provided*, That the above specified amounts shall be paid to said institutions, by the commissioners of the District of Columbia, quarterly only, upon the presentation of a detailed report, accompanied by the proper vouchers, showing the receipts and disbursements for the preceding quarter: *And provided*, That hereafter no appropriation shall be made for any charities within the District of Columbia unless the same be included in the annual estimates of the commissioners, whose duty it is hereby made to include in said estimates such charities as they may think proper objects of public aid and support.

Relief of the poor, \$15,000; in all, \$138,300.

For the Washington Aqueduct as follows: Engineering, maintenance, and general repairs, \$20,000.

General expenses:

For salaries and contingent expenses as follows:

Executive office proper: Two commissioners, at \$5,000 each, \$10,000; one secretary, \$2,100; one clerk, \$1,500; one clerk, \$1,440; two temporary clerks, arranging, classifying, and preserving records of former governments, at \$3 per day each, \$1,878; one temporary clerk, arranging, classifying, and preserving records of former governments, at \$1.50 per day, \$469.50; one messenger, \$840; contingent expenses, including books, stationery, printing, and miscellaneous items, \$2,712.50; in all, \$21,000.

Auditor and comptroller's office: Auditor and comptroller, \$3,000; one book-keeper, \$1,800; one clerk, \$1,500; three clerks, at \$1,400, \$4,200; one clerk, \$1,200; contingent expenses, including furniture, books, stationery, and miscellaneous items, \$800; one clerk, in charge of special-assessment branch, \$2,160; two clerks, at \$1,200 each, \$2,400; one clerk, at \$3 per day, \$940; two clerks, at \$1.50 per day each, \$940; in all, \$19,000.

Sinking-fund office: Two clerks, at \$1,200, \$2,400; contingent expenses, \$300; in all, \$2,700.

Coroner's office: One coroner, \$1,800; contingent expenses, including books, stationery, and jury and witness fees, \$700; in all, \$2,500.

Collector's office: Collector, \$1,000; one clerk, \$1,500; one clerk, \$1,200; one clerk, \$1,000; one clerk, \$860; one clerk, at \$3 per day, \$940; one messenger, \$840; contingent expenses, including books, stationery, printing, and miscellaneous items, \$4,720; in all, \$13,800.

Attorney's office: One attorney, \$4,000; one assistant attorney, \$1,900; one special assistant attorney, \$960; one clerk, \$960; contingent expenses, including books, stationery, and miscellaneous items, \$988; in all, \$9,000.

Treasurer's office: Treasurer and assessor, \$2,400; one clerk, \$1,200; contingent expenses, including books, stationery, car-fare, &c., \$300; in all, \$3,900.

Inspector of buildings office: One inspector, \$2,400; one assistant inspector and draughtsman, \$1,700; one assistant inspector, \$1,000; one messenger, \$840; contingent expenses, including books, stationery, and miscellaneous items, \$300; in all, \$5,880.

Superintendent of assessments and taxes office: One superintendent, \$2,400; two clerks, at \$1,200, \$2,400; one messenger, \$720; contingent expenses, books, stationery, and miscellaneous items, \$2,280; in all, \$7,800.

Inspector of gas and meters office: One inspector, \$2,000; one assistant inspector, \$1,000; in all, \$3,000: *Provided*, That from and after the passage of this act the said officers shall be appointed by, and be under the control of, the commissioners of the District of Columbia.

Assessor's office: Two clerks, at \$1,200 each, \$2,400; one messenger, at \$1.50 per day, \$469.50; contingent expenses, including books, stationery, printing, temporary clerks, &c., \$4,380.50; in all, \$7,250.

Harbor-master of Georgetown, \$80; scaler of weights and measures, \$20; in all, \$100.

Engineer's office: One chief clerk, \$1,760; one clerk, \$1,440; five clerks, at \$1,200 each, \$6,000; one clerk, \$960; one clerk, \$960; one clerk, \$720; one clerk, at \$3.20 per day, \$1,001.60; one clerk, at \$3 per day, \$936; one computing engineer, \$2,400; one draughtsman, \$1,000; one leveler, \$1,600; two levelers, at \$4 per day each, \$2,504; two rodmen, at \$750 each, \$1,500; one axman, at \$2 per day, \$620; one axman, \$600; one inspector of asphalt pavements, \$2,400; one inspector, \$1,110; one inspector, at \$2.50 per day, \$82.50; eleven inspectors, at \$4 per day each, (employed for six months,) \$6,866; two overseers, at \$1,200 each, \$2,400; one overseer, \$960; one overseer, at \$4 per day, \$1,252; one superintendent of property, \$1,200; one watchman at property-yard, \$720; two watchmen at property-yard, at \$1.50 per day each, \$1,080; one inspector of fuel, at \$2 per day, \$626; one janitor of public buildings, \$720; two watchmen of public buildings, at \$600 each, \$1,200; one laborer, \$600; one laborer, \$480; one laborer, at \$1.25 per day, \$391.25; one laborer, at \$1.50 per day, \$469.50; one superintendent of permits, \$1,400; one sewer-tapper, \$1,000; two messengers, at \$600 each, \$1,200; one messenger, \$540; one driver, \$600; contingent expenses, books, stationery, &c., \$4,227.15; in all, \$55,000.

Fuel, ice, repairs, general miscellaneous expenses, and so forth, for District offices, \$3,000: *Provided*, That all the officers and employees hereinbefore mentioned shall devote their entire time and attention to the duties of the office they may fill, and shall not be allowed to engage in any other business.

For the public schools of the District of Columbia, as follows: One superintendent, \$2,700; one superintendent, \$2,250; one secretary, \$150; one clerk to committee of accounts, board of trustees, \$150; one clerk, \$900; one clerk, \$800; five teachers, at \$1,650 each, \$8,250; one teacher, \$1,600; two teachers, at \$1,350 each, \$2,700; one

teacher, \$1,300; one teacher, \$1,200; one teacher, \$1,100; fifteen teachers, at \$1,000 each, \$15,000; one teacher, \$900; two teachers, at \$850 each, \$1,700; twelve teachers, at \$900 each, \$10,800; ten teachers, at \$750 each, \$7,500; twenty teachers, at \$600 each, \$12,000; thirty-one teachers, at \$750 each, \$23,250; fifty-one teachers, at \$700 each, \$35,700; fifty-seven teachers, at \$650 each, \$37,050; eighty-three teachers, at \$600 each, \$49,800; twenty-five teachers, at \$550 each, \$13,750; ten teachers, at \$500 each, \$5,000; five teachers, at \$450 each, \$2,250; twelve teachers, at \$425 each, \$5,100; fifty teachers, at \$400 each, \$20,000; one temporary teacher, \$350; six teachers, at \$250 each, \$1,500; one janitor, \$1,140; one janitor, \$1,102; one janitor, \$1,067; one janitor, \$922; one janitor, \$914; one janitor, \$900; one janitor, \$880; one janitor, \$850; one janitor, \$822; one janitor, \$802; one janitor, \$602; one janitor, \$522; one janitor, \$524; one janitor, \$522; one janitor, \$540; one janitor, \$430; two janitors, at \$384 each, \$768; two janitors, at \$222 each, \$444; one janitor, \$250; one janitor, \$230; one janitor, \$225; one janitor, \$216; one janitor, \$192; three janitors, at \$172 each, \$516; one janitor, \$180; one janitor, \$150; two janitors, at \$160 each, \$320; one janitor, \$140; one janitor, \$92.23; six janitors, at \$86.40 each, \$518.40; twelve janitors, at \$80 each, \$960; three janitors, at \$120 each, \$360; four janitors, at \$60 each, \$240; eleven janitors, at \$54 each, \$594; nine janitors, at \$50 each, \$450; additional teachers and increase of pay by continuous service, \$22,000; rent of school buildings, \$30,000; fuel, \$12,000; repairs to school buildings, \$25,000; contingent expenses, including books, stationery, printing, insurance, and miscellaneous items, \$21,527.37; for the construction of two new school buildings, purchase of lots, and furniture, complete and ready for occupancy, at \$37,500 each, \$75,000; *Provided*, That two lots on square 12th, south side of Massachusetts avenue and west of Seventeenth street, belonging to the United States, may be used by the commissioners of the District for school purposes, and they may erect one of said school-houses thereon: *And provided*, That the inspector of buildings of the District shall have authority and control over and supervision of the construction and repairs of all school buildings if the commissioners deem best to delegate the same to him; in all, \$475,000.

For the Metropolitan police, as follows: One major and superintendent, \$2,500; one captain, \$1,600; one clerk, \$1,500; one clerk, \$1,200; three sergeants, at \$450 each, \$1,350; four detectives, at \$1,200 each, \$4,800; ten lieutenants, at \$1,200 each, \$12,000; twenty sergeants, at \$1,000 each, \$20,000; twenty-five privates, class 5, at \$900 each, \$22,500; forty privates, class 4, at \$940 each, \$37,600; fifty privates, class 3, at \$900 each, \$45,000; fifty privates, class 2, at \$860 each, \$43,000; forty-two privates, class 1, at \$825 each, \$34,650; sixteen station-keepers, at \$516 each, \$8,256; eight laborers, at \$420 each, \$3,360; two telegraph operators, at \$780 each, \$1,560; one messenger, \$700; one messenger, \$360; one major and superintendent, mounted service, \$360; one captain, mounted service, \$240; forty lieutenants, sergeants, and privates, mounted, at \$240 each, \$9,600; rent of police station-houses and police headquarters, \$6,200; fuel, \$1,543; repairs to station houses, \$1,200; miscellaneous expenses, including stationery, gas, telegraphing, ice, washing, printing, meals to prisoners, repairs to van, &c., \$10,000; in all, \$272,579. And the pay of the members of the Metropolitan police is fixed at the above rates, the commissioners of the District to make such regulations as to classification as they may deem proper: *Provided*, That all new appointments shall be made to class 1; *And provided*, That the number in any class shall not at any time exceed the number herein designated.

For the fire department and fire-alarm as follows: one chief engineer, \$1,800; one assistant engineer, \$1,400; one superintendent of fire-alarm telegraph, \$1,500; two telegraph operators, at \$1,000 each, \$2,000; eight firemen, at \$900 each, \$7,200; six engineers, at \$900 each, \$5,400; six firemen, at \$800 each, \$4,800; two firemen, at \$800 each, \$1,600; eight hostlers, at \$640 each, \$5,120; forty-eight privates, at \$720 each, \$34,560; six privates, at \$720 each, temporarily employed, \$4,320; repairs to engine-houses, \$1,000; fuel, \$500; purchase of horses, \$2,000; repairs to apparatus, \$5,000; contingent expenses, including hose, forage, stationery, horseshoeing, washing, and miscellaneous items, \$25,420; in all, \$103,300.

For the courts, as follows: Police court, one judge, \$3,000; one clerk, \$2,000; one deputy clerk, \$1,000; two bailiffs, at \$3 per day each, \$1,872; one messenger, \$900; one door-keeper, \$540; one justice of the peace, acting as judge in judge's absence, \$620; United States marshal's fees, \$2,316; rent of building for police court, \$1,700; contingent expenses, including books, stationery, fuel, ice, gas, witness fees, and miscellaneous items, \$2,046; judicial expenses, \$2,500; in all, \$18,500.

For the streets, as follows: Removal of garbage, \$10,355; street-lamps, lighting, extinguishing, and gas, \$122,630; *Provided*, That all and singular the powers conferred and duties enjoined by the act approved June 23, 1874, entitled "An act regulating gas works," be, and the same are hereby, transferred to the commissioners of the District of Columbia, and they shall also have the power to fix the size of the burner to be used upon the street-lamps; but the illuminating power shall not be reduced from that produced by the burners now in use; repairs to street-lamps, \$1,000; erection of street-lamps, \$1,500; matches for use of lamp-lighters, \$30; one superintendent, \$800; four lamp-lighters, at \$450 each, \$1,920; one lamp-lighter, \$120; Parking commission, one superintendent, \$900; one assistant superintendent, \$700; contingent expenses, including laborers, cart-hire, trees, tree-boxes, tree-straps, tree-stakes, planting and care of trees, whitewashing, care of parks, and miscellaneous items, \$13,400; Current work of repairs of streets, alleys, county roads, &c., one overseer of repairs, \$2,000; one clerk, \$1,900; four supervisors of roads, at \$900 each, \$3,600; labor, cart-hire, materials, and miscellaneous items, \$75,500; sweeping, cleaning, and sprinkling streets and avenues, \$35,100; cleaning alleys, \$7,500; repairs to pumps, \$2,500; cleaning Tiber sewer, \$10,000; in all, \$303,455.

For miscellaneous expenses, as follows: Markets: one market-master, \$1,650; one market-master, \$1,500; two market-masters, \$1,800; contingent expenses, including gas, repairs, and miscellaneous items, \$4,550; rent of market site and property yards, \$1,175; hay scales, \$200; rent of District offices, \$6,000; general advertising, \$7,000; miscellaneous items, books to register of wills, printing checks, damages, &c., \$6,500; in all, \$30,375.

For the health department, as follows: One health officer, \$3,000; six sanitary inspectors, at \$1,200, \$7,200; two food inspectors, at \$1,200 each, \$2,400; clerks, \$7,000; one poundmaster, \$1,000; contingent expenses, including books, stationery, fuel, rent, disinfectants, and miscellaneous items, \$3,800; in all, \$24,400; *Provided*, That no officer of the District of Columbia shall receive any compensation other than the salary herein provided, and no officer or employe of the District shall draw more than one salary or fill more than one office.

For the interest on funded debt, \$1,016,124.12.

For general contingent expenses of the government of the District of Columbia, \$20,000.

All moneys appropriated under this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited, to the credit of the Treasurer of the United States, in the Treasury, as required by the provisions of section 4 of an act approved June 11, 1878, and shall be drawn therefrom upon requisition of the commissioners of the District of Columbia, such requisitions specifying the appropriation upon which the same is drawn; and in no case shall such appropriations be exceeded, either in requisition or expenditure; and the accounts for all disbursements shall be made quarterly to the accounting officers of the Treasury by the auditor of the District of Columbia, upon vouchers certified by the commissioners of the District of Columbia, as now required by law. And section 2 of an act approved March 3, 1877, entitled "An act for the support of the government of the District of Columbia, for the fiscal year ending June 30, 1878, and for other purposes," be, and the same is hereby, repealed.

SEC. 4. That the fifth paragraph of that portion of the act of June 20, 1878, making appropriations for sundry civil expenses of the Government for the fiscal year 1879, and for other purposes, relating to the District of Columbia, be, and the same is hereby, amended so that the sum of money therein appropriated to pay the workmen of said District may be paid to those whose claims are

due and unpaid from contractors whose accounts against the government of said District had been paid in part or in full prior or subsequently to the passage of the act of June 23, 1874; and that no such claims shall be received, filed, or audited subsequently to the 1st of May, 1879: *Provided*, That the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workmen.

NOTE.—Total amount recommended by this bill is \$16,909,349.49; of which the sum of \$1,583,361.56 is for the District of Columbia.

New total, \$16,909,349.49.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 232) making an appropriation for the benefit of the penny-lunch house of Washington, District of Columbia;

A bill (H. R. No. 1008) relating to the Cumberland road in the State of Ohio, and to authorize the same to become a free road;

A bill (H. R. No. 1094) to remove the disabilities of Asa Wall imposed by the third section of the fourteenth article of the amendments to the Constitution of the United States;

A bill (S. No. 1039) to provide for the settlement of tax-lien certificates erroneously issued by the authorities of the District of Columbia;

A bill (H. R. No. 1679) for the relief of Catharine and Sophia Germain;

A bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States;

A bill (H. R. No. 3055) to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;

A bill (H. R. No. 3186) for the relief of the Commercial Bank of Knoxville, Tennessee;

A bill (H. R. No. 5477) to authorize the issue of certificates of deposit in aid of the refunding of the public debt;

A bill (H. R. No. 6150) authorizing the Secretary of the Navy to accept for the purposes of a voyage of exploration by way of Behring Strait the ship *Jeannette*, tendered by James Gordon Bennett for that purpose; and

A bill (H. R. No. 6225) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878.

WITHDRAWAL OF PAPERS.

Unanimous consent was given for the withdrawal of papers, as follows:

To Mr. WADDELL, in the case of Appleton Oaksmith, no adverse report having been made; and

To Mr. JONES, of Ohio, in the case of E. G. Allen, no adverse report having been made.

LEAVE TO PRINT.

Mr. CALDWELL, of Tennessee, asked and obtained leave to have printed in the RECORD, as a portion of the debates of the House, additional remarks on the bill (H. R. No. 3291) to refund to Hiram Johnson, and certain other citizens of Tennessee, taxes illegally collected from them by military orders, and the bill (H. R. No. 3293) for the relief of Mrs. Eliza E. Hebert, of the State of Louisiana. [See page 1735.]

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question is upon the motion of the gentleman from Tennessee [Mr. ATKINS] to suspend the rules and pass the bill which has just been read by the Clerk.

Mr. ATKINS. I ask unanimous consent that any gentleman who wishes to have printed in the RECORD remarks by him on the sundry civil appropriation bill have leave so to do.

There was no objection, and it was so ordered. [See Appendix.]

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I wish to ask if the question now pending before this House is the motion made by the gentleman from Tennessee [Mr. ATKINS] to suspend the rules and pass the bill that has just been reported by the Clerk, known as the sundry civil appropriation bill?

The SPEAKER. It is.

Mr. BLACKBURN. Then I desire to ask the gentleman from Tennessee, the chairman of the Committee on Appropriations, [Mr. ATKINS,] one question. It is this: does he, as the chairman of that important committee, in the face of the fact that this bill carrying appropriations in round numbers of \$19,000,000 was never in print until this morning, and every provision of which is utterly unknown to members of this House, save the members of the Committee on Appropriations—

Mr. ATKINS. Ask your question.

Mr. BLACKBURN. Does he think that this bill, under the operation of the previous question, with the gag fastened in the mouth of every member of this House, without any right to enter a protest against it by discussion or to offer an amendment should be passed here by such a process? [Cries of "Regular order!" "Regular order!"] If so, I ask the gentleman to join with us in at least having the yeas and nays in order that a record may be made.

Mr. GARFIELD. I think we ought to have an answer to the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. BLACKBURN. I say so too.

Mr. ATKINS. Very well. I have made the motion and I do not think the question needs any other answer. The bill is not much more than half the estimates.

Mr. BLACKBURN, (amid cries of "Regular order!") I only desire to add that it is this dangerous class of legislation to which I object. It is hazardous. I believe, sir, that the committee, and I am sure that the honorable chairman, was moved by no purpose save an honest effort to expedite the legislation of this House. I simply protest that we may not dare to establish such a precedent.

The question was taken upon the motion of Mr. ATKINS; and upon a division there were—ayes 113, noes 62; not two-thirds in the affirmative.

Before the result of the vote was announced,

Mr. ATKINS and Mr. BLACKBURN called for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 182, nays 79, not voting 29; as follows:

YEAS—182.

Aiken,	Dickey,	Jones, John S.	Robinson, G. D.
Aldrich,	Durham,	Keifer,	Robinson, M. S.
Atkins,	Dwight,	Keightley,	Ross,
Bagley,	Eames,	Kelley,	Ryan,
Bailey,	Eden,	Kenna,	Sampson,
Baker, John H.	Errett,	Kimmel,	Sapp,
Baker, William H.	Evans, I. Newton	Knapp,	Saylor,
Ballou,	Evans, James L.	Landers,	Scales,
Banks,	Felton,	Lapham,	Shallenberger,
Bell,	Finley, Jesse J.	Lathrop,	Shelley,
Benedict,	Forney,	Ligon,	Singleton,
Bliss,	Foster,	Lindsey,	Smalls,
Blount,	Frye,	Lockwood,	Sparks,
Boone,	Fuller,	Loring,	Springer,
Bouck,	Garfield,	Luttrell,	Starin,
Boyd,	Garth,	Lynde,	Stenger,
Bragg,	Gause,	Mackey,	Stewart,
Bridges,	Giddings,	Maish,	Stone, John W.
Buckner,	Glover,	Majors,	Stone, Joseph C.
Bundy,	Goode,	Martin,	Swann,
Burchard,	Gunter,	McGowan,	Thompson,
Burdick,	Hale,	McKinley,	Throckmorton,
Caldwell, John W.	Hamilton,	McMahon,	Townsend, Amos
Caldwell, W. P.	Hanna,	Metcalfe,	Townsend, M. I.
Camp,	Hardenbergh,	Money,	Townsend, R. W.
Candler,	Harris, Benj. W.	Monroe,	Turney,
Cannon,	Harris, Henry R.	Morgan,	Vance,
Carlisle,	Harris, John T.	Morrison,	Van Vorhes,
Chittenden,	Harrison,	Morse,	Wait,
Clark, Alvah A.	Hart,	Neal,	Warner,
Clark, Rush	Hartzell,	Norcross,	White, Michael D.
Clymer,	Haskell,	Oliver,	Wigginton,
Cobb,	Hatcher,	Overton,	Williams, Andrew
Cole,	Hayes,	Patterson, G. W.	Williams, C. G.
Collins,	Hazelton,	Patterson, T. M.	Williams, James
Cook,	Hendee,	Peddie,	Williams, Jere N.
Covert,	Henderson,	Pollard,	Williams, Richard
Crapo,	Henry,	Potter,	Willis, Benj. A.
Crittenden,	Hewitt, Abram S.	Pound,	Willits,
Culbertson,	Hewitt, G. W.	Price,	Wood,
Cummings,	Hiscoek,	Rainey,	Wren,
Davidson,	Hubbell,	Reagan,	Wright,
Davis, Horace	Itner,	Reilly,	Yeates,
Davis, Joseph J.	James,	Rice, William W.	Young, Casey.
Deering,	Jones, Frank	Robbins,	
Denison,	Jones, James T.	Roberts,	

NAYS—79.

Acklen,	Conger,	House,	Rice, Americus V.
Bacon,	Cravens,	Humphrey,	Robertson,
Bayne,	Cutler,	Hungerford,	Sexton,
Beale,	Danford,	Hunter,	Sinnickson,
Bicknell,	Dibrell,	Hunton,	Slemmons,
Blackburn,	Dunnell,	Joyce,	Smith, A. Herr
Elair,	Eickhoff,	Knott,	Smith, William E.
Brentano,	Elam,	Manning,	Southard,
Brewer,	Ellis,	Marsh,	Steele,
Briggs,	Ellsworth,	McCook,	Tipton,
Bright,	Evins, John H.	McKenzie,	Tucker,
Brogden,	Ewing,	Mills,	Turner,
Browne,	Finley, Ebenezer B.	Mitchell,	Waddell,
Cabell,	Fort,	Muldrow,	Ward,
Calkins,	Franklin,	O'Neill,	Watson,
Campbell,	Gardner,	Page,	White, Harry
Caswell,	Harmer,	Phillips,	Whithorne,
Chalmers,	Henkle,	Pridemore,	Willis, Albert S.
Clarke of Kentucky,	Herbert,	Pugh,	Young, John S.
Clark of Missouri,	Hooker,	Randolph,	

NOT VOTING—29.

Fanning,	Dean,	Muller,	Thornburgh,
Beche,	Fleming,	Phelps,	Veeder,
Bland,	Freeman,	Powers,	Walker,
Butler,	Gibson,	Rea,	Walsh,
Cain,	Jorgensen,	Reed,	Wilson.
Cladin,	Ketcham,	Riddle,	
Cox, Jacob D.	Killinger,	Stephens,	
Cox, Samuel S.	Mayham,	Strait,	

So, two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

During the roll-call the following announcements were made:

Mr. DAVIS, of California. I am paired generally with the gentleman from West Virginia, Mr. WILSON; but this not being a political question I vote "ay."

Mr. POTTER. Is this bill reported from any committee?

Mr. ATKINS. It is a unanimous report from the Committee on Appropriations.

Mr. POTTER. Then I vote "ay."

Mr. STRAIT. On this question I am paired with the gentleman from Missouri, Mr. REA.

Mr. O'NEILL. My colleague, Mr. FREEMAN, and the gentleman from Tennessee, Mr. RIDDLE, are paired.

ORDER OF BUSINESS.

Mr. KELLEY. I move that the House adjourn.

Mr. MONROE. Mr. Speaker—

Mr. SPRINGER. I rise to a question of privilege.

The SPEAKER. The Chair recognizes as the gentleman next entitled to move a suspension of the rules the gentleman from Ohio, [Mr. MONROE:] but the gentleman from Illinois [Mr. SPRINGER] states that he rises to a question of privilege.

CONTUMACIOUS WITNESS—GEORGE F. SEWARD.

Mr. SPRINGER. I desire to call up the reports submitted on Saturday last with reference to George F. Seward, a contumacious witness. I ask that the order proposed by the committee be now adopted; and to-morrow, when the report is made in pursuance of that order, the matter will be open for discussion.

Mr. GARFIELD. What is the proposed order?

Mr. SPRINGER. That Mr. Seward be brought to the bar of the House to show cause why he should not be punished for contempt.

The SPEAKER. It is merely an order to show cause—a preliminary order.

Mr. SPRINGER. When Mr. Seward appears at the bar in pursuance of the order to show cause the questions involved will then come up for discussion.

Mr. BUNDY. The minority report proposes resolutions antagonizing the order proposed by the majority of the committee. I suppose the resolutions of the minority will come in properly as a substitute for the majority report.

The SPEAKER. The report proposes merely a preliminary order, which is usual in such cases.

Mr. SPRINGER. I have never known a preliminary order of this kind to be refused.

Mr. HALE. We do not want anything to go over as unfinished business until to-morrow, to interfere with the consideration of the legislative appropriation bill.

The SPEAKER. The gentleman from Illinois rises to a question of high privilege.

Mr. HALE. Still the question of consideration can be raised?

The SPEAKER. It can.

Mr. HALE. I hope the chairman of the Committee on Appropriations will raise the question of consideration against anything that will interfere with the appropriation bill.

Mr. ATKINS. I cannot agree to any arrangement to take up any subject in preference to the legislative bill.

Mr. SPRINGER. I do not desire to make any arrangement. I move the previous question upon the proposition reported by the majority of the committee.

Mr. HALE. I raise the question of consideration.

Mr. SPRINGER. I hope that the resolutions submitted by the gentleman from New York [Mr. BUNDY] at the close of the minority report will be considered pending as a substitute for the order proposed by the majority.

Mr. BOYD. I move that the House adjourn.

Mr. BUNDY. I desire to have read at the Clerk's desk the resolutions submitted by the minority of the committee as a substitute for the resolution of the majority.

The SPEAKER. The gentleman from Illinois, as the Chair understands, has not submitted any resolution.

Mr. SPRINGER. The proposition of the majority of the committee is the proposed order appended to their report.

Mr. BURCHARD. The Chair understands that the question of consideration is raised?

The SPEAKER. The gentleman from Maine raises the question of consideration, as he has a right to do; but the Chair desires to understand the proposition of the gentleman from Illinois.

Mr. SPRINGER. I ask that the order appended to the report of the majority be read.

The Clerk read as follows:

Ordered, That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of George F. Seward, and him bring to the bar of the House, to show cause why he should not be punished for contempt; and, in the mean time, keep the said George F. Seward in his custody to abide the further order of the House.

The SPEAKER. The Chair now asks that the proposition of the gentleman from New York [Mr. BUNDY] may be read, after which the gentleman from Illinois will be recognized as demanding the previous question; but before that question is taken the Chair is bound to recognize the gentleman from Maine on the question of consideration.

Mr. BUNDY. I ask that the resolutions proposed by the minority of the committee be read.

Mr. HALE. Let the minority resolutions be read.

The SPEAKER. The Chair, thinking it fair that both propositions

should be before the House, has directed the Clerk to read the resolutions proposed by the minority.

The Clerk read as follows:

Resolved, That the reasons given by Hon. George F. Seward, through his counsel to the committee are legally sufficient to excuse his failure to produce the books described in the *subpoena duces tecum*, and his standing mute when tendered the oaths required by the resolutions of the committee adopted by a majority of this committee, and his conduct in the premises, are not contumacious but excusable by the Constitution and laws of the United States and the acts of Congress pertaining thereto.

Resolved, That the Speaker should not issue a warrant directing the Sergeant-at-Arms to take into custody the body of George F. Seward, to the end that he be brought to the bar of the House to show cause why he should not be punished for contempt.

The SPEAKER. The gentleman from Maine raises the question of consideration.

Mr. GARFIELD. Allow me to make a parliamentary inquiry. Does the Speaker decide that if the question of consideration were not raised it would be competent for us as a preliminary proceeding to bring this person to our bar before we decide the question presented in this case? The very question now pending as between the majority and the minority of the committee is whether there is any cause for bringing this man here at all. We ought not to bring him here if there is a probability that on hearing the considerations *pro* and *con* to be presented by the two branches of the committee we may decide that there is nothing requiring him to be brought here.

I would therefore suggest that we ought not to be called upon to decide the question in this summary way. The reports have only come before us to-day. We did not receive our RECORDS yesterday, as we usually do on Sunday; and we have only seen these reports since the session opened this morning. I hope gentlemen on both sides of the House see the propriety of letting this question lie over until to-morrow, when members can read the majority and minority reports.

The SPEAKER. The Chair recognizes that it is a question of privilege.

Mr. GARFIELD. Very well; let it lie over for the present.

The SPEAKER. So far as the Chair knows, it has been held uniformly that the refusal or failure of a witness to appear before a committee of the House and testify was a question of privilege. On that ground the Chair recognized the gentleman from Illinois, but he also recognized the right of the gentleman from Maine to raise the question of consideration.

Mr. MILLS. I desire to ask a question for information.

Mr. GARFIELD. We certainly ought to know all there is about the case before we are called upon to act.

Mr. MILLS. Is Mr. Seward charged with the commission of any crime?

The SPEAKER. The Chair is unable to answer the gentleman's question.

Mr. MILLS. I wish to put a question to the gentleman from Illinois.

Mr. SPRINGER. I am about to make a brief explanation.

Mr. MILLS. What is the charge against Mr. Seward?

Mr. SPRINGER. That is what I wish to state. I had hoped, Mr. Speaker, that no effort would be made by any member of the House to resist the passage of an order on a contumacious witness that he might be brought to the bar of the House to show cause why he should not be committed for contempt.

Mr. HALE. The gentleman can wait until we get through with the legislative appropriation bill.

Mr. BURCHARD. Have we the right to arrest an executive officer?

Mr. SPRINGER. That question has never been raised.

Mr. HALE. We shall not suffer if this matter goes over until after the legislative appropriation bill. I ask to have the question of consideration tested.

The SPEAKER. Debate is not in order upon the question of consideration.

Mr. SPRINGER. Have I not the floor in right of making the motion?

The SPEAKER. Debating the question would be the consideration of it, and the gentleman from Maine would be debarred thereafter from raising the question of consideration. He has the right primarily to raise that question.

Mr. SPRINGER. I wish only to state to the House that there is no intention to prevent full discussion of the question upon its merits. I desire that should be done. There never has been, so far as I can find, any precedent in the House of opposition to such an order to show cause.

Mr. CONGER. I object to debate.

The SPEAKER. Debate is not in order.

Mr. SPRINGER. We can settle this in a moment.

The SPEAKER. The Chair will submit the question of consideration to the House, as the gentleman from Maine insists upon it.

Mr. HALE. Yes; I insist that this shall be postponed until after the legislative appropriation bill.

Mr. SPRINGER demanded a division.

The House divided; and there were—ayes 85, noes 105.

Mr. SPRINGER demanded the yeas and nays.

Mr. ATKINS. I hope the gentleman will not insist upon that.

Mr. SPRINGER. If there be no opposition to calling this question up in the morning, I will withdraw the demand for the yeas and nays.

The SPEAKER. The Chair is advised by the gentleman from Maine that he will not object to its being called up after the legislative appropriation bill has been disposed of.

Mr. SPRINGER. I do not know how long it will take to do that.

Mr. ATKINS. It will take but a little while. I appeal to the gentleman to withdraw his demand for the previous question.

Mr. SPRINGER. I do withdraw the demand for the previous question, and now give notice I will call this question up after the legislative appropriation bill has been disposed of.

So the House refused to proceed to the consideration of the report from the Committee on Foreign Affairs.

ORDER OF BUSINESS.

Mr. ELLIS. I move that there be a session to-night for the discussion of the report from the Committee on Elections of the contested-election case from the first congressional district in the State of South Carolina.

Mr. COX, of New York. Let me say in connection with this business that I do not wish to lose my right to call up the census bill as soon as the appropriation bill is disposed of.

The SPEAKER. No right will be lost.

Mr. COX, of New York. I do not give way to China or Japan or any other condition of things in this country.

Mr. ELLIS. I desire to state to the House that my purpose is, if my motion prevails, to call up for discussion this evening the contested-election case from the first congressional district of South Carolina.

Mr. PRICE. I move the House adjourn.

The SPEAKER. The gentleman from Louisiana has the right at any time to call up that question as one of the highest privilege.

Mr. SPARKS. It is the intention to call it up this evening for discussion only.

Mr. ELLIS. That is all, and not for action.

Mr. CONGER. I hope that will not be called up until all the bills are enrolled, as we cannot spare the South Carolina gentleman until after that. [Laughter.]

The SPEAKER. It is proposed to have the session this evening for debate only on that case.

Mr. CONGER. I speak to the order of business and the necessities of the House.

Mr. PRICE. I move the House adjourn, and ask for a vote.

Mr. WHITE, of Pennsylvania. I hope there will be no adjournment, but that we will take a recess until to-morrow at ten o'clock, as the hour from ten to eleven has been set apart for the reports from the Committee on Military Affairs.

Mr. ELLIS. I call for a division.

The House divided; and there were—ayes 110, noes 100.

INTERNAL-REVENUE BILL.

The SPEAKER. The Chair desires to announce as the conferees on the part of the House on what is known as the internal-revenue bill, Mr. TUCKER of Virginia, Mr. ROBBINS of North Carolina, and Mr. BURCHARD of Illinois.

ORDER OF BUSINESS.

Mr. ELLIS. I give notice that to-morrow morning after the reading of the Journal I shall ask the House to proceed to the consideration of the election case.

Mr. CLARK, of Missouri. I call for tellers on the motion to adjourn.

Tellers were ordered; and Mr. CLARK, of Missouri, and Mr. PRICE were appointed.

Mr. LUTTRELL. I desire to make a parliamentary inquiry: Is it proposed that this night session shall be for anything else than speaking?

The SPEAKER. There has been no night session ordered. This is a motion to adjourn, to cut off a night session.

Mr. LUTTRELL. And if that is voted down, then there will be a night session.

The SPEAKER. If the motion to adjourn is voted down, then the House may determine that there shall be a night session for debate only.

The House again divided; and the tellers reported—ayes 117, noes 101.

The SPEAKER. Before announcing the vote, the Chair desires to have the attention of the House for a moment. On Friday of last week an order was made that the House at the close of business to-day should take a recess until to-morrow morning at ten o'clock, when reports should be in order from the Committee on Military Affairs; no report, however, to be made or acted upon except by unanimous consent. The effect of the House adjourning now would be to cut off that power from the Military Committee. The Chair therefore suggests to the gentleman from Iowa [Mr. PRICE] to modify his motion so that, instead of adjourning, the House shall take a recess until to-morrow morning at ten o'clock.

Mr. PRICE. I ask unanimous consent to modify the motion in accordance with the suggestion made by the Chair.

There was no objection.

The result of the vote was then announced as above stated; and accordingly (at five o'clock and twenty minutes p. m.) the House took a recess until Tuesday morning at ten o'clock a. m.

AFTER THE RECESS.

The recess having expired the House reassembled at ten o'clock a. m., (Tuesday, 25th February.)

RELEASE OF LANDS.

Mr. MCCOOK, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be authorized and empowered, in his discretion, to release to the people of the State of New York, their successors and assigns, a right of way, not exceeding six rods in width, upon and across the land owned and possessed by the United States, in the town of Plattsburgh, Clinton County, New York, for railroad purposes, and also a lot or piece of land in the northeast corner of said land, owned by the United States, at said Plattsburgh, for depot and other railroad purposes, not to exceed, however, ten acres, subject to such restrictions as the Secretary of War may think necessary to protect the interests of the United States; the said right of way and premises to be used exclusively for the purpose of constructing and operating the railroad authorized to be built by an act of the Legislature of the State of New York, entitled "An act authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison," passed April 19, 1878.

SEC. 2. That the Secretary of War be authorized and empowered, in his discretion, to lay out and continue Hamilton street, in the said town of Plattsburgh, across the said lands of the United States, to the lot or piece of land which the Secretary of War may release to the people of the State of New York by the first section of this act, and to dedicate the same to the public use as a public highway.

The amendment of the committee was read, as follows:

In section 1, line 11, strike out "ten" and insert "two," so that it will read: "not to exceed, however, two acres."

The amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCOOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPRINGFIELD AND NEW LONDON RAILROAD COMPANY.

Mr. MCCOOK also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4872) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company.

The bill was read, as follows:

Be it enacted, &c., That the right of way by means of a bridge over and across the Water Shops Pond, so called, belonging to the United States, in Springfield, Massachusetts, is hereby granted to the Springfield and New London Railroad Company, for railroad purposes, the same to be used and enjoyed by said company at the same point and in the same location and extent that a way is now used by said company by means of the bridge heretofore constructed with the approval of the Secretary of War: *Provided*, That whenever said right of way shall cease to be used for the purposes aforesaid, the same shall revert to the United States: *And provided further*, That the right to repeal, alter, or amend this act is reserved to Congress.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCOOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUSH VALLEY MILITARY RESERVATION.

Mr. MCCOOK also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3811) to provide for the transfer of the Rush Valley military reservation, in the Territory of Utah, to the Department of the Interior.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to relinquish and turn over to the Department of the Interior, for restoration to the public domain, the Rush Valley military reservation, in Utah Territory; and that the Secretary of the Interior shall cause the said reservation to be surveyed and divided into lots, not exceeding one hundred and sixty acres, of such forms and of such quantities of acres as shall be calculated, as far as practicable, to promote the public interest, by a suitable distribution of the water privileges within said reservation; and he shall offer such lots, severally, at public sale, to the highest bidder, not below the minimum price provided by law; and any lots left unsold after such offering at public sale shall be held for disposal as other public lands: *Provided*, That notice of such public sale shall be advertised for ninety days in two newspapers, one published in the capital of the Territory of Utah, and the other at a point nearest to the place of sale.

Mr. EDEN. I object to the present consideration of the bill.

Mr. MCCOOK. I ask that the report be printed in the RECORD. Certainly something ought to be done with those reservations that are abandoned. They ought to be transferred to the Department of the Interior.

There was no objection, and the report was ordered to be printed in the RECORD. It is as follows:

Mr. McCook, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was submitted the bill (H. R. No. 3811) for the transfer of the Rush Lake military reservation, in the Territory of Utah, to the Department of the Interior, have had the same under consideration and beg to submit the following:

On the 29th of October, 1877, a bill (H. R. No. 779) was introduced and referred to the Committee on Military Affairs, asking the right of way for the Utah Western Railroad through the reservation referred to. As a result of the investigation it was found that the reservation had been practically abandoned; that no use had been made of it for years for military purposes; and that, although the War De-

partment had legal control of it, it was willing that the transfer should be made to the Department of the Interior.

The reservation was declared such by the President, February 4, 1855, and contains 5,131.47 acres. On the 6th of March, 1869, the Secretary of War stated that it was no longer required for military purposes, and recommended that it should be disposed of in such manner as might be most advantageous to the United States. This recommendation was renewed, January 23, 1874, in response to an inquiry from the Committee on Military Affairs, and it was accompanied by a letter from General Ord, then commanding the Department of the Platte, stating that no use was made of it, and calling attention to the value of a portion of it which appeared to be well watered in a region where water was scarce. This paper was indorsed and approved by General Sheridan. The indorsement of the Adjutant-General shows that it was no longer used or required for military purposes, and that the War Department, by letter, December 13, 1869, had relinquished it to the Interior Department.

On the 17th April, 1876, Secretary of War Taft, in answer to an inquiry in regard to House bill No. 2652, Forty-fourth Congress, stated that the Department, having recommended the transfer, had no objection to the bill. On the 26th July, 1873, the same Department called the attention of the Interior Department to the fact that the consent of Congress was necessary to perfect the relinquishment by that Department, and referred to the opinion of the Attorney-General, May 24, 1873, in a similar case in California, and that as such consent had not been given the custody of the reservation must be retained by the War Department until the transfer was authorized.

Such is the present condition of the reservation, and your committee are unanimously of the opinion that the formal transfer should be made without unnecessary delay.

On the 24th of May, 1874, during the first session of the Forty-third Congress, the House of Representatives passed House bill No. 3434. A copy of this bill was sent to the Secretary of the Interior and the Commissioner of the Land Office asking their opinion of it, and their letters approving it, marked "A" and "B," are attached and made a part of this report.

The present bill, with the exception of the words "not exceeding one hundred and sixty acres," in line 8, is a copy of the one submitted to the officers referred to; and the words were inserted by your committee, because they believe the Government will thereby secure more favorable terms for the land when sold.

Your committee therefore recommend the passage of the bill.

"A."

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 20, 1878.

SIR: Your letter of the 13th instant, asking for an expression of opinion on House bill 3434, Forty-third Congress, first session, for the disposal of the Rush Valley military reservation, Utah Territory, was received and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith a copy of his report on the subject, under date of the 18th instant, and to add that no reasons are known to the Department why the said reservation should not be transferred and disposed of in the manner provided in the bill.

I am, sir, very respectfully, your obedient servant,

C. SCHURZ, Secretary.

Hon. A. G. MCCOOK,
House of Representatives.

"B."

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., February 18, 1878.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of letter dated the 13th instant, from Hon. A. G. McCook, House of Representatives, inclosing bill H. R. No. 3434, Forty-third Congress, first session, to provide for the disposal of the Rush Valley military reservation in Utah Territory; also, inclosing letter from Secretary of War, dated December 3, 1877, addressed to the Speaker of the House of Representatives, and stating that he has no objection to House bill No. 779, providing for the granting of the right of way through said military reservation to the Utah Western Railroad Company. The War Department having already recommended the transfer of the reservation to the Interior Department, Hon. Mr. McCook asks the views of the Department upon the bill H. R. 3434 above referred to.

This reservation was declared by President's order of February 4, 1855, and is situated in townships 4 and 5 south, range 5 west, Utah. The lines of public surveys were closed upon its out-boundaries in 1856. It was relinquished by the Secretary of War to the Secretary of the Interior December 13, 1869. Subsequently, namely July 29, 1873, the relinquishment was revoked and jurisdiction over it was resumed by the Secretary of War until an act of Congress should authorize its disposal. This office sees no objection to the passage of said bill No. 3434 of Forty-third Congress. The letter of Hon. Mr. McCook, with inclosures and wrapper, is herewith returned.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. CARL SCHURZ,
Secretary of the Interior.

A. B. ROWDON.

Mr. DIBRELL, from the Committee on Military Affairs, reported a bill (H. R. No. 6508) for the relief of A. B. Rowdon, of Meigs County, Tennessee, late a second lieutenant in the Eleventh Regiment Tennessee Cavalry, United States Volunteers; which was read a first and second time.

The bill, which was read, directs the proper accounting officers in the Treasury Department to pay A. B. Rowdon, of Meigs County, Tennessee, the pay due him as a second lieutenant of cavalry from the 31st day of August, 1863, to the 2d day of February, 1864, deducting all payments heretofore made to said Rowdon as first sergeant in said regiment.

Mr. ATKINS. I do not think I can vote for that bill while I know nothing about it.

Mr. DIBRELL. It is a unanimous report from the Committee on Military Affairs. This man was promoted five months before he was mustered and was only paid from the day of his muster. This gives him his pay. I hope my friend will not make any point of order on the bill.

Mr. ATKINS. How much does the bill propose to pay him?

Mr. DIBRELL. It proposes to give him five months' difference of pay between second lieutenant and first sergeant.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS FOR HORSES, ETC.

Mr. DIBRELL. I am also instructed by the Committee on Military Affairs to report, as a substitute for House bill No. 3331, a bill to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States.

The bill was read.

Mr. EDEN. I would like to ask the gentleman from Tennessee if this bill applies to any claims except those which accrued out of the late war.

Mr. DIBRELL. It does not. It simply revives and extends the time for five years.

Mr. EDEN. They have had a good deal of time already.

Mr. RANDOLPH. I wish to inquire of the gentleman from Tennessee if the bill covers property other than horses and equipments?

Mr. DIBRELL. It does not.

Mr. RANDOLPH. Then, why not pay the men who lost bacon and corn?

Mr. EDEN. They have three or four tribunals to which they can appeal.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. BOUCK. I object.

DR. JOHN BLANKENSHIP.

Mr. DIBRELL also, from the Committee on Military Affairs, reported a bill (H. R. No. 6509) for the relief of Dr. John Blankenship.

The bill was read. It directs the proper accounting officers of the War Department to change the muster-out and discharge of Dr. John Blankenship, late assistant surgeon of the Third Regiment Tennessee Volunteers so as to make it bear date the 24th of April, 1863, the date of his discharge, and that the said John Blankenship be paid the balance of his salary due him for said service up to the 24th of April, 1863, deducting former payments.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN BECKER.

Mr. DIBRELL also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3635) for the relief of John Becker.

The bill was read. It authorizes and directs the Secretary of War to pay to John Becker, late captain of Company I of the One hundred and eighty-first Regiment of Ohio Volunteer Infantry, the pay and allowances of a captain of infantry from the 29th day of September, 1864, to the 20th day of October, 1864.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CHARLES H. MOSELY.

Mr. DIBRELL also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 401) for the relief of Charles H. Mosely.

The bill was read. It directs the accounting-officers of the Treasury Department to allow and cause to be paid to Charles H. Mosely, a second lieutenant of Company K, Forty-seventh Kentucky Volunteer Infantry, (mounted,) the pay of a second lieutenant for the time served as such second lieutenant by the said Mosely between the date of his commission and the 13th of November, 1864, or the date from which he received pay as such second lieutenant, without regard to the date of his muster into service as second lieutenant of the company and regiment.

Mr. TOWNSHEND, of Illinois. Is there a report accompanying the bill?

The SPEAKER. Does the gentleman object to the bill?

Mr. TOWNSHEND, of Illinois. No; I only ask for the reading of the report.

The Clerk read the report, as follows:

The Committee on Military Affairs, to whom was referred Senate bill No. 401, for the relief of Charles H. Mosely, late second lieutenant Forty-seventh Kentucky Mounted Infantry, having had the same under consideration, respectfully report the same back, and adopt Senate report No. 93, hereto attached, and recommend the passage of Senate bill.

Mr. PLUMB, from the Committee on Military Affairs, submitted the following report, (to accompany bill S. No. 401):

The Committee on Military Affairs, to whom was referred the bill (S. No. 401) for the relief of Charles H. Mosely, have had the same under consideration, and submit the following report:

"A similar bill has once been considered by the committee, and passed the Senate, but was not acted upon in the House. The evidence shows that Mosely was commissioned second lieutenant of the Forty-seventh Kentucky Mounted Infantry, September 9, 1864. He was not mustered because of the failure of one McCracken, the person whose promotion caused the vacancy, to appear for muster. The evidence is conclusive that Lieutenant Mosely entered upon duty immediately upon receipt of his commission, and rendered faithful service. In reference to his claim

the Secretary of War says: 'There seems but little doubt that he rendered service as second lieutenant from September 9, 1864, to November 30, 1864.'

"The committee therefore recommend the passage of the bill, with an amendment: Insert at the end of the printed bill the words 'deducting any sum that he may have received as the pay of a non-commissioned officer or private for the same period.'

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COL. LYMAN M. KELLOGG.

Mr. MARSH, from the Committee on Military Affairs, reported a bill (H. R. No. 6510) for the relief of the widow of Colonel Lyman M. Kellogg, as a substitute for House bill No. 1011; which was read a first and second time.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Caroline E. Kellogg, widow of Major Lyman M. Kellogg, late of the United States Army, deceased, an amount equal to the monthly pay, rations, compensation, and emoluments fixed by law to a captain of United States Infantry from the 11th day of August, 1862, to the 1st day of June, 1864, that being the time during which the said Lyman M. Kellogg was out of the service under an illegal dismissal, for which he received no pay; provided that said sum shall be in full satisfaction and discharge of all claims for services, pay, rations, compensations, and emoluments of the said Lyman M. Kellogg, for the time aforesaid.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARSH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW MEXICO MOUNTED VOLUNTEERS.

Mr. EVINS, of South Carolina, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 837) for the relief of the officers and privates of the New Mexico Mounted Volunteers.

The bill was read. It provides that the Court of Claims shall take jurisdiction of and adjudge the claims of officers and privates of the New Mexico Mounted Volunteers in the service of the United States during the war of the rebellion, on account of losses of horses and equipments, although the same shall not be presented within six years from the time they accrued; provided that no such claim shall be considered unless the petition setting forth the same shall be filed within one year from the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT FETTERMAN.

Mr. EVINS, of South Carolina, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 901) to authorize the Secretary of War to relinquish certain portions of the United States military reservation of Fort Fetterman, Wyoming Territory.

The bill was read.

Mr. HALE. Is not that a public bill? The agreement was that none but private bills should be reported this morning.

The SPEAKER. Does the gentleman object to the consideration of the bill?

Mr. HALE. I only insist upon carrying out the agreement.

THIRD ARKANSAS CAVALRY VOLUNTEERS.

Mr. EVINS, of South Carolina, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 333) for the relief of Thomas J. Choate, Erastus Foster, Milton Ladd, Clarence E. Haney, William A. Hill, Kneeland F. Huckaby, and William Blackburn, late privates in Company F, Third Regiment Arkansas Cavalry Volunteers.

The bill directs the Secretary of War to amend the records of Thomas J. Choate, Erastus Foster, Milton Ladd, Clarence E. Haney, William A. Hill, Kneeland F. Huckaby, and William Blackburn, late privates in Company F, Third Regiment Arkansas Volunteer Cavalry, by causing the charge of desertion to be removed.

The bill was ordered to a third reading, read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATE WAR CLAIMS OF 1812.

Mr. EVINS, of South Carolina. I am directed by the Committee on Military Affairs to report back, with a favorable recommendation, House bill No. 940, to provide for the recomputation of the accounts between the United States and the several States growing out of moneys expended by said States in the war of 1812.

Mr. HALE. I object to that bill; that is a public bill.
Mr. EVINS, of South Carolina. Then I withdraw it.

GALVESTON ARTILLERY, TEXAS.

Mr. EVINS, of South Carolina, from the same committee, reported back, with a favorable recommendation, the joint resolution (H. R. No. 15) authorizing the Secretary of War to issue to the governor of the State of Texas certain arms for the use of the Galveston Artillery.

The joint resolution directs the Secretary of War to issue to the governor of the State of Texas, for the use of the Galveston Artillery, four iron rifled field-pieces of artillery, with proper carriages, equipments, and caissons, suitable for drill and practice, out of any class of guns now held by the Ordnance department and not needed for actual service.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARION ARTILLERY, CHARLESTON, SOUTH CAROLINA.

Mr. EVINS, of South Carolina, from the same committee, reported back, with an amendment, the bill (H. R. No. 3155) to authorize the Secretary of War to deliver to A. B. Rhett, T. Pinckney Lowndes, and others, four Napoleon guns, with caissons and harness, now at Greensborough, North Carolina, for the use of the Marion Artillery, Charleston, South Carolina.

The bill directs the Secretary of War to turn over and deliver to the following-named persons, to wit: A. Burnet Rhett, T. Pinckney Lowndes, James L. Robinson, and W. James Whaley, all of the State of South Carolina, a battery of four guns, (Napoleons,) together with the carriages, caissons, harness, and accoutrements to the same belonging, now held in store by the United States Government at the arsenal at Greensborough, in the State of North Carolina; which said battery formerly belonged to a corporation known as the Marion Artillery, of Charleston, in the State of South Carolina.

The amendment was to add to the bill the following:

Provided, That the persons before named shall enter in a sufficient bond, to be approved by the Secretary of War, to return said Napoleon guns, with the carriages, harness, and accoutrements, to the said Secretary of War whenever they shall be needed for the use of the National Government, or whenever Congress shall direct them so to return.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. EVINS, of South Carolina, moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IDaho WAR CLAIM.

Mr. CLARK, of New Jersey, from the Committee on Military Affairs, reported with a substitute the bill (H. R. No. 5037) to provide for ascertaining and reporting the expenses incurred by the Territory of Idaho and the people thereof in defending themselves from the attacks and hostilities of the Nez Percés Indians in the year 1877, and for other purposes.

Mr. HALE. Is not that a public bill? I object to it.

KANSAS WAR CLAIMS.

Mr. CLARK, of New Jersey, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 6264) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities.

Mr. BRAGG. I object.

MILITARY POST, TEXAS.

Mr. CLARK, of New Jersey, also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 909) to authorize the Secretary of War to accept an absolute gift of land necessary for military purposes.

The bill authorizes the Secretary of War on the part of the United States to accept an absolute gift or grant of land donated to the United States by the San Felipe Agricultural, Manufacturing and Irrigation Company, of the County of Kinney, State of Texas, comprising two hundred acres of land in said Kinney County, State of Texas, to be used as a site for a military post; provided, however, the same is, in his judgment, needed for military purposes, and the said gift to be unincumbered with provisions, whereupon the Secretary of War is authorized to accept the deed therefor.

Mr. HALE. Is that a public bill? This shows how dangerous it is to make agreements. There was an agreement made that nothing should be presented here this morning from the Committee on Military Affairs except private bills. Yet I have sat here for fifteen minutes watching the character of bills reported, and more than half of them have been public bills.

The SPEAKER. The Chair has recognized a single objection to anything.

Mr. HALE. That is not the point. The single objection applies even to private bills. The agreement was that nothing but private bills should be reported this morning.

Mr. BANNING. The gentleman from Maine [Mr. HALE] is correct.
Mr. WHITE, of Pennsylvania. I have nothing but private bills to report.

The SPEAKER. The Chair would suggest to the gentlemen on the Military Committee that it would be well not to exhaust their time by trying to take up public bills.

SOLOMON ROBINALT.

Mr. CLARK, of New Jersey, also, from the same committee, reported back, with an amendment, the bill (H. R. No. 3171) to relieve Solomon Robinalt, late private Company G Forty-ninth Regiment Ohio Volunteer Infantry, from the charge of desertion.

The bill relieves Solomon Robinalt, late private in Company G, Forty-ninth Regiment Ohio Volunteer Infantry, from the charge of desertion now placed against his name in the records of the War Department of the United States.

The amendment was to add to the bill the following:

But no additional compensation shall be allowed the said Robinalt.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CLARK, of New Jersey, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL M. REYNOLDS.

Mr. WILLIAMS, of Delaware, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1800) for the relief of the sureties, &c., of Samuel M. Reynolds, late additional paymaster of United States volunteers.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. WILLIAMS, of Delaware. There is upon the Speaker's table a Senate bill for the same purpose and in the same language as the bill now before the House. I am instructed by the Committee on Military Affairs to ask consent to take from the Speaker's table the Senate bill for consideration and passage at this time, and that the House bill be laid upon the table.

The SPEAKER. The Senate bill will be read.

The Senate bill was read, as follows:

Be it enacted, &c., That the claim of James L. Reynolds and A. Wilhelm, surviving administrator *de bonis non* of Robert W. Coleman, deceased, sureties upon the official bond of Major Samuel M. Reynolds, late additional paymaster of United States volunteers, for the refunding by the Government of the amount of the judgment recovered against them in the United States district court for the eastern district of Pennsylvania, on or about June 1, 1876, and paid by them, and the claim of said Major Samuel M. Reynolds for release from liability on his official bond as paymaster of United States volunteers, to the amount of said judgment, an account of the loss by an alleged larceny from him of Government funds on or about December 22, 1865, be, and the same are hereby, referred to the Court of Claims, with jurisdiction to hear and determine said claims if presented within six months from the passage of this act; and the same shall be adjudged upon their merits; and said claimants and the United States shall have the right to use as competent evidence before the said court any records and official reports on file in the War or Treasury Department in relation to said loss, and claims for allowance arising therefrom, and any additional testimony relevant to the same; and if said court shall be satisfied from the evidence that it is just and equitable, it shall render judgment in favor of said claimants upon the said respective claims: *Provided*, That no such judgment in favor of said sureties and their representatives shall include costs or exceed the amount of the money lost by said Samuel M. Reynolds, with the interest paid thereon by said sureties.

There being no objection, the Senate bill was taken from the Speaker's table, read three several times, and passed.

Mr. WILLIAMS, of Delaware, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

House bill No. 1800 (with the same provisions) was laid on the table.

MARTIN CLARK.

Mr. WILLIAMS, of Delaware, also, from the same committee, reported back with a favorable recommendation the bill (S. No. 213) for the relief of Martin Clark.

The bill was read. It provides that Martin Clark, late first lieutenant in the Twelfth New York Volunteer Cavalry, be relieved from all the penalties and effects of the general orders which dismissed him from the service of the United States; the first dismissing him from service while second lieutenant in the Twenty-first New York Volunteers; the second revoking his musters-in as second and first lieutenant of the Twelfth New York Volunteer Cavalry; and he is restored to all the rights and privileges he would be entitled to had not such orders been issued and enforced. The Secretary of the Treasury is directed to pay to Clark, out of any moneys not otherwise appropriated, the full amount of pay and emoluments due him and still remaining unpaid for the time he actually served as second or first lieutenant in the Army. Nothing herein is to be construed to allow pay for any period when Clark was not in actual service.

The bill was ordered to a third reading, read the third time, and passed.

Mr. WILLIAMS, of Delaware, moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEWIS LEFFMAN.

Mr. WILLIAMS, of Delaware, also, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 1365) to place Lewis Leffman, ordnance-sergeant United States Army, on the retired list.

The bill was read. It provides that Lewis Leffman, ordnance-sergeant United States Army, be placed on the retired list of the Army, with the full pay and allowances of an ordnance-sergeant for and during his natural life, he having served faithfully and honorably in the Army of the United States for more than fifty-three years, and since July 20, 1840, continuously therein as ordnance-sergeant.

The bill was ordered to a third reading, read the third time, and passed.

Mr. WILLIAMS, of Delaware, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAULINA JONES.

Mr. WILLIAMS, of Delaware, also, from the same committee, reported back, with an amendment, the bill (H. R. No. 4126) for the relief of Paulina Jones, widow of Alexander Jones, deceased, Company E, Second North Carolina Infantry.

The bill was read. It directs the Secretary of War to place the name of Alexander Jones upon the roll of Company E, Second North Carolina Mounted Infantry, to date September 1, 1833.

The amendment reported by the committee was to strike out "1833" and insert "1863."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. WILLIAMS, of Delaware, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWIN R. CLARKE.

Mr. STRAIT. I ask unanimous consent to take from the Speaker's table the bill (S. No. 793) for the relief of Edwin R. Clarke, the subject-matter having been considered by our committee.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take up for consideration a Senate bill, exactly similar in language and purpose to a House bill which is recommended by the committee.

There being no objection, the bill was taken from the Speaker's table, and read a first and second time.

The bill provides that the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect Edwin R. Clarke; and the President can, if he so desires, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said Edwin R. Clarke, late second lieutenant of the Tenth Regiment of United States Infantry, to the same grade and rank of second lieutenant held by him on the 12th day of July, 1876, in any vacancy occurring in the grade of second lieutenant in said regiment. But no pay, compensation, or allowance whatever shall ever be given to Clarke for the time between July 12, 1876, and the date of the appointment hereunder; and the acceptance of any benefit under this act by Clarke shall be taken and construed to be, by his election, a bar to any claim for pay or allowances from the date of his discharge to his acceptance of a commission, if one be granted him under the provisions of this act.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN JAMES M. BEEBER.

Mr. STRAIT, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (S. No. 19) for the relief of Captain James M. Beeber.

The bill was read. It provides that James M. Beeber, of Rochester, in the State of Indiana, be declared entitled to the full pay of captain of infantry volunteers, and such allowances as attach and belong to said rank, from the 7th day of November, 1864, to the 16th day of May, 1865; and the proper accounting officer is directed to pay the same out of any money in the Treasury not otherwise appropriated, after deducting from the amount whatever pay he may have received as first sergeant of Company D, Seventy-third Regiment of Indiana Volunteer Infantry, for services between said dates.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JACOB A. T. WENDELL AND OTHERS.

Mr. STRAIT. I ask unanimous consent to take from the Speaker's table the bill (S. No. 1268) to authorize the Secretary of War to con-

vey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac.

The SPEAKER. The gentleman from Minnesota asks consent to take from the Speaker's table, for consideration, a Senate bill which is exactly similar in language and purpose to a House bill recommended by the committee.

There being no objection, the bill was taken from the Speaker's table, and read a first and second time.

The bill directs the Secretary of War to convey by proper deed to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey all the right, title, and interest of the United States in and to the following-described part of the military reservation of Fort Mackinac, Michigan, of which the said Jacob A. T. Wendell shall be entitled to one-fourth, Henry Van Allen two-fourths, and John R. Bailey one-fourth: Beginning at a stone monument marking a corner of the military reservation, and standing between the said military reservation and property of Jacob A. T. Wendell, and running in continuation of a line now between said properties north 1° east 58 feet 6 inches; thence eastward 241.5 feet; thence south 1° west, parallel with the first line, 58 feet 6 inches, to a stone monument marking a corner of the military reservation and standing between the said military reservation and property of John R. Bailey; thence west, parallel with the second line, along a line of the official survey made by Major G. Weitzel, United States Army, in 1875, 241.5 feet, to the stone monument at the place of beginning.

The bill was ordered to a third reading, read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJOR-GENERAL WILLIAM W. AVERILL.

Mr. STRAIT. I am directed by the Committee on Military Affairs to report for favorable action by the House a bill authorizing the retirement of Brevet Major-General William W. Averill, United States Army, with rank and pay of brigadier-general.

The bill was read. It provides that in view of the long and faithful services of Brevet Major-General William W. Averill, United States Army, before and during the late war, and of severe wounds received by him in battle, the President be authorized to place General Averill on the retired list of the Army with the pay of a retired officer of the grade of brigadier-general.

Mr. BOUCK. I object to that bill.

THOMAS H. CARPENTER.

Mr. WHITE, of Pennsylvania, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 4408) authorizing the Secretary of War to restore the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army.

The bill was read. It recites in the preamble that in February, 1866, Captain and Brevet Major Thomas H. Carpenter, Seventeenth United States Infantry, was examined by a retiring board at Philadelphia, Pennsylvania, and found by the surgeons of the board to be permanently lame, on account of a gunshot wound received while in command of his company at the battle of Gettysburg, and other severe physical disability contracted in the line of his duty; that notwithstanding the disabilities found by those surgeons, they gave as their opinion that Carpenter was not incapacitated for active duty in the field; that Carpenter was and is wholly disabled for field duty, as shown by certificate of the Surgeon-General United States Army and others, and by Major-General Samuel P. Heintzelman's letter, (all on file in the room of the Military Committee of the House of Representatives;) and that on account of the contradictory action of the board, Carpenter was compelled to resign, which he did in the following words: "Having been pronounced permanently lame and otherwise disabled by the surgeons of a retiring board, I am forced to resign my commission as captain in the Seventeenth United States Infantry." The bill therefore authorizes the Secretary of War to restore the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, as of date of his resignation, and to place his name on the retired list of officers retired from disability contracted in the line of duty, with retired pay as captain of infantry from same date.

The amendment reported by the committee was, to strike out all after the enacting clause and insert the following:

That the President of the United States be, and he is hereby, authorized to nominate, and by and with the advice and consent of the Senate appoint, T. H. Carpenter, late captain Seventeenth Infantry, a captain of infantry in the Army of the United States, and when so appointed he shall be placed upon the list of retired officers of the Army, on account of wounds received in battle from which he is now under disability.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. WHITE, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BANNING. The hour of eleven o'clock has arrived, and in

order that the session of Tuesday may begin, I move that the House adjourn.

The motion was agreed to; and the House accordingly adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALDRICH: The petition of Arno Voss, of Chicago, Illinois, late colonel of the Twelfth Illinois Cavalry, for compensation for losses incurred during the war of the rebellion—to the Committee on War Claims.

By Mr. BRIDGES: The petition of citizens of Maryland, who are owners of real estate in Washington City, for the right to contest the validity of assessments upon their said real estate in the courts of the District of Columbia—to the Committee for the District of Columbia.

By Mr. BURDICK: The petition of Mrs. J. E. Baird and 80 other ladies, of Strawberry Point, Iowa, for legislation to make effective the anti-polygamy law—to the Committee on the Judiciary.

Also, the petition of Mrs. S. D. Helms and 140 other ladies, of Fayette County, Iowa, of similar import—to the same committee.

By Mr. CLAFLIN: The petition of Thomas E. Proctor and 42 others, leather manufacturers, against extending the McKay sewing-machine patent—to the Committee on Patents.

By Mr. COX, of New York: Resolutions of a mass-meeting of cigar-makers, of New York City, favoring the amendment of the revenue laws so as to prevent the manufacture of cigars in tenement-houses—to the Committee of Ways and Means.

By Mr. CRAPO: The petition of T. B. Baker and others, of Harwich, Massachusetts, owners and masters of fishing-vessels, for the abrogation of the fishery articles of the Washington treaty—to the Committee on Foreign Affairs.

Also, the petition of Levi Eldridge and others, of Chatham, Massachusetts, owners and masters of fishing-vessels, of similar import—to the same committee.

Also, the petition of J. K. Baker and others, of Dennis, Massachusetts, owners and masters of fishing-vessels, of similar import—to the same committee.

By Mr. CUMMINGS: The petition of Nettie Moffet and others, of Iowa, for legislation to make effective the anti-polygamy laws of 1862—to the Committee on the Judiciary.

By Mr. DEERING: The petition of 88 citizens, of Wright County, Iowa, for legislation to prevent the adulteration of food—to the Committee on Agriculture.

By Mr. DICKEY: The petition of John P. Walker, first lieutenant United States cavalry, for restoration of pay—to the Committee on Military Affairs.

By Mr. ELLSWORTH: The petition of Jennie Miller, Mrs. J. P. Shoemaker, and 150 other women, of Fairplains, Michigan, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. FORNEY: Memorial of the Legislature of Alabama, favoring an appropriation of either lands or money to aid the Colored Agricultural and Mechanical College at Talladega, Alabama—to the Committee on Education and Labor.

By Mr. HASKELL: Resolutions of the Legislature of Kansas, against granting any corporation a subsidy that will assist in defeating the completion of the connection of the Atchison, Topeka and Santa Fe and the Southern Pacific Railroads—to the Committee on the Pacific Railroad.

By Mr. HAZELTON: The petition of L. G. Thomas and 15 others, of Richland County, Wisconsin, that the trade-dollar be made a legal tender—to the Committee on Banking and Currency.

By Mr. HENDEE: The petition of W. W. Corcoran, John Van Riewick, A. H. Herr, B. W. Reed's Sons, Nathaniel Wilson, Worthington & Heald, J. M. McGrew, Clarke & Given, Dickson & King, A. Y. P. Garnett, and 1,500 other business men, for the location of the new city post-office in Washington, District of Columbia, on square No. 406, between E and F and Eighth and Ninth streets, northwest, and against its location on the corner of Twelfth street and Pennsylvania avenue—to the Committee on Public Buildings and Grounds.

By Mr. HERBERT: Memorial of the Legislature of Alabama, asking the removal of the duty on quinine—to the Committee of Ways and Means.

Also, memorial of the Legislature of Alabama, asking that the proceeds of the sales of public lands be devoted to education—to the Committee on Education and Labor.

Also, resolutions of the Legislature of Alabama, asking that United States courts be restrained from exercising jurisdiction of cases against municipal corporations—to the Committee on the Judiciary.

By Mr. ITTNER: The petition of Professor Francis E. Nipher, of Saint Louis, Missouri, that electric printed matter be classed as third-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, the petition of C. R. Stinde and others, against the extension of the McKay sewing-machine patent—to the Committee on Patents.

By Mr. JONES, of New Hampshire: The petition of Grange No. 37, New Hampshire, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. KELLEY: The petition of 120 citizens of Erie, Pennsylvania, for liberal appropriations for public improvements—to the Committee of Ways and Means.

Also, the petition of 40 citizens, of Erie, Pennsylvania, of similar import—to the same committee.

By Mr. KIDDER: Memorial of the Legislative Assembly of Dakota Territory, asking for a mail-route from Canton, in said Territory, to Beloit, Iowa—to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of M. L. Davis and others, for legislation that will cause national-bank notes and all other bank notes to be superseded by real national legal-tender notes of the United States—to the Committee on Banking and Currency.

By Mr. MAGINNIS: Memorial of the Legislature of Montana Territory, against the proposed change in the mode of surveying the public lands—to the Committee on Public Lands.

By Mr. MCKINLEY: The petition of Matilda Ackey and 19 women of Malvern, Ohio, for such legislation as will make effective the anti-polygamy law—to the Committee on the Judiciary.

Also, the petition of Georg M. Dunn and 52 citizens of Cicero, Indiana, that Birdsell's clover-huller patent be not extended—to the Committee on Patents.

By Mr. McMAHON: The petition of Philip Dhein, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. MORSE: The petition of E. H. Baker, Whitmore, Cabot & Co. and 229 others, citizens of Boston, Massachusetts, against the proposed extension of the McKay patent—to the Committee on Patents.

By Mr. PATTERSON, of New York: The petition of 88 ladies of Silver Creek, New York, for the suppression of polygamy in the Territories—to the Committee on the Judiciary.

By Mr. PEDDIE: The petition of the shoe manufacturers of New Jersey, against the renewal of the McKay sewing-machine patent—to the Committee on Patents.

Also, the petition of manufacturers of Newark, New Jersey, against the passage of the bill (S. No. 300) amending the patent laws—to the same committee.

By Mr. SAMPSON: The petition of Mrs. R. W. Boyd, Mrs. C. A. Rockwell, and others, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. SHALENBERGER: The petition of 79 women, of Lawrence County, Pennsylvania, of similar import—to the same committee.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, asking for the construction of dams and reservoirs on the headwaters of the Mississippi River, for the improvement of navigation of said river—to the Committee on Commerce.

Also, resolutions of the Legislature of Minnesota, favoring legislation to prevent the adulteration of food—to the Committee of Ways and Means.

Also, resolution of the Legislature of Minnesota, favoring appropriations for the improvement of Minnesota River—to the Committee on Commerce.

By Mr. TOWNSHEND, of Illinois: The petition of citizens of Maryland, who are owners of real estate in Washington City, for the right to contest the validity of assessments upon their said real estate in the courts of the District of Columbia—to the Committee for the District of Columbia.

By Mr. TUCKER: The petition of Cedar Hill Grange, Bedford County, Virginia, for the reduction of the tax on tobacco—to the Committee of Ways and Means.

By Mr. WILLIS, of Kentucky: Proceedings of a public meeting of citizens of Louisville, Kentucky, protesting against the passage of the bill (S. No. 300) amending the patent laws—to the Committee on Patents.

By Mr. WOOD: Memorial of the shoe manufacturers of New York, against the renewal of the McKay sewing-machine patent—to the same committee.

Also, resolutions of cigar-makers in New York, for the amendment of the revenue laws relating to the manufacture of cigars in tenement-houses—to the Committee of Ways and Means.

By Mr. WRIGHT: The petition of Frederick S. Grover and 38 others, representing the First Maine Emigration Society, of the State of Maine, for aid to enable them to settle upon the public lands—to the Committee on Public Lands.

Also, the petition of 356 citizens of the States of Illinois, New York, and Indiana, for legislation prohibiting the adulteration of articles of food—to the Committee on Manufactures.

IN SENATE.

TUESDAY, February 25, 1879.

The Senate met at one o'clock p. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The VICE-PRESIDENT. The Secretary will read the Journal of the proceedings of yesterday.

Mr. COCKRELL. I do not think there is a quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WITHERS. My colleague [Mr. JOHNSTON] is absent from indisposition, and not able to be present.

Mr. SARGENT. In justice to the Senator from Minnesota [Mr. WINDOM] and the Senator from West Virginia [Mr. DAVIS] and the Senator from Arkansas, [Mr. DORSEY,] I will state that they are absent, by leave of the Senate, upon the Committee on Appropriations.

The VICE-PRESIDENT. There is a quorum present; forty-nine Senators have responded. The Secretary will read the Journal of the proceedings of the session of yesterday.

The Secretary proceeded to read the Journal.

Mr. SARGENT. The Journal is very long. I move to dispense with the reading of it. It is largely made up of votes.

Mr. EDMUNDS. I think we had better hear it.

The VICE-PRESIDENT. The Senator from Vermont objects. The reading can only be dispensed with by unanimous consent.

Mr. SARGENT. It is a very long Journal, and there is a very full quorum here.

Mr. EDMUNDS. But there were so many Senators absent yesterday that I think it would be well that they should know what was going on during their absence.

Mr. SARGENT. I was sick, and that accounts for my absence.

Mr. EDMUNDS. That was mentioned yesterday, as the Senator ought to know.

Mr. DAVIS, of Illinois. It was stated last night that the Senator from California was sick, and he was excused.

Mr. HOAR. Is not all this out of order?

The VICE-PRESIDENT. The reading will proceed.

The Secretary continued the reading of the Journal.

Mr. SPENCER. I move that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent that the reading of the Journal be dispensed with.

Mr. EDMUNDS. I should like to hear it.

The VICE-PRESIDENT. Objection is made.

The Secretary resumed the reading of the Journal.

Mr. EDMUNDS. I should like to have the Secretary read what the amendment of Mr. EATON was, if the Journal shows, to which reference is made.

The VICE-PRESIDENT. The Chair is informed that it is not in there.

Mr. HOAR. I understand it is not the practice in either branch to read the text of measures or amendments in the Journal.

The VICE-PRESIDENT. The Chair thinks the Senator from Massachusetts is correct.

Mr. EDMUNDS. My point is that the Journal does not show, although it was in the Senate, what amendment it was that Mr. EATON moved.

The VICE-PRESIDENT. The reading will proceed.

The Secretary read the amendment of Mr. EATON to the Army appropriation bill referred to by Mr. EDMUNDS, and continued and concluded the reading of the Journal.

Mr. HOAR. I am stated in the early part of the Journal to have reported a bill from the Committee on the District of Columbia. There is some error in the name of the Senator there meant. I desire that the Journal may be corrected in that particular.

The VICE-PRESIDENT. It will be corrected.

ADMISSIONS TO THE FLOOR.

The VICE-PRESIDENT. Before proceeding to business the Chair desires to state that complaint is made to him by Senators, and justly, that daily people find admission to the floor of the Senate who are not entitled to come in under the rule, and that they disturb the deliberations of the Senate. The Chair now instructs the Sergeant-at-Arms, the doorkeepers, and all officers of the Senate, to strictly enforce the rule, and to admit no man to the Senate Chamber who is not entitled to admission under the rule, and if any man finds his way into the Chamber who is not entitled to be here, to cause him to leave the Chamber. The Chair will enforce that rule to the best of his ability. The rules are all the making of the Senate, and if the Senate choose to enlarge the sphere of admission they must do it and not throw the responsibility on the Chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes;

A bill (H. R. No. 3422) to remove the political disabilities of John T. Rustic, of Virginia;

A bill (H. R. No. 4153) for the removal of the political disabilities of John A. Lovett, of Virginia;

A bill (H. R. No. 4154) to remove the political disabilities of Samuel Barron, of Virginia;

A bill (H. R. No. 4575) to remove the political disabilities of George B. Cosby, of Butte County, California;

A bill (H. R. No. 4742) to remove the political disabilities of James L. White, of Marion County, State of Florida; and

A bill (H. R. No. 5860) to remove the political disabilities of G. H. Hill, of Virginia.

The message also announced that the House had passed a concurrent resolution for the printing of 20,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon Julian Hartridge, late a Representative from the State of Georgia; in which the concurrence of the Senate was requested.

INTERNAL-REVENUE LAWS.

The VICE-PRESIDENT appointed Mr. BAYARD, Mr. MORRILL, and Mr. FERRY the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. MORRILL. I desire for reasons that I deem sufficient to ask to be excused from service upon the committee of conference on the internal-revenue bill.

The VICE-PRESIDENT. The Senator from Vermont asks to be excused from serving upon the committee of conference on the bill (H. R. No. 4414) to amend the laws relating to internal revenue. Is there objection? The Chair hears none. The Chair appoints the Senator from New York [Mr. KERNAN] to supply the place.

HOUSE BILL REFERRED.

Mr. WINDOM. I ask that the appropriation bill just received from the House be referred to the Committee on Appropriations.

The bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

IMMIGRATION OF CHINESE.

The VICE-PRESIDENT. The Chair lays before the Senate, by request, a telegram which will be read if there be no objection.

The Secretary read as follows:

SACRAMENTO, CALIFORNIA, February 24, 1879.

To the United States Senate and House of Representatives, Washington, D. C.:

Resolved, That the thanks of this convention be, and the same are hereby, tendered to the Congress of the United States for the triumphant passage of the bill restricting the immigration of Chinese to this country, and that the members of the Senate and House of Representatives who supported that vital measure merit and will receive the lasting gratitude of the people of California.

Resolved, That the Secretary is hereby directed to transmit copies hereof to the Senate and House of Representatives.

E. F. SMITH,

Secretary Constitutional Convention.

Mr. SARGENT. I ask that these resolutions lie on the table.

The VICE-PRESIDENT. To which the Chair hears no objection.

Mr. SARGENT. I also ask leave of the Senate to say that that is the highest expression of the will of the people of California.

Mr. HOAR. I object to the reception of that paper. According to the rule it is out of order to lay it before the Senate.

Mr. SARGENT. I think the people of California will appreciate the objection.

Mr. HOAR. Mr. President, if I may be allowed a word, I think the honorable Senator from California has no right to criticise the exertion of the right of a Senator to object to the sending of telegraphic dispatches here and making them in order in distinct violation of our rules. The objection has no reference at all to the character of the person who sends the petition or to the nature of the subject.

Mr. SARGENT. So far from objecting to the exception, I am not surprised at it at all.

The VICE-PRESIDENT. The point of order is well taken.

Mr. SARGENT. I should like to inquire what became of the telegram from the constitutional convention of California? What is its condition?

The VICE-PRESIDENT. It has not been received by the Senate. It lies in point of fact on the table.

Mr. SARGENT. I should like to have the rule read under which it is rejected.

The VICE-PRESIDENT. Is there consent that this subject be again considered?

Mr. HOAR and Mr. EDMUNDS. I object.

The VICE-PRESIDENT. Objection is made.

Mr. SARGENT. May I know who objects.

The VICE-PRESIDENT. The Senator from Vermont and the Senator from Massachusetts object.

Mr. HOAR. I object.

Mr. SARGENT. I ask unanimous consent to say about twenty or thirty words.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. SARGENT. Mr. President, the rejection of this memorial from the constitutional convention of California simply punctuates its contents; the rejection of it in this manner, on this kind of objection, simply calls the attention of the people of the country to it; and therefore I am glad that the objection has come in this form.

Now, as a part of my remarks, I wish to refer to another telegram coming from the editor of one of the very leading papers of the Pacific coast, and showing the interest which is felt in this subject there. In one of the letters I received this morning it is stated that men, strangers to each other, embraced upon the streets and wept for joy on the passage of that bill. It may be supposed there is no feel

ing on this subject. I want to assure Senators who think it is a subject of mirth that it is a subject of grief on the Pacific coast; of grief, on account of the calamity upon them, which it is hoped this legislation will remove.

The dispatch which I hold in my hand is from George K. Fitch, well known throughout the Pacific coast as a man of public spirit, as a man of large views, a republican, and thoroughly identified with the interests of that coast. He speaks of the great anxiety that exists there over the ultimate fate of this measure. I will not read his telegram at length. I only ask the attention of the country, and the Senate turns a deaf ear to it, to the fact that the constitutional convention of California, which represents the ultimate sovereignty of that people, ask the attention of the governing powers of this country to this great question.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to say twenty or thirty or forty words.

The VICE-PRESIDENT. To which the Chair hears no objection.

Mr. EDMUNDS. Mr. President, I objected to this matter being again referred to because as the Senator from Massachusetts [Mr. HOAR] stated, and as the Chair ruled, this paper which the Chair had read is neither a petition nor a memorial; but chiefly because it is a breach of the privilege of this body for any person, supposing it was in the highest possible form and signed by the parties, to address a memorial to this body which proposes to express thanks to any particular part of it or to the Senators who voted one way or the other. That persons may thank Congress or thank the Senate for a public act, I do not deny; but I say it is a breach of the privilege of this body to pick out either a majority or a minority of the Senators to say that they are worthy either of praise or blame. It must be assumed for the purposes of this body that on whichever side of this question Senators voted, they voted equally inspired by motives tending to the public good and by a sense of duty. That, I think, Mr. President, is too clear to admit of much debate.

Now I wish to say besides, as the Senator from California has alluded to it, that I think the people of California, if this bill should become a law, will live to see the day and not live long, when they themselves will be among the foremost, intelligent and patriotic as the better part of that people are, excepting—well, I will not make any exception, because I do not wish to reproach anybody—

Mr. SARGENT. You except their representatives.

Mr. EDMUNDS. No, I do not except their representatives; I yield to their representatives the same thing that I hope they will yield to me, and that is, my recognition of their doing what they think the public good requires, and I hope they will give me leave to have the impression that I do, that they will live to see the day, and will not have to live long to do it, when they will regret as much as the others who voted in the minority will regret, that this step has been taken by the Congress of the United States, whether this bill becomes a law or not, for it reverses the whole traditions of this people; it reverses the whole principle upon which this Government has been conducted, and is—I cannot use the expression that I naturally would, because I wish to keep within the bounds of the strictest propriety—but it is a great mistake, I will say, in respect of the conduct of a powerful and civilized nation toward that people and that nation whom it has almost coerced into the very treaty that we now repudiate.

Mr. BLAINE. Mr. President, on the point of order I do not intend to make a speech nor on the Chinese bill, as the Senator from Vermont has done; but on the point of order that was made, before it passes away from the Senate, I desire to submit a remark or two.

On the second point that is made that the memorial draws a distinction between Senators voting on one side or the other I will not comment; but from the ground on which the Senator from Massachusetts presses the rejection of the people I dissent. The fourteenth rule reads:

Before any petition or memorial shall be received or read at the table, it shall be signed by the petitioner or memorialist, and a brief statement of its contents shall be made by the Senator or presiding officer presenting it; but no petition or memorial or other paper signed by citizens or subjects of a foreign power, unless the same be transmitted to the Senate by the President, shall be received.

Nine-tenths of the memorials that come from State Legislatures are presented here in a printed form, a mere copy of what is done, and if you reject the idea that a distant part of the United States shall communicate with its Congress by telegraph when no other communication is at all possible, you are giving that rule a construction which excludes the power of petition and the power of memorial from those who lie beyond the point of the mail reaching within the time Congress may be in session, and in this very case it is so. What is needed is that it shall be an authentic memorial, that it shall have the Senator who presents it standing sponsor that it is genuine, that it is not a forged and fraudulent document. The Senator from California is willing to assume that. He presents the paper as embodying the views of the constitutional convention of California, and I take the point—

Mr. HOAR. He did not present it.

Mr. DAWES. The Chair presented it.

Mr. BLAINE. That is a higher authority than if a Senator presented it.

Mr. DAWES. The Chair does not undertake to vouch for it.

Mr. SARGENT. I do.

Mr. BLAINE. The Senator from California assumes it now, and

the Senator from Massachusetts makes the point that any memorial presented here must have witnesses signed to it, and the signatures verified. He gives that rule a construction which it never has had and which it cannot have in justice to the people of the United States. That is the point I make.

Mr. HOAR. Mr. President—

The VICE-PRESIDENT. This debate proceeds by unanimous consent.

Mr. ALLISON. Then I—

Mr. HOAR. I trust the Senator from Iowa will not allow unanimous consent to the Senator from Maine making a comment on my action and refuse me an opportunity to reply. It would be most extraordinary.

Mr. ALLISON. I will yield for a moment to the Senator from Massachusetts, and then I will object to all further debate on this question.

Mr. HOAR. Mr. President, if there be any warmth, still more any asperity which has been excited in any bosom by what has happened in the Senate, their manifestation fails to excite any corresponding emotion of the kind in me. When the Chair stated in these words, "the Chair lays before the Senate a telegraphic dispatch," it occurred to me to object. Then it occurred to me that probably it was a matter of no very great importance and I did not object, and the telegram was read, and I did not object to that; but when a Senator rose and by a motion undertook to treat that transaction as a regular method of bringing business before the Senate and to make a motion which required a vote, which would have permitted the yeas and nays, which would if voted down have left it open to the Senate to go into a debate on the subject so introduced or to make other and repeated motions in regard to it, I thought it was time to interpose and I interposed without the slightest reflection to my own mind that the paper which was read related to a subject about which I had differed with anybody else or about which I had differed with the persons presenting it. Now I trust my friend from California will take my statement of that as the history of what occurred to me. The idea of suggesting an indignity to anybody! I did not even observe that it purported to be a dispatch from a constitutional convention or what the nature of the body was that it represented.

Now, Mr. President, can the Senator from Maine, with his parliamentary experience, be serious in claiming that this paper is one which authorizes the bringing business before the Senate and putting the subject-matter of it in order under our rules? It does not purport to be a petition or a memorial; it does not purport to be an exercise of the right guaranteed by the Constitution to every American citizen to present his grievances for redress. It is a certificate by telegraph which would not be received in any court of justice in the world, which would not be received anywhere as authenticating a fact, which could have been put at the end of a telegraphic line by any person, however irresponsible and however fraudulent, without in the slightest degree affecting the persons that it undertakes to affect, that a constitutional convention of California voted something—

Mr. BLAINE. That is just what the Legislatures do, if the Senator will permit me. That is all.

Mr. HOAR. It is in this way:

Resolved, That the thanks of this convention be, and the same are hereby, tendered—

The convention did not authorize the conveyance of that act by anybody to Congress, least of all by anybody in this way. Then, after reciting this resolve, it says:

The Secretary is hereby directed to transmit copies hereof to the Senate and House of Representatives.

E. F. SMITH,
Secretary Constitutional Convention.

Well, Mr. President, you cannot add to the absurdity of the proposition of the Senator from Maine, in my humble judgment, and with respect to him, anything more than the statement of it. It is a grave matter to be entitled to demand the action of the Senate of the United States. Seventy-six gentlemen, two from each State, the choice of each State, are assembled for the gravest public purposes, and here are matters which, day after day, of the gravest consequence, fail to get dealt with, simply because we have not time to take them up. Here are matters involving millions and millions of dollars, matters involving the dearest rights of citizens where a majority of both Houses of Congress are agreed that legislation is imperatively demanded, and yet in this closing week of the session we all know that they fail even to receive attention because of the superior pressure which grows out of other matters. Now, can it be said that a man a thousand miles off, or ten thousand miles off, by a dispatch which he does not sign, which merely some telegraphic operator signs, and not he, comes within the rule which declares, the Constitution having protected the right of petition, that "before any petition or memorial shall be received or read at the table, it shall be signed by the petitioner or memorialist, and a brief statement of its contents shall be made by the Senator or presiding officer presenting it?"

The Chair did not treat it as a petition or a memorial; he did not make any statement of its contents. Nobody knew what it was.

Mr. BLAINE. Then, what was the need of making the point of order about it? Why, if that were not so, did the Senator make his point?

Mr. HOAR. What was the need of making the point of order? I do not see the point of the question. I do not mean by this hasty answer to treat with disrespect the question of the Senator from Maine; but nobody proceeded on the ground that this came within the rule, and the Chair promptly held that it did not when his attention was called to it.

Mr. BLAINE. Mr. President—

Mr. WITHERS. Will the Senator yield?

Mr. BLAINE. I only want one word, and then I am done.

The VICE-PRESIDENT. Is there objection?

Mr. BLAINE. Only one minute. Telegraphic dispatches to-day regulate the intercourse of all the nations of the world. All the great negotiations between the United States and the European powers are carried on by telegraph. All the treasure of the world to-day nearly is moved by telegraph. It is an authentic, well-known, recognized mode of communication; and the Senator from Massachusetts and the Senator from Vermont take the ground that the voice of a constitutional convention, representing the interests of a great State, cannot even be intimated to this Senate if it came over the wires, however authentic it may be and however strongly pledged a Senator on this floor may be that it is genuine and that it has not the least suspicion about it that it is anything else than what it purports to be.

Mr. HEREFORD. I rise for the purpose of replying to the point of order made by the Senator from Massachusetts in regard to the telegram.

The VICE-PRESIDENT. Is there objection? The Senator from Iowa [Mr. ALLISON] gave notice that he would object to further discussion.

Mr. KIRKWOOD. I object.

The VICE-PRESIDENT. The regular order of business is the presentation of petitions and memorials.

Mr. HEREFORD. Very well.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, submitting a statement of the amount expended in the prosecution of military and geographical surveys west of the one hundredth meridian; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting further information in relation to payments to land-grant railroads for the transportation of property or troops of the United States; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented a resolution of the Legislature of Kansas, in favor of legislation providing against Indian outrages on the frontier; which was referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of Kansas, in favor of such legislation as will vest the copyright of the United States Supreme Court reports in the Secretary of State in trust for the benefit of the people of the United States, that the publication of said reports be let to the lowest responsible bidder, and that they be sold to citizens of the United States at their actual cost per volume; which was referred to the Committee on the Judiciary.

Mr. WITHERS presented a petition of Andrew F. Ball and 42 others, praying for the passage of a bill that will relieve their real property in the District of Columbia from unjust assessments, and for the right to contest the validity of such assessments in the courts; which was referred to the Committee on the District of Columbia.

Mr. WINDOM presented the memorial of D. G. Harrington, Thomas Clark, and 60 others, of Rich Valley Grange, No. 130, Dakota County, Minnesota, asking the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

Mr. OGLESBY presented a resolution of the General Assembly of the State of Illinois, in the nature of a memorial to Congress, requesting the Senators and Representatives from that State to secure the permanent improvement of the Quincy Bay for the purposes of navigation; which was referred to the Committee on Commerce.

Mr. JONES, of Florida, presented a memorial of the Legislature of Florida, praying an appropriation to pay the unpaid balance awarded to citizens of that State under the provisions of the acts of Congress passed in furtherance of article 9 of the treaty between Spain and the United States of February 22, 1819; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a memorial of the Legislature of Minnesota, praying legislation granting to soldiers of the Mexican and the late war each a certain amount of the public lands; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislature of Minnesota, in favor of an appropriation for the improvement of the western channel of the Mississippi River in that State; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (H. R. No. 4558) for the relief of John N. Reed, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES, from the Committee on Pensions, to whom was

referred the petition of Hannah McLaughlin, praying to be allowed a pension, reported a bill (S. No. 1854) granting a pension to Hannah McLaughlin; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. No. 3676) for the relief of Benjamin Sanders, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1842) granting a pension to Henry Grossmann, late a private in Company G, of the One hundred and fifty-fourth Regiment of Illinois Infantry Volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1759) granting a pension to Sarah E. Webb and minor children, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4694) granting a pension to James Riley, late private in Company D, Fourth Regiment United States Infantry, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4368) granting a pension to Johanna Kuhlman, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Mary W. Jones, widow of Thomas ap Catesby Jones, praying to be allowed a pension, reported a bill (S. No. 1855) granting a pension to Mary W. Jones; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifth Infantry United States Army, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2019) to exempt employes in the postal service from militia and jury service, reported it with an amendment.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 1245) for the relief of William H. Davis, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2848) for the relief of M. F. Clark, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. TELLER. The same committee having had under consideration the bill (S. No. 482) for the relief of William H. Nettle, have directed me to report it adversely, and to recommend its indefinite postponement. I will say that some friends desire it to be placed on the Calendar, and I ask that it go there.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. HOAR, from the Committee on Claims, to whom was referred the joint resolution (H. R. No. 106) referring to the Court of Claims the claim of James E. Kelsey, John Loughlin, Theron Kelsey, and others, against the United States, for damages done to the schooner C. and C. Brooks, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1589) for the relief of the legal representatives of William S. Robinson, late of Malden, Massachusetts, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of the Houston, Trinity and Tyler Railroad Company, of Texas, praying compensation for railroad-iron taken by the military authorities for the use of the United States, at Galveston, in 1865, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 795) for the relief of George W. Maher, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom were referred the papers relating to the application of Bernard Wagner, of Evansville, Indiana, for compensation for property lost by the war of the rebellion, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the claim.

He also, from the same committee, to whom was referred the memorial of J. S. Anawalt, of DeWitt County, Illinois, formerly of Kansas City, Missouri, praying compensation for horses taken in Missouri during the war of the rebellion by the Union forces, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the petition of Henry B. Helen, of Hardin County, Kentucky, praying compensation for property taken and used by the United States Army during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 548) for the relief of John C. Comfort, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 920) for the relief of Robert Langston, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Lydia T. Hadlock, widow and administratrix of E. C. Hadlock, deceased, praying compensation for property taken by United States military forces during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of James H. Glenn, of Woodville, Georgia, praying payment for property alleged to have been taken for the use of the Army after the close of the rebellion, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Sarah R. Robinson, praying the passage of a law granting her an allowance as compensation for services rendered the Government by her father, Henry Robinson, during the war of 1812 and for property lost in the service during that war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of J. C. Sayers, sr., of Kenton County, Kentucky, praying compensation for property alleged to have been taken and appropriated by United States military forces during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred additional papers in relation to the application of James Dix for compensation for removing the family of Washington Summers from Buckannon, Upshur County, West Virginia, to near Staunton, Virginia, in 1862, by order of the United States military authorities, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the papers.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3196) granting a pension to William H. Garrett, late private in Company B, in the Fifty-sixth Regiment Illinois Infantry Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4695) granting a pension to James Buchanan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 460) granting a pension to Mary Leggett, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. JONES, of Nevada, from the Committee on Finance, to whom was referred the resolution of the Senate of February 11, 1879, directing the Secretary of the Treasury to transmit such information as he may possess relative to the quantities and natures of fermented and alcoholic liquors imported into the United States, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the resolution of the Senate of February 11, 1879, directing the Secretary of State to transmit any information in his possession relating to the methods of preparation and production and the nature of the various kinds of fermented and alcoholic liquors imported into the United States from foreign ports at which are stationed officers of the consular service of the United States, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

CONDITION OF EUROPEAN WORKING CLASSES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print 15,000 copies of the consular report now being prepared by the State Department in relation to the condition of the working classes of the several countries of Europe, have instructed me to report back the same without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 15,000 copies of the consular reports, now being prepared by the Secretary of State, showing the rates of wages, hours of labor, food prices, and general condition of the working classes in the several countries of Europe; 8,000 copies for the use of the House, 4,000 for the use of the Senate, and 3,000 for the use of the Department of State.

POWELL'S REPORT ON ARID REGION.

Mr. ANTHONY. The Committee on Printing, to whom was referred the concurrent resolution of the House to print 5,000 copies of the report on the lands of the arid region of the United States, by J. W. Powell, have instructed me to report it back without amendment and recommend its passage. I ask for its present consideration.

Mr. PADDOCK. I ask that that resolution may lie over. I desire to make an observation or two in regard to it.

The VICE-PRESIDENT. It will first be reported.

The Secretary read the resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 5,000 copies of the report on the lands of the arid region of the United States, by J. W. Powell; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for the use of the Department of the Interior.

The VICE-PRESIDENT. The resolution will lie over under the rules.

BILL INTRODUCED.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1856) for the relief of Reuben Hopkins Plass; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. BURNSIDE submitted an amendment intended to be proposed by him to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. EDMUNDS. I wish to call the attention of Senators who are offering amendments to appropriation bills to the fact that I think the rule does not provide for the reference of amendments offered by Senators in their capacity as Senator as distinguished from their being reported from a committee, to the Committee on Appropriations at all. Of course I have no objection to the reference; but I merely wish attention called to the fact that under the rule as I read it, it does not help the amendment any if it be referred to the Committee on Appropriations unless it be an amendment reported from some other committee and not introduced merely by a Senator.

Mr. MORRILL. I have two amendments to present to the sundry civil bill which are reported by me from the Committee on Public Buildings and Grounds.

Mr. WITHERS, Mr. BUTLER, Mr. SPENCER, Mr. McDONALD, Mr. COCKRELL, Mr. MORRILL, Mr. MORGAN, (by request,) Mr. BAILEY, Mr. WALLACE, Mr. DENNIS, Mr. PLUMB, Mr. TELLER, Mr. OGLESBY, Mr. SARGENT, Mr. DAVIS of Illinois, Mr. MERRIMON, Mr. CAMERON of Pennsylvania, Mr. VOORHEES, Mr. BECK, Mr. THURMAN, Mr. ALLISON, Mr. JONES of Florida, Mr. MORGAN, Mr. CAMERON of Wisconsin, Mr. BRUCE, Mr. HARRIS, Mr. CONOVER, Mr. CONKLING, and Mr. ANTHONY submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER, from the Committee on Railroads; Mr. INGALLS, from the Committee on Indian Affairs; Mr. SAULSBURY, from the Committee on Public Buildings and Grounds; Mr. PADDOCK, from the Committee on Agriculture; and Mr. WADLEIGH, from the Committee on Military Affairs, reported amendments intended to be proposed to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MERRIMON, Mr. INGALLS, Mr. GORDON, and Mr. WITHERS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes in the several States herein named; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES, from the Committee on Public Buildings and Grounds, reported four amendments intended to be proposed to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, with the accompanying papers, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3422) to remove the political disabilities of John T. Rustic, of Virginia;

A bill (H. R. No. 4153) for the removal of the political disabilities of John A. Lovett, of Virginia;

A bill (H. R. No. 4154) to remove the political disabilities of Samuel Barron, of Virginia;

A bill (H. R. No. 4575) to remove the political disabilities of George B. Cosby, of Butte County, California;
 A bill (H. R. No. 4742) to remove the political disabilities of James L. White, of Marion County, State of Florida; and
 A bill (H. R. No. 5860) to remove the political disabilities of G. H. Hill, of Virginia.

HARTTRIDGE MEMORIAL ADDRESSES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That 20,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the late Julian Hartridge, late a Representative from the State of Georgia, be printed; of which 5,000 copies shall be for the use of the Senate, and 15,000 for the use of the House of Representatives.

SENATOR FROM SOUTH CAROLINA.

Mr. CAMERON, of Wisconsin. I move that the Senate now take up for consideration the resolution reported to the Senate from the Committee on Privileges and Elections on the 4th of February, this present month, declaring that Mr. Corbin, of South Carolina, is entitled to a seat as a Senator from that State.

The VICE-PRESIDENT. The Senator from Wisconsin, on behalf of the Committee on Privileges and Elections, moves that the Senate now proceed to the consideration of the resolution which will be read.

Mr. McDONALD. Let it be reported for information.

The VICE-PRESIDENT. It will be. It will be for the majority of the Senate, then, it being a privileged question, to decide whether they will take it up or not.

The Secretary read the resolution, as follows:

Resolved, That David T. Corbin was, on the 12th day of December, A. D. 1876, duly elected by the Legislature of the State of South Carolina a Senator from that State in the Congress of the United States for the term of six years, commencing on the 4th day of March, A. D. 1877, and that, as such, he is entitled to have the oath of office administered to him.

Mr. BAYARD. Is this resolution before the Senate?

The VICE-PRESIDENT. It is not. The Senator from Wisconsin on behalf of the Committee on Privileges and Elections moves to bring it before the Senate.

Mr. BAYARD. I would merely say one word. This is not legislative business; it is business pertaining solely to the affairs of one body of Congress which can be settled by the Senate and must be settled by the Senate itself; and the question is whether with the necessary legislation for the support of the Government now pressing before it, the Senate will enter into a long debate for the purpose of settling that which is not legislative in its character but is confined solely to the action of this body in regard to its membership.

Mr. DAVIS, of West Virginia. My recollection is that the deficiency appropriation bill was to come up after the morning hour. It was taken up last night with the understanding that at the expiration of the morning hour to-day we should go on with it. If that is not so, is not the Anthony rule in order, and no other business unless by unanimous consent?

The VICE-PRESIDENT. This is a privileged motion, and the question is, will the Senate agree to it?

Mr. DAVIS, of West Virginia. Do I understand the Chair to rule that the Calendar is not in order?

The VICE-PRESIDENT. The Chair rules that this is a privileged question, and first to be put to the Senate.

Mr. DAVIS, of West Virginia. Then I move to proceed to the consideration of the appropriation bill.

The VICE-PRESIDENT. The Chair will first put the question on the motion of the Senator from Wisconsin, which is a privileged motion. Will the Senate agree to the motion of the Senator from Wisconsin?

Mr. CAMERON, of Wisconsin, and Mr. SAULSBURY called for the yeas and nays, and they were ordered.

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, I should vote "yea" and he would vote "nay."

Mr. TELLER, (when his name was called.) On this subject I am paired with my colleague, [Mr. CHAFFEE.] If he were present, I should vote "yea."

The result was announced—yeas 25, nays 36; as follows:

YEAS—25.

Allison,	Dawes,	Ingalls,	Plumb,
Anthony,	Dorsey,	Kirkwood,	Rollins,
Blaine,	Edmunds,	McMillan,	Wadleigh,
Booth,	Ferry,	Mitchell,	Windom.
Cameron of Wis.,	Hamlin,	Morrill,	
Chandler,	Hoar,	Oglesby,	
Conkling,	Howe,	Paddock,	

NAYS—36.

Balley,	Davis of W. Va.,	Jones of Florida,	Morgan,
Barnum,	Dennis,	Kernan,	Patterson,
Bayard,	Eaton,	Lamar,	Ransom,
Beck,	Garland,	McCreery,	Saulsbury,
Cameron of Pa.,	Gordon,	McDonald,	Shields,
Cockrell,	Grover,	McPherson,	Voorhees,
Coke,	Harria,	Matthews,	Wallace,
Conover,	Hereford,	Maxey,	Whyte,
Davis of Illinois,	Hill,	Merrimon,	Withers.

ABSENT—15.

Bruce,	Eustis,	Randolph,	Spencer,
Burnside,	Johnston,	Sargent,	Toller,
Butler,	Jones of Nevada,	Saunders,	Thurman.
Chaffee,	Kellogg,	Sharon,	

So the motion was not agreed to.

ORDER OF BUSINESS.

Mr. DAVIS, of West Virginia. I move to take up—

The VICE-PRESIDENT. The Senator will name the bill.

Mr. DAVIS, of West Virginia. The deficiency bill.

Mr. McMILLAN. If it be in order, I move that the Senate proceed to the consideration of House bill No. 6362.

The VICE-PRESIDENT. The motion is not in order.

Mr. ALLISON. I ask for the regular order, which is the deficiency appropriation bill.

Mr. McMILLAN. I ask the Senator from Iowa to yield to me to dispose of the House bill making appropriations for the payment of claims reported allowed by the commissioners of claims.

Mr. ALLISON. I should like to accommodate my friend, but it is impossible. That bill will be in order after this is disposed of.

The VICE-PRESIDENT. The Senate proceeds to the consideration of the unfinished business, being the deficiency appropriation bill.

DEBATE ON APPROPRIATION BILLS.

Mr. ALLISON. Before the bill is read, I ask to have adopted the rule offered by the Senator from Minnesota, [Mr. WINDOM,] I think, on the 20th, relating to the five-minute debate on appropriation bills. I think there will be no objection to it.

The VICE-PRESIDENT. The Senator from Iowa asks that the five-minute limit of debate be applied to this appropriation bill.

Mr. BECK. I object to that.

The VICE-PRESIDENT. Objection is made.

Mr. ALLISON. I did not propose to apply the rule particularly; I only asked for the adoption of a resolution which will enable us to apply it when we are disposed to do so.

The VICE-PRESIDENT. Is there objection to this proposition?

Mr. ALLISON. I ask that the resolution of the Senator from Minnesota be read.

The VICE-PRESIDENT. The resolution will be read in order that the Senate may understand it.

The Secretary read the following resolution submitted by Mr. WINDOM on the 20th instant:

Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion; and such motion shall be decided without debate.

Mr. ALLISON. That is the usual rule adopted at the end of every session.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. DAVIS, of West Virginia. It is not to go into effect at present?

Mr. ALLISON. No, only to have it so that it can be applied hereafter.

Mr. DAVIS, of West Virginia. Then there is no objection.

The resolution was agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, after the word "cents," in line 11, under the head of "southern claims commission," to insert the following proviso:

Provided, That so much of the appropriation for contingent expenses of the southern claims commission made by the legislative act approved June 19, 1878, as may be necessary, not exceeding \$7,000, is hereby transferred for the payment of salaries of investigating agents and their expenses, and for additional clerks, for the fiscal year 1879.

The amendment was agreed to.

The next amendment was, in line 56, under the heading "Under the Court of Claims," after the word "forty," to strike out "thousand five hundred and fifty-four dollars and ninety-five," and insert "three thousand one hundred and ninety-nine dollars and forty-nine;" in line 59, under the same heading, after the word "cents," to insert "Joseph S. Farden, \$163.05; Jane Quinn, administratrix of David Quinn, deceased, \$1,740; Platt M. Thorn, \$558.33;" and in line 64, under the same heading, after the words "in all," to strike out "eighty-four thousand seven hundred and eighty-six dollars and ninety-two," and insert "eighty-nine thousand eight hundred and ninety-two dollars and eighty-four;" so as to read:

Joseph S. Emery, \$43,199.49; John C. Grund & Co., \$47.50; Joseph S. Farden, \$163.05; Jane Quinn, administratrix of David Quinn, deceased, \$1,740; Platt M. Thorn, \$558.33; in all, \$89,892.84.

Mr. EDMUNDS. I see in these provisions for the Court of Claims what seems to me to be rather unusual—an enumeration of the judgments to be paid. We usually, I believe, make a general appropriation; and so I presume this is to make up a deficiency. I should like

to inquire, taking one of the larger ones that I see, whether the attention of the committee has been called to it. Take page 3, lines 56 and 57; what is this claim of Joseph S. Emery for \$43,199.49?

Mr. ALLISON. It is a judgment of the Court of Claims against the United States in favor of Mr. Emery.

Mr. EDMUNDS. Yes, but on what account, and how does it happen that it was not paid out of the general appropriation?

Mr. ALLISON. I understand the general appropriation was deficient for the payment of all these claims. These claims come to us with an estimate and a statement made by the Secretary of the Treasury. I have the document here.

Mr. EDMUNDS. I do not doubt the fact that the Secretary of the Treasury has reported an estimate; but if these were ordinarily judgments of the Court of Claims about which there was no question of duty or otherwise, it is a little surprising I must say with all respect to the executive department, that the estimate should not have been for so much to pay unpaid judgments of the Court of Claims. It would look a little, therefore,—the Senator will pardon me a moment,—as if these judgments did not fall within the usual law but are some special and particular judgments to which the general appropriation for the payment of judgments did not apply, perhaps claims upon some special fund or something of that sort. If that be so I should like to know, selecting out one of these large ones as merely an illustration of the whole thing, what is the nature of these claims, if they are claims for captured and abandoned property and upon what ground of right do they stand? Is it that the claimant had received a presidential amnesty or pardon, who would not have otherwise have been entitled. If so, then I do not wish to appropriate the money.

Mr. ALLISON. If the Senator from Vermont will send for Executive Document No. 31, House of Representatives, present Congress, third session, he will find on page 2 an estimate for the "payment of judgments rendered by the Court of Claims of the United States due and unpaid, January 8, 1879, \$84,786.92." I hope Senators will send for this document, as it contains much of the information on which these appropriations are made. That is a general statement.

Now, I refer to page 19, a sort of appendix, for a list of these claims. The House of Representatives, instead of appropriating in bulk as is usual with reference to these judgments, saw proper to turn to the appendix and put them in in detail. The Committee on Appropriations did not go behind this document to ascertain in each particular case upon what these judgments are based. They had not time to do it.

Mr. EDMUNDS. I do not wish to delay the bill. Let it go on, and we can look into this.

Mr. ALLISON. Before the last amendment is agreed to, I offer the following amendment by direction of the committee, and I call the attention of the Senator from Vermont to it. It is to come in at the end of line 64, before the words "in all:"

To the Denver Pacific Railway and Telegraph Company, \$58,260, or so much thereof as may be necessary.

Mr. EDMUNDS. What does that mean?

Mr. ALLISON. That is a judgment of the Court of Claims affirmed by the Supreme Court of the United States for payment to the Denver Pacific Railroad.

Mr. EDMUNDS. For what?

Mr. ALLISON. For carrying the mails of the United States.

Mr. EDMUNDS. When was that judgment affirmed?

Mr. ALLISON. Affirmed at the present term of the court. I have a letter from the Attorney-General on the subject.

Mr. EDMUNDS. It had better be read to show on what ground it is.

Mr. ALLISON. I ask that the letter be read which I send to the desk.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 24, 1879.

Mr. SENATOR: I have seen a proposed amendment to the Senate bill in regard to the Denver Pacific Railroad, appropriating so much as may be necessary of the sum of \$58,260 to discharge the final judgment of the Court of Claims in favor of this road, and see no objection to its passage.

Very respectfully, your obedient servant,

CHARLES DEVENS,
Attorney-General.

HON. HENRY M. TELLER,
United States Senator.

The PRESIDING OFFICER, (Mr. Howe in the chair.) The question is on the amendment moved by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. Now the footing which is merely the aggregate should be modified accordingly.

The PRESIDING OFFICER. That modification will be made, and the amendment of the Committee on Appropriations as thus amended agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to insert after line 71 of section 1:

For salary of chargé d'affaires to Greece, being a deficiency for the fiscal year 1879, \$5,080.

Mr. COCKRELL. I should like to have some explanation of that.

Mr. ALLISON. In the last consular and diplomatic bill no appropriation was made for a chargé d'affaires at Greece. The President of the United States, however, continued this officer at his post, and

he has been discharging his duties during the present year. The Secretary of State regards it as important that he should remain during the present year, and of course if he remains there he ought to be paid the ordinary compensation for that service.

Mr. COCKRELL. I understand, then, the legislative authority of the Government thinking the office was not necessary did not appropriate any salary for it, but the executive authority thinking it was necessary continued the service.

Mr. ALLISON. That is it.

The PRESIDING OFFICER. The question is on the amendment. The amendment was agreed to.

The next amendment was, after line 74 of section 1, to insert:

To enable the Secretary of State to make such allowance as he shall deem just and equitable to the widow of the late Bayard Taylor, late minister to Germany, for the extraordinary expenses and losses incurred by the estate of said minister in consequence of his dying within a short period after his arrival at his post of duty, the sum of \$7,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, after line 82 of section 1, to insert:

To enable the Secretary of State to make such allowance as he shall deem just and equitable to Mary E. Colburn, widow of the late Justin E. Colburn, late consul-general to Mexico, for the extraordinary expenses and losses incurred by the estate of the said consul-general in consequence of his dying within a short period after his arrival at his post of duty, the sum of \$2,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, after line 91 of section 1, to insert:

To enable the Secretary of State to pay John C. Myers salary as consul general at Shanghai from March 27 to July 12, 1877, \$2,933.16, upon receipt in full of all his claims as such officer.

Mr. COCKRELL. I should like to know if that is an officer whose salary was reduced by act of Congress, and if this is a deficiency owing to that reduction.

Mr. ALLISON. If the Senator from Missouri desires an explanation of this amendment, I will send to the desk a letter from the Secretary of State and ask that it be read.

Mr. COCKRELL. Very well.

The PRESIDING OFFICER. The letter will be reported.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, December 19, 1878.

SIR: I have the honor to submit to you, with a view to its consideration by your committee and the requisite appropriation by Congress, a statement of the claim of John C. Myers, esq., late consul-general of the United States at Shanghai, on account of compensation due him, and still remaining unpaid, during his incumbency of that office. Mr. Myers was suspended from his office of consul-general at Shanghai by the President on the 5th of June, 1877, the suspension taking effect on the 12th of July following, that being the date of Mr. Myers's reception of the notice of his suspension. The laws of the United States provide that no diplomatic or consular officer who shall be absent from his post, by leave or otherwise, shall receive compensation for the time which he may be absent beyond sixty days in any one year and the time allowed by the Secretary of State for transit to and from such post to his residence in the United States.

Mr. Myers's accounts have been adjusted at the Fifth Auditor's Office, and he has received compensation up to the 27th of March, 1877, the date upon which he was relieved from the duties of the consulate-general by the minister of the United States.

Under these circumstances this Department has considered him entitled to compensation at the rate of the salary attached to the office from the 27th of March, 1877, the date when he was relieved by the minister, to the 12th July of that year, the date of the reception of the President's letter of suspension, and an additional sixty days for absence with leave and fifty days' transit, that being the time fixed for making the journey between this capital and Shanghai.

These several allowances present the following sums, net and gross:

Salary from March 27 to July 12, 107 days.....	\$1,468 59
Sixty days' leave of absence.....	\$15 22
Fifty days' transit home.....	679 35

Making a total of.....	2,963 16
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The last item, of \$679.35, was paid by the Treasury; payment of the other two items, amounting to \$2,283.81, was refused by the First Comptroller on the ground that all of the appropriation for that year which could properly be devoted to that purpose had been already exhausted in payment of the officer charged with the performance of the duties of the consulate-general during the suspension of Mr. Myers.

While not prepared to accept the conclusion of the Comptroller in regard to these items as correct, I do not feel disposed to raise any question with that officer, he being the authorized accounting officer in regard to such matters, and there being no fund at the disposal of this Department from which the account could properly be paid. I informed the attorneys of Mr. Myers that it would be necessary to await the action of Congress, to which body I would not fail at the proper time to make a recommendation for the necessary appropriation. Mr. Myers, not being satisfied with this proposed disposition of his claim, commenced an action against the United States in the Court of Claims, seeking to recover a much larger amount. The cause is now pending in that tribunal, and the interests of the United States are being represented there by my colleague, the Attorney-General.

I am now informed by Messrs. Carpenter and Coleman, the attorneys of the claimant, that if a sum sufficient to discharge the two disallowed items, namely, \$2,283.81, shall be appropriated by Congress and made immediately available, that such sum will be accepted by Mr. Myers as a final settlement of his claims on the Government on account of his services as consul-general at Shanghai, and that the action now pending in the Court of Claims, based upon that claim, will be at once dismissed. I do not think he could recover any more in that action, and I am also of opinion that he ought not to receive any less. I have therefore the honor to suggest that a sum sufficient to discharge that liability, namely, \$2,283.81, be recommended to Congress as an appropriation for that purpose, and that such sum may be made immediately available.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS,

HON. WILLIAM WINDOM,
Chairman of the Committee on Appropriations, United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, after line 97 of section 1, to insert:

To enable the Secretary of State to reimburse the United States consul at Cadiz, Spain, for expenses incurred on account of certain Spanish refugees who sought the protection of the United States consulate during the insurrection in the southern provinces of Spain in 1873, \$563.69.

The amendment was agreed to.

The next amendment was, after line 104 of section 1, to insert:

For compensation and expenses of C. W. Brink, as bearer of dispatches from the United States minister in Mexico in the year 1869, \$542.

The amendment was agreed to.

The next amendment was to insert after line 137 of section 1:

For the Territory of New Mexico, \$800, being for the fiscal year 1878.

For legislative expenses, namely: For compensation and mileage of the members of the Legislative Assembly, officers, and clerks, and contingent expenses thereof, and for rent, light, fuel, printing, stationery, and incidentals, being deficiencies for the fiscal year 1879, for the following Territories, namely:

For Arizona, \$4,220; for Dakota, \$5,680; for Idaho, \$5,680; and for Montana \$5,680.

Mr. COCKRELL. I ask the Senator from Iowa if the aggregate amounts named for these territorial expenses are the same reported in House Executive Document No. 31?

Mr. ALLISON. These are not reported in Executive Document No. 31. They arise from the fact that in these Territories Legislatures are in session this winter. The appropriation act last year provided for a reduction in the number of members and employés of the territorial Legislatures, but it provided that the reduction should only apply to these Territories after the close of the next session of their several Legislatures. Only a sufficient sum was appropriated to pay the expenses of the Legislatures as thus cut down. A deficiency, of course, occurs in all the Territories where Legislatures are being held this winter. These sums are very carefully computed to cover those deficiencies.

Mr. BECK. In other words, the last appropriation was made according to the new law and not according to the old law.

Mr. ALLISON. Yes; not according to the old law.

Mr. BECK. And the old law required this expenditure.

Mr. ALLISON. That states it all in a nutshell.

The amendment was agreed to.

The next amendment was to insert after line 159 of section 1:

Office of depositary at Tucson: For depositary, in addition to his pay as postmaster, \$1,500; for night-watchman, from August 8 to October 7, 1878, at \$90 per month, \$180; in all, \$1,680, being deficiencies for the fiscal year 1879.

For contingent expenses of said office, \$147.34, being a deficiency for the fiscal year 1877.

The amendment was agreed to.

The next amendment was, in line 183 of section 1, after the word "revenue," to strike out "for additional amount to be used in suppressing illicit distilling," and in line 185 to increase the appropriation from \$25,000 to \$50,000; so as to read:

Salaries and expenses of collectors of internal revenue, being for the year 1879, \$50,000.

The amendment was agreed to.

The next amendment was, after line 185 of section 1, to insert:

For detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws, or conniving at the same, including payments for information and detection of such violations, for the fiscal year ending June 30, 1879, \$25,000.

Mr. BECK. I see we have passed one item in regard to the internal revenue. There are some provisions in the bill upon which the committee differed somewhat, and it was suggested that we should pass over several amendments upon which there was a difference of opinion and let those upon which we all agreed be considered first.

Mr. ALLISON. I think the Senator from Kentucky does not object to this amendment and the preceding. The items to which he refers and would probably object to are further on.

Mr. BECK. Very well. I will not ask to have this amendment passed over.

The amendment was agreed to.

The next amendment was, after line 215 of section 1, to insert:

For gas, drop-lights, and tubing, gas-burners, brackets, and globes, candles, lanterns, and wicks, being a deficiency for the fiscal year 1879, \$4,000.

The amendment was agreed to.

The next amendment was, after line 219 of section 1, to insert:

To allow salary to Charles Bryant, late special Treasury agent of the seal islands in Alaska, from May 15 to June 30, 1877, \$471.29.

The amendment was agreed to.

The next amendment was, after line 224 of section 1, to insert:

That in the settlement of the accounts of Henry C. De Ahna, late collector of customs at Sitka, Alaska, in addition to the salary and fees to which the said De Ahna is entitled under existing law, the proper accounting officers of the Treasury are hereby authorized and directed to allow and pay to the said De Ahna the further sum of \$3,500, in full compensation for all expenses incurred and losses sustained by the said De Ahna in traveling to and from Alaska and in obtaining and furnishing the Treasury Department with reports concerning the condition of public affairs in said Territory; and said sum of \$3,500 is for that purpose hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, after line 270 of section 1, to insert:

COAST AND GEODETIC SURVEY.

Survey of the Atlantic and Gulf coasts: For the continuation, during the present fiscal year, of the survey of the Atlantic and Gulf coasts of the United States, the triangulation toward the western coast, and furnishing points for State surveys, \$40,000.

The amendment was agreed to.

The next amendment was, after line 276 of section 1, to insert:

Survey of the western (Pacific) coasts: For the continuation, during the present fiscal year, of the survey of the Pacific coasts of the United States, the triangulation toward the eastern coast, and furnishing points for State surveys, \$35,000.

The amendment was agreed to.

The Secretary resumed the reading of the bill to line 286 of section 1. Mr. SARGENT. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 286 in the items under the head of the Interior Department:

To pay John L. Swift, late pension agent at San Francisco, the amount found due him on the settlement of his account, \$123.04.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 291 of section 1, under the head of "Indian affairs," to increase the appropriation for subsistence for the year 1879 of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, of the Indian Territory, from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in line 295 of section 1, to increase the appropriation for subsistence of the Assinaboines, at Fort Belknap, Montana Territory, from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, after line 301 of section 1, to insert:

To enable the Secretary of the Interior to pay William Kiskadden for beef furnished the Crows, 1876, \$9,416.11.

The amendment was agreed to.

The next amendment was, after line 305 of section 1, to insert:

To enable the Secretary of the Interior to pay to the Creek Nation of Indians amount due for expenses incurred in negotiating treaty of June 14, 1866, \$1,482.

The amendment was agreed to.

The next amendment was, after line 309 of section 1, to insert:

To enable the Secretary of the Interior to reimburse Messrs. Buck and Kellogg, attorneys-at-law, Emporia, Kansas, for certain moneys paid and fees due as bondsmen and attorneys in a suit brought in the district court of Lyon County, Kansas, entitled L. M. Appleby vs. Louis Primeaux, \$208.60.

The amendment was agreed to.

The next amendment was, after line 337 of section 1, to insert:

Patent Office:

For compensation of twenty-two third assistant examiners, twenty clerks at the rate of \$1,000, and ten laborers at the rate of \$660, to be employed for the remainder of the current fiscal year, in place of sixty-six clerks and laborers discharged November 15, 1878, \$15,000: *Provided*, That hereafter no temporary laborers except per diem laborers expressly authorized by law, and no temporary clerks whatever, shall be employed or paid in the Patent Office.

The amendment was agreed to.

The next amendment was, after line 348 of section 1, to insert:

For photolithographing or otherwise reproducing copies of drawings destroyed or damaged by the fire of September 24, 1877, being a deficiency for 1879, \$25,000.

The amendment was agreed to.

The next amendment was, after line 353 of section 1, to insert:

For service of the Hot Springs Commission, acting under the request of the President, from June 25 to December 16, 1878, at the rate provided by the act creating the commission, and for salaries of clerks, and the necessary incidental expenses incurred during said term, and for fees and per diem due the United States marshal for the eastern district of Arkansas, acting under the authority of said commission, \$12,000; the same to be disbursed under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, after line 363 of section 1, to insert:

Public lands:

For certain amounts fully set forth in detail on pages 13, 14, 15, 16, and 17 of House Executive Document No. 31, Forty-fifth Congress, third session, being letter of the Secretary of the Treasury transmitting estimates of appropriations required by the various Departments to complete the service of the fiscal year ending June 30, 1879, and prior years:

For surveying public lands in Arizona for 1872, \$75.11; for 1874, \$45.94; for 1875, \$81.84; for 1876, \$280.80; in all, \$483.69.

The amendment was agreed to.

The next amendment was, after line 380 of section 1, to insert:

For surveying public lands in California for 1871, \$9.39; for 1876, \$6,439.01; in all, \$6,448.40.

The amendment was agreed to.

The next amendment was, after line 385 of section 1, to insert:

For surveying public lands in Florida, for 1876, \$701.73.

The amendment was agreed to.

The next amendment was, after line 388 of section 1, to insert:

For surveying public lands in Louisiana, for 1876, \$57.50.

The amendment was agreed to.

The next amendment was, after line 390 of section 1, to insert:

For surveying public lands in Oregon, for 1872, \$70.55; for 1873, \$263.52; for 1874, \$395.47; for 1875, \$15.12; in all, \$744.66.

Mr. MITCHELL. I should like to ask the chairman of the committee whether that means a deficiency ending the last day of June of this year; for instance, take the item for surveying public lands

in Oregon, for the year ending June 30, 1872? I know that the contract in this case was made in 1871.

Mr. ALLISON. These are to pay adjusted balances ascertained by the accounting officers of the Treasury, and we have put the appropriation in the exact language of the estimates, as the Senator will see if he will turn to the estimates.

Mr. MITCHELL. I have the estimates before me. In the first case it states this sum to be the balance due the deputy surveyor under contract of May 4, 1871. The contract was in 1871.

Mr. ALLISON. What page is that?

Mr. MITCHELL. Page 14; but the amendment says it is a deficiency for the year 1872. I presume the amendment is correct, and I only want to be certain about it.

Mr. ALLISON. Yes, it is intended to cover the exact case.

The amendment was agreed to.

The next amendment was, after line 398 of section 1, to insert:

For surveying public lands in New Mexico, Arizona, and Nevada, for 1877, \$474.30.

The amendment was agreed to.

The next amendment was, after line 401 of section 1, to insert:

For surveying public and private lands in Arizona, for 1878, \$134.81.

The amendment was agreed to.

The next amendment was, after line 404 of section 1, to insert:

For surveying private land claims in New Mexico, for 1876, \$472.83.

The amendment was agreed to.

The next amendment was, after line 407 of section 1, to insert:

For surveying boundaries of the Round Valley Indian reservation, in California, for 1876, \$913.46.

The amendment was agreed to.

The next amendment was, after line 411 of section 1, to insert:

For contingent expenses, office of surveyor-general of Idaho, for 1871 and prior years, \$299.94.

The amendment was agreed to.

The next amendment was, after line 415 of section 1, to insert:

For salaries, office of surveyor-general of Arizona, for 1878, \$478.17.

The amendment was agreed to.

The next amendment was, after line 418 of section 1, to insert:

For salaries, office of surveyor-general of California, for 1878, \$4,006.69.

The amendment was agreed to.

The next amendment was, after line 421 of section 1, to insert:

For contingent expenses, office of the surveyor-general of California, for 1878, \$479.04.

The amendment was agreed to.

The next amendment was, after line 424 of section 1, to insert:

For contingent expenses, office of surveyor-general of Colorado, for 1878, \$42.71.

The amendment was agreed to.

The next amendment was, after line 427 of section 1, to insert:

For contingent expenses, office of surveyor-general of Nevada, for 1877, \$548.75.

The amendment was agreed to.

The next amendment was, after line 430 of section 1, to insert:

Office of surveyor-general of California:

For the following amounts, as per special estimate of the Secretary of the Interior, being for the fiscal year 1879:

For translating, copying, and indexing original Spanish archives, and preserving from destruction originals greatly defaced by time and usage, \$10,000.

Mr. SARGENT. The House have inserted that item, which is a very necessary one, in the sundry civil appropriation bill; and it is not necessary, therefore, that it should be incorporated in the deficiency appropriation bill. I ask that the amendment be not concurred in.

The amendment was rejected.

The next amendment was, after line 437 of section 1, under the head of "Office of surveyor-general of California," to insert:

For furnishing township plats, maps, and descriptive notes of lands surveyed in former years but not furnished to local land offices, \$8,000.

For the purchase of an iron safe for original Spanish archives, \$1,200.

For representing one thousand and mineral surveys on official township plats, \$5,000.

For bringing up arrears in draughting and other work in relation to private land claims, \$3,000; in all, \$27,200.

Mr. SARGENT. The footing now must be corrected in the last line of the amendment. Ten thousand dollars taken off would leave \$17,200.

The PRESIDING OFFICER. That correction will be made.

The amendment, as amended, was agreed to.

The next amendment was, after line 45 of section 1, to insert:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, and for defraying the expenses which have been and may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,' or any acts amendatory thereof or supplementary thereto, being a deficiency for the fiscal year ending June 30, 1879, \$250,000.

Mr. WITHERS. Mr. President, that amendment does not meet with the unanimous concurrence of the committee. It provides \$250,000 for the payment of United States marshals in addition to large appropriations which have already been made. While I do not

desire to go into the general subject now and discuss this whole matter, I ask that the yeas and nays may be taken upon the amendment.

The yeas and nays were ordered.

Mr. ALLISON. May I suggest to the Senator from Virginia and the Senator from Kentucky, as the yeas and nays have been ordered and as this amendment will likely lead to debate, that we have common consent to pass it over until we have gone through with the other amendments?

Mr. WITHERS. I have no objection, if I can have unanimous consent to withdraw the call for the yeas and nays, to pass over the amendment informally and consider it afterward.

Mr. BECK. We can come back to it.

Mr. ALLISON. Let it be passed over informally, and finish the other amendments, so that we can make more rapid progress with the bill.

The PRESIDING OFFICER. The Chair hears no objection to the arrangement proposed.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations, after line 473 of section 1, was to strike out the following clause:

That hereafter it shall not be lawful for the same person to hold at the same time the offices of clerk of the district and circuit court of the United States; and no such clerk or his deputy shall be appointed a receiver or master in chancery by any such courts.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," to insert, after line 522 of section 1:

To pay John W. Bigelow for provisions for the fiscal year 1877, \$15,375.40.

The amendment was agreed to.

The next amendment was, after line 525 of section 1, to insert:

To pay James D. Thornton, attorney at law, San Francisco, for professional services rendered at Mare Island to the Navy Department, the sum of \$400.

To pay J. H. W. Riley, of San Francisco, stenographer, for services at Mare Island navy-yard, \$382.40.

The amendment was agreed to.

The next amendment was, after line 532 of section 1, to insert:

To pay William H. C. Ellis, attorney at law, Norfolk, Virginia, for professional services, the sum of \$500.

The amendment was agreed to.

The next amendment was, after line 535 of section 1, to insert:

To pay W. Cramp & Sons for iron furnished the Bureau of Construction and Repair, under contracts of October 2, 1874, and April 5, 1875, \$12,353.41.

The amendment was agreed to.

The next amendment was, after line 541 of section 1, to insert:

To pay A. H. Lindsay for timber furnished the Bureau of Construction and Repair, \$7,830.51.

The amendment was agreed to.

The next amendment was, in line 548 of section 1, to increase the item "for pay and traveling and general expenses of the Army for the fiscal year 1879" from \$700,000 to \$900,000.

The amendment was agreed to.

The next amendment was, after the word "seventy-nine" in line 573 of section 1, to insert the following proviso:

Provided, That so much of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, approved June 20, 1878, which makes an appropriation for the expenses of the Reform School of the District of Columbia, shall not be considered as modifying or repealing the thirteenth section of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," approved May 3, 1876.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," after line 609 of section 1, to insert:

Smithsonian Institution: For the preservation of the specimens of the United States surveying and exploring expeditions, 1879, \$4,000.

The amendment was agreed to.

The next amendment was, after line 613 of section 1, to insert:

To enable the Joint Committee on the Library to pay the compensation due John A. Graham, as disbursing agent of the Library of Congress, for the two fiscal years 1875 and 1876, for which he received no pay, \$800.

The amendment was agreed to.

The next amendment was, after line 618 of section 1, to insert:

To pay R. M. Hanson, as superintendent of the building occupied by the Commissary-General of Subsistence for 1875, \$250.

The amendment was agreed to.

The next amendment was, after line 622 of section 1, to insert:

To pay John A. Torrence the sum of \$458.95, the amount due him as receiver of public moneys at Harrison, Arkansas: *Provided*, That of this sum \$164.55 shall be credited to his account as disbursing agent by the proper accounting officers of the Treasury, and the remainder paid to him.

The amendment was agreed to.

The Secretary resumed the reading of the bill to page 27.

Mr. ALLISON. I call the attention of Senators to a little misprint or misarrangement at this point of the bill. Senators will see that there is a transposition of the pages after page 26.

Mr. BECK. There is one page omitted there.

Mr. ALLISON. No; it is not omitted; it will be found transposed, so that 28 appears before 27; that is all.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was,

under the head of "House of Representatives," to insert after line 655 of section 1:

To pay E. B. Blake, jr., for services under the Doorkeeper, from February 1, 1878, up to and including June 30, 1878, at \$2.50 per day, \$375.

The amendment was agreed to.

The next amendment was, after line 660 in the items for the House of Representatives, to insert:

To pay Charles J. Wiener for services as clerk to the Committee on Printing during the recess of Congress, in the year 1878, said committee being authorized by resolution of the House to sit during the recess, thirty days, at \$6 per day, \$180.

The amendment was agreed to.

The next amendment was, after line 666 of section 1, to insert:

Senate:
For horses and mail-wagons, \$400.
For furniture and repairs, \$2,000.
For pay of folders, \$1,300.
For packing boxes, \$170.
For miscellaneous items, that is to say: For expenses of Committee on Transportation Routes to the Seaboard, in taking testimony concerning claim of James B. Eads; Committee on Agriculture, taking testimony concerning cattle diseases; select committee on claims of citizens against Nicaragua; select committee concerning removal of Cheyenne Indians; compensation of Joseph Segar; Committee on the District of Columbia, inquiring as to plan of sewerage in the District; and sundry other expenses of the Senate, \$27,500.

The amendment was agreed to.

The next amendment was, after line 682 of section 1, to insert:

That the sum of \$10,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be placed to the credit of the contingent fund of the Senate, to be applied toward defraying the expenses of such investigations and inquiries as have already been, or may hereafter be, directed by the Senate during the Forty-fifth Congress.

The amendment was agreed to.

The next amendment was, after line 689 of section 1, to insert:

For payment to H. C. Creary, for services as a page in the Senate from December 17, 1878, to March 31, 1879, at \$2.50 per day, \$262.50.

The amendment was agreed to.

The next amendment was, after line 694 of section 1, to insert:

For payment to C. H. West, for services as a page in the Senate from December 14, 1878, to March 31, 1879, at \$2.50 per day, \$270.

The amendment was agreed to.

The next amendment was, after line 699 of section 1, to insert:

For payment to Lord Harleston, as a special messenger on the floor of the Senate from December 2, 1878, to March 31, 1879, at the rate of \$1,440 per annum, \$477.39.

The amendment was agreed to.

The next amendment was, after line 705 of section 1, to insert:

To pay Howard French as clerk in the Sergeant-at-Arms' office during the fiscal year 1879, at the same rate as committee clerks, such sum as may be necessary for that purpose is hereby appropriated.

The amendment was agreed to.

The next amendment was, after line 710 of section 1, to insert:

To enable the Secretary of the Senate to pay to Fillmore Beall, J. C. Robertson, and Daniel Shepperd, each for twenty-six days' services as clerks to Senate committees in the second session of the Forty-fourth Congress, at the rate of \$6 per day, \$468; this being the difference between four months' pay, as authorized by the act of August 15, 1876, and the amounts actually received by these parties.

The amendment was agreed to.

The next amendment was, after line 719 of section 1, to insert:

To enable the Secretary of the Senate to pay George W. Wales for clerical services rendered to the Select Committee on the Tenth Census for the month of November, 1878, \$180.

The amendment was agreed to.

Mr. ALLISON. At that point I wish to offer an amendment. I move to insert, after line 723:

To enable the Secretary of the Senate to pay George P. Bradstreet for clerical service rendered the committee of the Senate to inquire into the matters touching the late presidential election in Louisiana, the sum of \$60.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 723 of section 1, to insert:

To enable the Secretary of the Senate to pay to H. T. Burrows for his services as a special messenger of the Senate during the fiscal year ending June 30, 1879, the sum of \$991.30; the same being the salary of a messenger, less the amount already received by him on account of said services.

The amendment was agreed to.

The next amendment was, after line 730 of section 1, to insert:

That the employees of the Senate who have served during the present fiscal year shall be paid their respective salaries out of the fund already appropriated for such service from the time they entered upon their duties until the time of their taking the oath required by law.

The amendment was agreed to.

The next amendment was, after line 735 of section 1, to insert:

That the Secretary of the Senate and Clerk of the House of Representatives, respectively, pay to the 4th of April, 1879, the usual per diem allowance to all clerks of committees, messengers, pages, and other employees of the Senate and House of Representatives not having a yearly salary, in the employ of the respective Houses on the 4th day of March, 1879, and the same shall be payable on the last-named date; and a sufficient sum to carry the foregoing into effect is hereby appropriated.

Mr. GARLAND. In line 737, I move to strike out the word "fourth" and insert "thirtieth;" so as to read: "pay to the 30th of April."

Mr. EDMUNDS. What does that mean?

Mr. GARLAND. I understand that it has been the custom to pay

the messengers and clerks specified in the clause under a general rule. It makes but a very small difference to extend the pay to the latter part of the month, and therefore I move to insert the 30th of April.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 745 of section 1, to insert:

That when any duty is imposed upon a committee of the Senate involving expenses which are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of the chairman of such committee for any sum paid to him or his order out of said contingent fund by the Secretary of the Senate shall be taken and passed by the accounting officers of the Treasury as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish vouchers in detail for the disbursement of such moneys to the Secretary of the Senate, who shall file them with the accounting officers aforesaid; and this provision shall apply to all cases in which orders of the Senate have already been made.

Mr. EDMUNDS. I make the point of order that that is general legislation upon an appropriation bill, and I object to it accordingly.

Mr. ALLISON. I do not think that can be regarded as legislation. It is a mere method of directing the keeping of the accounts of the committees of this body. It is a mere change of the method. I do not think it can be regarded as legislation.

Mr. EDMUNDS. It is a very dangerous provision on its merits, but that has nothing to do with the question I raise.

The PRESIDING OFFICER. (Mr. MERRIMON in the chair.) The Chair thinks that the exception is well taken.

Mr. EDMUNDS. There is no doubt about it.

Mr. ALLISON. That this amendment is legislation?

The PRESIDING OFFICER. The Chair thinks so. If the Senator desires, the Chair will submit the question to the Senate.

Mr. ALLISON. I hope the Chair will do so. This is a mere direction to the officers of the Senate as to the method of expending money already appropriated.

Mr. CONKLING. Will the Senator state the change it makes?

Mr. ALLISON. When a committee is charged with a duty now, under existing law, it is necessary for the Secretary of the Senate to send with that committee, wherever it may go, an officer with funds, in order to disburse the necessary expenses of the committee. Even in the case of the funeral of a Senator it is impossible to conduct the necessary expenses without sending along from the Secretary's office a disbursing officer.

The object of this amendment is simply to put upon the chairmen of the respective committees, who are really charged with these expenditures, and who must certify to every expenditure or every voucher for an expenditure, the responsibility of accounting for this money. It seems to me that it is a wise provision, a necessary one, and that it in no sense changes existing law, so far as the appropriations are concerned provided for in this bill.

Mr. EDMUNDS. I do not concur with the Senator from Iowa as to the propriety of this amendment in itself, but that has nothing to do with the question of order. We have got along for more than ninety years under the law as it stands, as to the way the public money shall be disbursed; and I, with my present information, am quite unwilling to make a change of this kind, if it were in order; but that is apart from what I have to say.

The rule says that no amendment which proposes general legislation to a general appropriation bill, or whatever the phrase is, shall be in order. This amendment proposes to regulate for all time to come, until it is repealed, a method of disbursing the public moneys, not merely this appropriation. There is not any appropriation of this sort at all in connection with it, but it is a general regulation to stand as long as any law of the Republic stands, that is, until it is repealed. If this is not legislating on an appropriation bill I confess—probably it is my own fault—that I am quite incapable of understanding what is. If the Senate thinks that this does not fall within the rule, very well. I only ask the yeas and nays upon the question of order, so that we may have a solemn determination of the Senate as to what is and what is not legislation upon an appropriation bill.

Mr. ALLISON. I will modify the amendment in order to avoid the point of order—

Mr. EDMUNDS. The Senator cannot modify the amendment when a question of order is pending.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The Committee on Appropriations report the amendment contained between lines 746 and 759, inclusive. The Senator from Vermont makes the point of order that this proposed amendment embodies a proposition of general legislation and therefore is not in order. The Chair will submit the question of order to the Senate.

Mr. CONKLING. Mr. President, when I heard this provision read I mistook it. When I heard the Senator from Iowa state it I inferred from his statement that it was much broader than it is. I venture to call the attention of the Senate to the fact, if I understand it aright now, that it simply provides that the receipts of the chairman of a committee for any sum of money paid to his order shall be taken as a voucher. If I am right in that, it is a provision touching the contingent fund of the Senate, provision for which, and for the disposition of which, is made by law, which this amendment does not change.

at all. It provides that touching that fund a certain voucher here described, to wit, the receipt of the chairman of a committee, shall be accepted as a voucher in keeping the account of that fund.

Mr. President, I cannot say by my vote that that is general legislation. If it is, and yet the provision be as restricted as I think, I know not what could be done on an appropriation bill beyond saying that so much money is devoted to a given purpose. If you add to it that it shall be devoted only upon compliance with a certain condition, that would make it general legislation on an appropriation bill, according to the view now taken. It seems to me that when you are appropriating \$10,000 to be expended by the marshal of the northern district of New York in paying the fees of witnesses, it does not become general legislation if you add that he shall take a receipt, with a subscribing witness, from each one of the persons to whom the money is paid. That I submit would not make it general legislation. If not, then I do not see how it can be general legislation to say of a fund provided by law, the contingent fund of the Senate, the way in which the fund is to be devoted being prescribed by law, that the receipt of a chairman of a committee of a portion of that fund paid to him shall be treated as a voucher. It seems to me that that is so much matter of detail, so much matter of incident, I cannot say it is general legislation within the meaning of the rule.

Mr. EDMUNDS. Mr. President, if this clause related only to a particular sum of money that we were appropriating by this bill, and merely regulated the expenditure of that sum of money, there would be very great force in the observations of the Senator from New York; but I submit to him that the clause does not stand in that way. It is a provision of an enduring character which has no relation so far as anybody can see to any appropriation in this bill; or, if it has, it goes further and regulates for all the future the method in which the public moneys shall be disbursed that are credited to the contingent fund of the Senate. That is all I wish to say; and I do not care which way it is decided so that it makes a law for us.

The PRESIDING OFFICER. The question before the Senate is: Shall the point of order raised by the Senator from Vermont be sustained?

Mr. HAMLIN. I submit that the Chair should put the question in just the opposite way to that stated by him. The question should be, Is the amendment in order?

Mr. EDMUNDS. That is right.

Mr. HAMLIN. Those who think it is in order will vote "yea."

The PRESIDING OFFICER. The Chair will state the question in that shape. The question is: Is the proposed amendment in order? On this question the yeas and nays have been demanded.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 7; as follows:

YEAS—35.

Allison,	Conover,	Howe,	Rollins,
Bailey,	Davis of W. Va.,	Ingalls,	Saunders,
Beck,	Dorsey,	Kernan,	Sharon,
Blaine,	Eaton,	Kirkwood,	Spencer,
Cameron of Pa.,	Garland,	Lamar,	Teller,
Cameron of Wis.,	Grover,	Matthews,	Wallace,
Cockrell,	Hamlin,	Maxey,	Whyte,
Coke,	Harris,	Mitchell,	Withers,
Conkling,	Hereford,	Morgan,	

NAYS—7.

Davis of Illinois,	Edmunds,	McDonald,	Morrill,
Dennis,	McCreery,	Merrimon,	

ABSENT—34.

Anthony,	Dawes,	Kellogg,	Sargent,
Barnum,	Eustis,	McMillan,	Saunders,
Bayard,	Ferry,	McPherson,	Shields,
Booth,	Gordon,	Oglesby,	Thurman,
Brace,	Hill,	Paddock,	Voorhees,
Burnside,	Hoar,	Patterson,	Wadleigh,
Butler,	Johnston,	Plumb,	Windom,
Chaffee,	Jones of Florida,	Randolph,	
Chandler,	Jones of Nevada,	Ransom,	

The PRESIDING OFFICER. The Senate decides that the proposed amendment is in order. The question before the Senate is upon agreeing to the amendment.

The amendment was agreed to; there being on a division—ayes 37, noes 4.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 759 of section 1, to insert:

That Senators elected, whose term of office begins March 4, 1879, and whose credentials in due form of law have been presented in the Senate, or may be deposited with the Secretary of the Senate, may receive their compensation monthly from the beginning of their term until the beginning of the first session of the next Congress.

Mr. EDMUNDS. I make the same point of order that I made before, that this is general legislation upon an appropriation bill.

Mr. ALLISON. I have no doubt that the point of order on this particular amendment is well taken.

Mr. EDMUNDS. I do not think it is, if the other was not; but I should like to see the Senate consistent.

Mr. ALLISON. It undoubtedly is legislation, but it relates to the convenience of Senators, and the committee after consideration inserted the provision. Of course if it is knocked out on a point of order, that ends it.

Mr. BLAINE. It is giving Senators just the same conveniences that are extended to members of the House and which have been extended to them for years.

Mr. ALLISON. No Senator whose term begins on the 4th of March, 1879, can draw any pay after the 4th of March until the beginning of the next session of Congress unless this provision is agreed to.

Mr. EDMUNDS. If the former point of order was not well taken, this is not, in my opinion. I may be wrong about that, and I must be, because the gentleman in charge of the bill says I am. I have recently seen in the newspapers a proposition as coming from some law officer of the Government to the effect that the members of the House stood in the same category, and until they were sworn in they could not draw their pay. I do not know whether that is the law or not. I do not know what the law is about this question, whether this provision be in or out. I only make the point of order, supposing it to fall within exactly the same category as the preceding proposition to enable the Senate to decide upon it, and I do not wish to debate it at all.

The PRESIDING OFFICER. The Chair sustains the point of order but will submit the point of order to the Senate, if any one desires.

Mr. ALLISON. I think it is clearly out of order.

Mr. EDMUNDS. I do not think it is. I think it had better be submitted to the Senate, Mr. President.

The PRESIDING OFFICER. The Committee on Appropriations propose the amendment embraced in line 760 to line 766, inclusive. The Senator from Vermont raises the point of order that this proposed amendment embodies general legislation and is not therefore in order. The Chair will submit the question to the Senate.

Mr. EDMUNDS. I merely wish to say that I think it is in order in obedience to the decision of the Senate on the last vote taken.

Mr. BLAINE. Then the Senator from Vermont derives his views of parliamentary law from what some other person votes, and not from his own convictions.

Mr. EDMUNDS. No, Mr. President, I do not by any means; but I derive my views of the construction of the rules of the Senate from the votes of the Senate itself, upon the yeas and nays.

Mr. BLAINE. I have always said that the rule in the Senate was, that Senators voted that things were in order which they were in favor of and that they voted against the things being in order which they were not in favor of; but I never saw so ingenious a reason given before as the Senator from Vermont gives in this instance.

Mr. EDMUNDS. The Senator is entirely mistaken again, not in what he has said, because he has said so and has acted so. I have not said so and have endeavored not to act so; but when the Senate has settled the construction of the law of the Senate I am willing to follow it.

Mr. BLAINE. No, the Senator from Vermont never acted so; only he put on an appropriation bill the very election laws which another body assembled in this city is trying to get off on an appropriation bill.

Mr. EDMUNDS. The Senator is entirely mistaken about that.

Mr. BLAINE. He voted for it.

Mr. COCKRELL. I voted that the preceding amendment reported by the committee was in order, and I voted to reject that amendment when it came up upon its merits. Therefore, the Senator from Maine does not find that every Senator votes in the way he indicated. I voted that it was in order, and yet I voted against its passage. I believe that this amendment is in order, and I shall vote for its passage.

Mr. BLAINE. The Senator from Maine never said that a Senator was bound to vote for everything that he thought was in order. The Senator from Missouri has twisted that proposition around into a little more generalized form than I intended to put it.

Mr. CONKLING. By way of calming the storm, may I inquire what part of the bill it is that is objected to?

The PRESIDING OFFICER. The proposed amendment of the Committee on Appropriations embraced between lines 760 and 766.

Mr. CONKLING. And what is the point of order?

The PRESIDING OFFICER. The point of order is that the proposed amendment embodies general legislation and contravenes the rule, and is therefore not in order. The question before the Senate is, Is the proposed amendment in order? [Putting the question.] The yeas have it, and the Senate decides that the proposed amendment is in order. The question is on agreeing to the amendment.

Mr. EDMUNDS. I should like to call the attention of the Senator in charge to the fact that this amendment only provides for Senators. Is the Senator absolutely sure that the settled law is that members-elect of the House of Representatives can now draw their pay between the 4th of March and the meeting of Congress?

Mr. ALLISON. They can, by general law.

Mr. BLAINE. Unless their seats are contested and the notice of contest filed.

Mr. EDMUNDS. Very well; I take that as proof of the fact, which I very much doubt.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 775 of section 1, to increase the item "for transportation of the mails by railroads, for 1878 and previous years," from \$166,392.27 to \$284,799.05.

Mr. EDMUNDS. I think that is a very large change and if it is

not out of order I should be glad to have the Senator in charge of the bill explain how this sum has grown from \$166,000 to \$284,000?

Mr. ALLISON. The Postmaster-General reports to the committee, as will be seen by Executive Document No. 46, that all these accounts, aggregating \$284,799.05, have passed the accounting officers of the Treasury. The committee, therefore, inserted the exact amount provided for in the estimate.

Mr. CONKLING. How came these accounts?

Mr. ALLISON. They were accounts that were regularly passed by the accounting officers for the transportation of the mails, year by year.

Mr. CONKLING. The honorable Senator fails to gratify my curiosity for this reason: I inferred that by abolishing the franking privilege and keeping it abolished, and that abolition has been recommended in the Senate here from time to time, the mails were to be carried very cheaply. I wonder that with the franking privilege dispensed with there should be such a deficiency for carrying the mails. Indeed from some of the accounts I heard I rather inferred that the mails would go very much themselves, and perhaps we should get something back for the privilege of carrying them. It seems now that the deficiency grows and grows the more we do not have the franking privilege.

Mr. BLAINE. The trouble is we have just that part of the franking privilege that loads down the mails, and we do not have that which would be of any value.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after the word "Government," in line 796 of section 1, to insert:

Nor prevent the payment of moneys found due said companies respectively, under the decisions of the courts now or hereafter made, or which may be otherwise payable according to law: And provided further, That this paragraph shall not be so construed as to be a disposition of any moneys due or to become due to said companies respectively, or to in any way affect their rights under existing laws, it being only intended to enable the proper accounting officers to state on the books of the Treasury the accounts between the Government and said companies respectively.

So as to read:

That for the proper adjustment of the accounts of the Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies, respectively, for services which have been or may be hereafter performed for the Government for transportation of the Army and transportation of the mails, the Secretary of the Treasury is hereby authorized to make such entries upon the books of the Department as will carry to the credit of said companies the amounts so earned or to be earned by them during each fiscal year and withhold under the provisions of section 5260 of the Revised Statutes and of the act of Congress approved May 7, 1878: *Provided*, That this shall not authorize the expenditure of any money from the Treasury, nor change the method now provided by law for the auditing of such claims against the Government, nor prevent the payment of moneys found due said companies respectively, &c.

Mr. EDMUNDS. In view of recent legislation, this amendment recommended by the committee deserves the very careful attention of the Senate, if it wishes to preserve the existing legislation. The honorable Senator from Ohio [Mr. THURMAN] who sits on the other side of the Chamber, who had charge of the laws that were passed about sinking funds, &c., not being in his seat, and who has sundry papers that were submitted to the Judiciary Committee on the subject, I am not able to state precisely the suggestions that ought to be made about this business; but I venture to move to amend the amendment of the Committee on Appropriations by striking out in lines 798 and 799 the words "now or hereafter made," and to insert in lieu of those words "heretofore rendered;" so as to read:

Nor prevent the payment of moneys found due said companies respectively under the decisions of the courts heretofore rendered, or which may be otherwise payable according to law.

Mr. ALLISON. I do not know exactly the effect of the amendment proposed by the Senator from Vermont; I was a little surprised that he did not make the point of order on this amendment that it was legislation.

Mr. EDMUNDS. Because the Senate has decided that nothing is legislation that can be put on an appropriation bill.

Mr. ALLISON. The object of the amendment of the Committee on Appropriations was to leave the law just as it is now, it being stated by the accounting officers of the Treasury that they only desire this legislation for the purpose of squaring up the books and making credits and debits, &c. Therefore the committee undertook to provide an amendment which should accomplish that purpose and no other. The Committee on Appropriations of course cannot be as familiar with the existing laws, and are not supposed to be as familiar with the decisions of the courts, as the Judiciary Committee is supposed to be. Therefore our purpose was to leave all these questions just as they stand according to existing law, and not legislate in this appropriation bill either for or against these companies.

That was the object of the committee, and therefore this provision was inserted having that object in view. It rather seems to me that the amendment proposed by the Senator from Vermont does turn this paragraph into legislation, which it was the object of the committee to avoid.

Mr. EDMUNDS. In obedience to the suggestion of the Senator from Iowa and the decision of the Senator from Maine, I will withdraw the amendment that I proposed, and will make the point of order that this is legislation, and let the Senate decide that first.

Mr. BLAINE. Then, does the Senator from Vermont mean that if

a piece of general legislation, which the whole of this is if any is, comes from the House, no amendment to that, however germane, is in order? Is that the point the Senator makes now? Because, if this paragraph, beginning at line 780, has legislation in it, it begins at the beginning and terminates with the end; there is no one part of it any more legislation than another. Then the point of the honorable Senator is that if the House send us never so general a piece of legislation we cannot amend it in the slightest particular. I only want to have the point clearly understood before we vote on it.

Mr. EDMUNDS. I only want to get the decision of the Senate, and will not waste time in replying.

The PRESIDING OFFICER. The Committee on Appropriations propose to amend the bill, beginning in line 796 and including all the matter down to line 807. The Senator from Vermont raises the point of order that this proposed amendment is not in order because it contains a provision of general legislation, and therefore contravenes the rule of the Senate.

Mr. BLAINE. I think it is well worth while to emphasize the fact that this is the first time, certainly in my observation, that the point has ever been made that a germane amendment to a piece of general legislation coming from the House is not in order. This is not general legislation originated by the Senate; it is merely a proposed modification of general legislation that comes to us from the House. So that this is quite a new and quite a distinct point the Senator here raises down, although I suppose if we vote him down on that, he will never make a point on it again as long as he is in the Senate. That is what he announced on the other question.

The PRESIDING OFFICER. The question is, Is the proposed amendment in order?

Mr. ALLISON. I understand the Senator from Vermont to make the point of order that the whole paragraph is legislation, from line 780 to the end.

Mr. EDMUNDS. No, sir, I make the point of order that the amendment proposed by the committee, in the language of the rule, is general legislation on a general appropriation bill.

Mr. BLAINE. One single word more. The point the Senator from Vermont makes is that when a whole paragraph of general legislation comes to us from the House, it may appropriate \$100,000, an amendment is not in order to change that sum; that no amendment to that which is general legislation is in order because it is vitiated from the beginning; and we are not at liberty to make any change even in a proposition of general legislation that comes from the House. This is a little steeper proposition than I have ever yet seen made in the Senate.

Mr. CONKLING. Mr. President, the word in Rule 29 which puzzles me in its application to this case is the word "proposes."

No amendment which proposes general legislation shall be received to any general appropriation bill.

If the word "proposes" is to be supposed to import "originates," "inaugurates," "brings forward," general legislation, I do not see why the point of the Senator from Vermont is not well taken. On the contrary, if it means that no matter whether we find general legislation in a bill or not we shall do nothing with it whatever, then the application of the principle must be different. In other words, if I can state it more clearly, if the rule means that we must not originate general legislation in the Senate, then the answer in this case is perfect because the legislation comes from the House. If, on the contrary, the rule means that no matter how much it comes from the House we cannot do anything with it if it is general legislation, then I do not see that there is any answer at all to be made. I suppose to give practical effect to this rule it must mean that if a bill comes to us containing general legislation we may strike it out, if we choose, but if we do not, and retain it, we are not bound to agree to it in a form which we must consider pernicious when by changing it we could improve it.

Therefore I must be compelled to vote that this clause being in the bill as it came from the House the rule does not prohibit an amendment to it.

Mr. DAWES. In confirmation of what has been stated by the Senator from New York, on a motion some times in the other branch it used to be the custom to suspend the rules and permit the introduction of independent legislation upon an appropriation bill. It was the universal practice after the independent legislation was introduced to amend it in any way that the House saw fit, provided that that amendment was germane to the proposition that was introduced by the suspension of the rules. The suspension of the rules permitted the introduction of the independent legislation, and that independent legislation when the House once had jurisdiction of it carried with it every modification of it that was germane. I think there cannot be any question about that.

Mr. ALLISON. One word on this proposition. So far from this amendment proposing legislation it proposes the very reverse. The Committee on Appropriations when it came to this provision in the bill was in doubt whether it was intended as a legislative provision or whether it was intended merely as a matter of book-keeping in the Treasury. If the latter, then of course it was easily understood; but if it was intended to take up in an appropriation bill anew the complicated questions with the Pacific Railways, the Committee on Appropriations wanted to turn that matter over to the Committee on the Judiciary and did not seek to take hold of it; and therefore the

committee called before it the officer having this matter in charge, and he said the object was to enable the proper officers of the Treasury to settle up and adjust these accounts by making debits and credits; that there was no purpose of legislation here. The committee accordingly provided or intended to provide by the amendment that there should be no legislation. Now the Senator from Vermont says that the amendment is legislation because it undertakes to construe the previous provision so as not to be legislation. I do not understand how it can be possible that this amendment proposes legislation on an appropriation bill when in fact it proposes the very reverse.

Mr. DAWES. I suppose, Mr. President, that if after the word "Treasury," in the eight hundred and fifth line, the words "according to existing law" were inserted, there could not be any question at all.

Mr. CONKLING. Does it not mean that now?

Mr. DAWES. I was going to say that I suppose it means precisely that now, and that these words would not make it any more clear; but if those words were there, there would be an express statement that it is according to existing law.

Mr. EDMUNDS. May I ask the Senator from Massachusetts when he talks about existing laws, what he thinks of lines 798 and 799, in these words:

Under the decisions of the courts now or hereafter made.

Is not that making provision for the future?

Mr. DAWES. I suppose the decisions hereafter made will be in conformity with existing law.

Mr. BLAINE. They will be binding.

Mr. EDMUNDS. We agree that we will spend money from the Treasury accordingly.

The PRESIDING OFFICER. The question before the Senate is, Is the proposed amendment in order?

The question was put, and decided in the affirmative.

Mr. EDMUNDS. Now, Mr. President, I move to amend in lines 798 and 799 by striking out the words "now or hereafter made," and inserting the words "already made," so as only to bind the Treasury of the United States to conform to existing decisions in the courts, leaving it to some future Congress to determine what shall be done under the acts which give us authority to alter, amend, and repeal in the future.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment to strike out in line 798 the words "now or hereafter made," and insert "already made."

Mr. BLAINE. Does the Senator from Vermont mean by that that the officers are only to be bound by decisions already rendered, and that they are to disregard those that may hereafter be rendered? Is that the idea? It seems to me that language means that the Treasury Department is to go along upon the law as now construed; but if it should happen to be construed differently a year or two years hence, then it is not to obey it; is that what it means?

Mr. DAWES. They cannot keep the accounts, and they come here and get a rule prescribed.

Mr. BLAINE. And that rule is that they shall obey the decision of the Supreme Court of the United States.

Mr. EDMUNDS. It does not say the Supreme Court of the United States.

Mr. ALLISON. Would not the Senator from Vermont accomplish all he desires by simply striking out the words, without inserting anything, unless he means to legislate?

Mr. EDMUNDS. No, Mr. President. With some knowledge that experience and study have forced upon the committee of which I am a member, I make this motion and submit it to the judgment of the Senate. Its judgment will undoubtedly be right; but I do not want hereafter anybody to say that these companies have undermined the present provisions of law by contrivances of this character.

Mr. ALLISON. Do I understand the Senator from Vermont to intimate in any sense that this amendment does undermine any existing law?

Mr. EDMUNDS. I think it does, and that is why I make the motion, to guard against any contingency.

Mr. ALLISON. I should be glad to have the Senator point it out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, in line 798 to strike out the words "now or hereafter made," and insert in lieu thereof the words "already made."

The question being put, there were on a division—ayes 4, noes 20; no quorum voting.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 25; as follows:

YEAS—17.

Anthony,	Edmunds,	Merrimon,	Whyte,
Burnside,	Hamlin,	Ogleby,	Withers,
Cockrell,	McCreery,	Ransom,	
Davis of Illinois,	McDonald,	Thurman,	
Davis of W. Va.,	McPherson,	Wadleigh,	

NAYS—25.

Allison,	Cameron of Wis.,	Dawes,	Gordon,
Beck,	Coke,	Eaton,	Grover,
Blaine,	Conkling,	Garland,	Harris,

Hoar,
Kernan,
Matthews,
Maxey,

Mitchell,
Plumb,
Rollins,
Sargent,

Saulsbury,
Samners,
Teller,
Voorhees,

Windom.

ABSENT—34.

Bailey,
Barnum,
Bayard,
Booth,
Bruce,
Butler,
Cameron of Pa.,
Chaffee,
Chandler,

Conover,
Dennis,
Dorsey,
Eustis,
Ferry,
Hersford,
Hill,
Howe,
Ingalls,

Johnston,
Jones of Florida,
Jones of Nevada,
Kellogg,
Kirkwood,
Lamar,
McMillan,
Morgan,
Morrill,

Paddock,
Patterson,
Randolph,
Sharon,
Shields,
Spencer,
Wallace.

So the amendment was rejected.

Mr. EDMUNDS. I move to amend this amendment on page 34, line 803, by adding after the word "rights," these words "or duties or the rights of the United States," so that it will read:

And provided further, That this paragraph shall not be so construed as to be a disposition of any moneys due or to become due to said companies respectively, or to, in any way, affect their rights or duties or the rights of the United States.

Mr. ALLISON. No objection to that; that is all right.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I move to amend on page 34, line 802, by inserting after the word "to" where it follows the word "due" the words "or from;" so as to read:

Shall not be so construed as to be a disposition of any moneys due or to become due to or from said companies respectively.

So as to leave the existing law reciprocal on both sides.

Mr. ALLISON. That is right.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

Mr. EDMUNDS. Before that is put, I wish to ask that after the word "duties" in the amendment that has been inserted, there should be a comma, so that the words "affect their rights or duties," will apply to the companies, and "the rights of the United States" will stand as a distributive clause. I suppose there is no objection to that.

The PRESIDING OFFICER. If there be no objection, the proposed amendment will be considered as adopted.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill.

The next amendment reported by the Committee on Appropriations was, in line 819 of section 1, after "postal clerks," to strike out "seventeen" and insert "twenty-five;" in line 820, after "route agents," to strike out "six thousand five hundred" and insert "ten thousand;" in line 821, after "local mail agents," to strike out "one thousand five hundred" and insert "two thousand;" and in line 823, after the word "all," to strike out "twenty-five" and insert "thirty-seven;" so as to make the clause read:

For railway postal clerks, \$25,000; for route agents, \$10,000; for local mail agents, \$2,000, being for the year 1879; in all, \$37,000, under House Executive Document No. 77, third session of the Forty-fifth Congress.

The amendment was agreed to.

Mr. ALLISON. The next paragraph I am instructed by the committee to ask non-concurrence in. It is unnecessary to read it.

The PRESIDING OFFICER. The proposed amendment, from line 827 to line 841, will be considered as rejected if there be no objection. The Chair hears none, and it is rejected.

The next amendment of the Committee on Appropriations was, to insert, after line 841 of section 1:

For preparation and publication of post-route maps, being for the year 1879, \$5,000.

The amendment was agreed to.

The next amendment was, after line 844 of section 1, to insert:

That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, authorized and instructed to credit the account of D. C. Casey, late postmaster at Hot Springs, Arkansas, with the sum of \$102.64.

Mr. DAWES. I suggest that there ought to be something there to show what that credit is for.

Mr. ALLISON. It is to credit his account for that sum.

Mr. DAWES. Why is it necessary?

Mr. GARLAND. I can explain that.

Mr. ALLISON. The Senator from Arkansas is familiar with it.

Mr. KIRKWOOD. I can explain it. It was before the Committee on Post-Offices and Post-Roads.

Mr. DAWES. I do not desire any explanation myself. The fact that it came from the committee is a sufficient guarantee; but I suggested that there should be something in the phraseology, something in the language of the statute to show what it is for. They might credit him for that sum and he show hereafter that that sum applied to something which the Government did not intend it should be applied for.

Mr. GARLAND. Mr. Casey was appointed postmaster by the President during the recess of the Senate and when the Senate convened it failed to confirm him. He went on and performed the duties of the office as if he had been confirmed. His pay would have amounted for the term he held the office to the sum of \$102.65.

Mr. DAWES. Suppose we add then "for salary before confirmation."

Mr. GARLAND. I am perfectly willing to do that.

Mr. DAWES. There should be something like that to show what it is, to identify it.

The PRESIDING OFFICER. The amendment will be so modified unless there be objection.

Mr. EDMUNDS. I wish to make a point of order in order to take the judgment of the Senate, that this is, as is stated, to provide for a private claim which the rule forbids. I will add that this provision as now stated is to pay for a salary which was earned in direct contravention of law, I believe, but I may be mistaken about that. I think, however, the tenure-of-office act provides that in cases of this kind the person shall not be entitled to the salary of the office. If it was a case of suspension and the appointment of another person, I am quite clear that is the law. If it was a case of a vacancy and an appointment that failed to be confirmed, then under the Constitution, I think it perfectly right to pay this gentleman. Perhaps the Senator from Arkansas can state what the history of the case was.

Mr. GARLAND. As I stated before, Mr. Casey, the party named here, was appointed in the recess of Congress postmaster at Hot Springs.

Mr. EDMUNDS. To fill a vacancy that occurred, or in the place of somebody who was suspended?

Mr. GARLAND. To fill a vacancy that had occurred by the expiration of the office of Mr. Walsh, who preceded him.

Mr. EDMUNDS. Now may I ask the Senator at what time the term of office of Walsh expired?

Mr. GARLAND. I do not recollect the precise date, but during the recess of Congress.

Mr. EDMUNDS. Then I withdraw the point of order, although I think the point was well taken, but as stated it appears to be a just thing to do, and I withdraw the point of order.

Mr. GARLAND. The matter was referred to the Auditor of the Treasury for the Post-Office Department, and he considered it a just claim on the part of Casey's representatives. The man has died since then. He required some legislation by Congress, and the bill was introduced by myself and referred to the Post-Office Committee, who reported it unanimously; but on account of the lateness of the session it was agreed to refer it to the Committee on Appropriations, and it comes in this form to the Senate in this bill. I am willing to adopt the suggestion of the Senator from Massachusetts to show on the face of the bill what the claim is for.

Mr. ALLISON. Insert the words "before rejection as postmaster."

The PRESIDING OFFICER. That modification will be made if there be no objection. The Chair hears no objection.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment reported by the Committee on Appropriations was, in section 2, line 40, after the word "revenue," to strike out "\$3,125.36" and insert "\$3,403.14;" so as to read:

For salaries and expenses of supervisors and subordinate officers of internal revenue, \$3,403.14.

The amendment was agreed to.

The next amendment was, in section 2, after line 45, to insert:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, \$24,130.20, being a deficiency for 1878 and prior years.

Mr. BECK. I ask that that be passed over until the other amendments are acted on.

Mr. EDMUNDS. Why pass it over? The Senate is as full now as it will be.

Mr. ALLISON. The Senator from Kentucky desires to submit some suggestions in reference to the amendment. I suggest to the Senator that we agree to it now *pro forma*. The bill cannot probably pass to-night, and to-morrow in the Senate he can make his objection and call for a yea-and-nay vote, if he desires it, on the adoption of the amendment.

Mr. BECK. That will be satisfactory to me.

Mr. ALLISON. The Senator from Kentucky consents that this amendment may be agreed to now.

The amendment was agreed to.

The next amendment was to insert as line 51 to line 58 of section 2:

The unexpended balance, amounting to \$40,000, of the appropriation of \$150,000, made by the act of June 14, 1878, to refund and pay back taxes erroneously or illegally assessed or collected under the internal-revenue laws, is hereby continued and made available for the payment of all claims to which the appropriation is applicable.

Mr. EDMUNDS. I should like to ask the Senator from Iowa whether this provision is intended as it appears on its face, to be a permanent and indefinite appropriation of this \$40,000, or whether only the appropriation is continued to be available for the fiscal year?

Mr. ALLISON. It is intended to be available until it is disposed of, although if the Senator desires to confine it to this fiscal year I have no objection. There were \$150,000 appropriated for this purpose, I think, in the appropriation bill of 1877, for the fiscal year ending last June. There are about \$40,000 remaining, and the Secretary of the Treasury writes a very urgent letter to us asking us to make this available for claims that may be suggested hereafter.

Mr. EDMUNDS. I have no objection to its being made available for the coming fiscal year, that is the fiscal year to which this bill applies.

Mr. ALLISON. The present fiscal year?

Mr. EDMUNDS. The present fiscal year will end on the 30th of June, 1879. The danger of these permanent appropriations, as this would be as it is written, is that claims which have sometimes been rejected are by stress and pressure and all sorts of ways revived until they succeed by one stress and another in exhausting every cent of the money. I think there had better be a limitation. I suggest that to the honorable Senator.

Mr. ALLISON. I do not think there is any danger in that regard. We are appropriating every year more or less for the refunding of taxes illegally collected, and of course if this \$40,000 should not be expended during the remainder of this fiscal year it would save an additional appropriation for next year; and I do not think there is any great danger of money being misappropriated under it.

Mr. EDMUNDS. I think there is some; and in order to take the sense of the Senate I will put it beyond the 30th of June, which is so near at hand, and I will move to amend by inserting after the word "for" at the end of line 56, page 38, the words "and during the present and next fiscal year," so as to carry it to the 30th of June, 1880.

Mr. ALLISON. Very well; I have no objection to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill, and read to line 71 of section 2.

Mr. BLAINE. I move to amend by adding at the end of that line:

And the further sum of \$2,387.76 is hereby appropriated to pay the amount found due the late surveyor of customs at Portland, Maine, as certified by the Commissioner of Customs to the Secretary of the Treasury as due, subsequent to the Secretary's letter of January 16, 1879.

Mr. EDMUNDS. Is that an amendment of the committee?

Mr. BLAINE. It is an amendment that I have the authority of the committee for offering. I think the Senator will not object to it.

The Secretary of the Treasury says:

TREASURY DEPARTMENT,

February 24, 1879.

SIR: I have the honor to state that the claim of Charles J. Talbot, late surveyor of customs at Portland, Maine, for additional compensation from April 19, 1861, to October 31, 1866, has been examined by the accounting officers, and the sum of \$2,387.76 found due him, which cannot be paid until the necessary appropriation is made by Congress.

The settlement having been made subsequently to January 16, 1879, the amount required to pay this claim was not included in Executive Document No. 30, Forty-fifth Congress, third session.

Very respectfully,

JOHN SHERMAN, Secretary.

The paragraph which has been read did include the items in the Secretary's letter of January 16 of precisely similar character to this. They are consolidated in the sum of \$9,542.58 of exactly the same kind as this.

Mr. EDMUNDS. I believe no point of order that has been made on an appropriation bill at this session, either in respect of legislation or relevancy on private claims, has been sustained. I think this is open to the point of order that it is to provide for the payment of a private claim; but on the other hand it cannot be denied that there are a great many things in this bill both by the way of original text as it came from the House and by way of amendment as it came from the committee, equally liable to this objection. But as the Senate, and rightly as I must suppose, seems to regard these matters as within the rule, it is useless to make the point of order, and I have no disposition to make it under these decisions of the Senate inasmuch as it appears from the statement of the Senator that the claim is a just one; but the whole thing becomes very largely a provision for the payment of private claims.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment reported by the Committee on Appropriations was, in section 2, after line 181, to insert:

For incidental expenses of the Quartermaster's Department, \$7,012.65, as fully set forth in the above executive document.

The amendment was agreed to.

The next amendment was, to insert, as lines 185 to 189 of section 2, the following:

To pay William Allen, late sergeant Company E, First Oregon Mounted Volunteers in Indian war of 1855 and 1856, for one horse lost in the military service of the United States, \$115.

Mr. EDMUNDS. Is not that a private claim?

Mr. ALLISON. No, that is a claim passed through the accounting officers regularly, and certified to us by the Comptroller of the Treasury.

Mr. EDMUNDS. Twenty-four years old.

Mr. ALLISON. Just passed.

Mr. EDMUNDS. I hope the horse was not so old. [Laughter.]

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. There is one amendment not disposed of, to be found on page 19, embraced between lines 455 and 470 of section 1.

Mr. WHYTE. As that will probably give rise to a long debate, I move that the Senate do now adjourn.

Mr. ALLISON. The Senator from Nebraska wishes the floor. The committee have some other amendments that have not yet been offered.

Mr. WHYTE. I should like to hear what proposition the Senator from Nebraska has to make before I yield the floor.

Mr. PADDOCK. I desire to call up the resolutions of the House in respect to the memory of the late Frank Welch.

Mr. WHYTE. For that purpose I withdraw my motion to adjourn. The PRESIDING OFFICER. The Chair understands then that the pending bill is informally laid aside and will be the unfinished business for to-morrow's session.

DEATH OF REPRESENTATIVE FRANK WELCH.

Mr. PADDOCK. Mr. President, I call up the resolutions of the House of Representatives of respect to the memory of the late Hon. FRANK WELCH, member of the House of Representatives.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 21, 1879.

Resolved, That this House has heard with profound regret of the death of Hon. FRANK WELCH, late a Representative from the State of Nebraska.

Resolved, That the House do now suspend the consideration of public business, in order to pay proper respect to the memory of the lamented deceased.

Resolved, That in token of regard for the memory of the lamented deceased the members of this House do wear the usual badge of mourning for thirty days.

Resolved, That the Chief Clerk of the House do communicate these resolutions to the Senate of the United States.

Resolved, That out of further respect to the memory of the deceased this House do now adjourn.

Mr. PADDOCK. I send resolutions to the desk to be read.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read as follows:

Resolved, That the Senate receives with sorrow the announcement of the death of Hon. FRANK WELCH, late a member of the House of Representatives from the State of Nebraska, and tenders to the family and kindred of the deceased the assurance of sympathy under their sad bereavement.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. WELCH a certified copy of these resolutions.

Mr. PADDOCK. Mr. President, I little thought when my late colleague of the House sat near me here listening to the eulogies pronounced in the memorial service for the lamented Morton that only a few months would pass until I should be summoned to speak in his funeral. Verily, it hath been truly written, "In the midst of life we are in death." How often during the past year has this solemn admonition come to us. True, our own immediate brotherhood has been spared during these later months, but the shafts of death have fallen thick and fast among our brethren in the other House. One bereavement has followed another there in quick succession, until in very truth it hath become a House of mourning.

Mr. President, I shall not delay the Senate by an extended memorabilia of our lamented colleague, Representative WELCH. He was born on Bunker Hill, Charlestown, Massachusetts, February 10, 1835; was graduated at the Boston High School, and afterward specially educated and trained as a civil engineer. Soon after embarking in his profession the duties thereof called him into the West, and finally, while yet a very young man, in the year 1857, he established his home at Decatur, Nebraska. Mr. WELCH was a gentleman in the highest and broadest sense of the term—kind, gentle, generous, manly. As might naturally have been expected for a young man possessing such qualities of mind and heart, he rapidly advanced to the front in society, and in affairs in his county and section. He was very soon chosen to represent his district in the council or senate of the territorial Legislature, and a little later was elected to the senate of the first Legislature chosen under the State organization, of which body he was made the presiding officer. He held other positions of honor and of trust under both the Federal and State governments, and in 1876 was elected a member of the Forty-fifth Congress. He represented the largest congressional district in the Union, both as respects territorial extent and population. He was alone in the other House from Nebraska—a State embracing an area of seventy-five thousand square miles, with a population of nearly four hundred thousand—a comparatively new State, having innumerable and varied interests in process of development, dependent largely upon Federal legislation and Federal executive administration for encouragement and protection.

There was put upon him the labor of three men, and by day and by night unceasingly he struggled through the protracted and exciting session of last year to do it all. Mr. WELCH was a man of great energy, industry, and pertinacity of purpose. He would do all required of him although he should know the effort would cost him his life; he did all, and as many another before him in like circumstances had done, he went prematurely to his grave. When the session closed Mr. WELCH returned to his constituency very much worn and broken in health. He needed rest, but he took it not. At once he entered upon an active and an exceedingly laborious political canvass. His physical machinery could not endure the additional strain thus put upon it, and then the end came, soon and swift, but pangless. In the evening of the 4th day of September, 1878, in a public meeting, in the midst of a numerous audience, composed largely of his political friends and admirers whom he was about to address, he was sud-

denly stricken and fell in instant death. His family—a fond mother, a devoted wife, and three loving children—were absent in a distant Eastern State, and no other of his kindred was present to close the eyes of him who thus in the prime of his manhood went down under a weight of life's burdens too heavy to be longer borne.

Mr. WELCH's re-election was assured, and but for the failure of health, resulting in his premature death, a career of continually increasing honor and usefulness would surely have been his. As a Representative he was honest, sagacious, and faithful to his convictions. In his relations with his constituency he was just, fair, and impartial toward all parties, factions, interests, and sections. As a colleague he was kind, generous, and considerate. I had known Mr. WELCH intimately during all his Nebraska life—nearly a quarter of a century—and I have the warrant that genuine friendship gives to speak of him. Standing before the bier upon which reposed his mortal remains, surrounded by his grief-stricken neighbors and friends, I declared in the sad ceremonial whence his body was borne to its final resting-place that during all these years of our intimacy FRANK WELCH had never, to my knowledge, been guilty of an unkind, an ungenerous, an unmanly act. That declaration, sir, I here repeat. He scorned the low pursuits of malice. The ignoble sentiments of hatred and revenge found no lodgment in his breast, and moved him not even to retaliation for injuries, real or imaginary; while on the other hand every service, however difficult; every sacrifice, however painful, was cheerfully endured by him for the advancement, the protection of the interests of his friends.

Such a man was FRANK WELCH, and such, sir, is the measure of our loss.

Mr. President, it was with no "hollow circumstance of woes," but as one sorrows for a brother lost, as a family in sackcloth mourns when the insatiate archer entering its charmed circle selects for his victim the favorite of the flock, that we, each and all, in the State he had loved so well and served so faithfully, did say peace and farewell to his ashes. At length they bore him from us, and now his ashes mingle with the soil of Massachusetts. To us, sir, who loved FRANK WELCH, and we all did love him; to us who labored with him from the smallest beginnings in the territorial time to the days of stalwart statehood for Nebraska, there is indeed left the bright record of his honorable citizenship, the proud monuments of his public service, the sweet memory of his personal graces, and of his frank and generous nature, the valued example of his earnest life; and these, sir, shall be ours evermore. Remembering this, sir, with such cheerfulness and resignation as we could command, we responded to the appeal of maternal affection and returned to Massachusetts the mortal casket—broken and useless to be sure—which once had held this priceless jewel. On behalf of the young State whose institutions FRANK WELCH helped to mold, I send greetings and grateful acknowledgments to Massachusetts for the valued services of this her son in our upbuilding. But remember, Senators of that grand old Commonwealth, his ashes are ours as well as yours. You received them from us with our love and our tears; you gave them honored sepulture. Now guard them well, we pray you; for when the last trump shall sound, and they who died for liberty on Bunker Hill and the other patriots buried there shall then, in glad obedience, come forth, no nobler spirit will appear than his whose life, commencing in that historic place, was mainly given to the work of development and civilization which resulted in the establishment of a free and prosperous Commonwealth in the distant West, where only a little time before the Indian, undisturbed, "pursued the panting deer," and "the wild fox dug his hole unscared," in a land where no white man had ever dwelt and the arts of peace were unknown.

Mr. SAUNDERS. Mr. President, my colleague has left but little, if anything, for me to say in reference to the life and death of our late associate, Hon. FRANK WELCH. His personal acquaintance with the deceased was longer and perhaps more intimate than mine, and especially prior to his entering upon his official duties as a Representative in Congress; I therefore left it to my colleague to give, as he has so fully and well done—more ably than I could do—more of the particulars of the early business life and of the early trials and triumphs of our late friend. I had known Mr. WELCH about seventeen years; and from the time of his election to the House to the time of his death I was on intimate terms with him, and was strongly impressed with his uniformly amiable disposition, kindness of heart, courteous demeanor, and his unflinching fidelity to his public trusts.

He was possessed of a warm, genial nature and an unrestricted flow of friendship for his fellow-man, which secured for him in life a popularity truly enviable. And now that an early grave has closed over him, the people of our entire Commonwealth mourn over his departure as though it were that of some near and dear relative.

The good and generous qualities of our human nature were blended in his character. He was resolute, courageous, and ardent in all of his pursuits. Unaided and alone he obtained place, and indeed was the architect of his own fortune. He came to Nebraska long before it was admitted into the Union as a State, and at once took part in giving shape to her public institutions and in preparing the Territory for the responsible position she was soon to occupy as one of the independent States of the Union. He represented his district for several sessions in the territorial and State Legislatures, and afterward held

the arduous and responsible position of register of one of the United States land offices in Nebraska. Elected to Congress in the fall of 1876 and dying before his term of service had expired, he was thus prematurely prevented from filling the measure of his own aspirations and the hopes of the people who had confided in him their trusts.

There was much in the active life of Mr. WELCH that might well be emulated by the youth of our country, and which illustrates the adaptability of our republican institutions to the development of genius and the noble ambitions and high aspirations of men when directed in the interests and for the benefit of his fellow-men. At the early age of twenty-two he left his New England home and, following "the star of empire" with the compass and chain of the engineer, settled in Nebraska. And with an indomitable physical and intellectual energy, directed by great good sense and tempered with justice to all men, we have seen him rise from place to position until he stood an honored and useful member of Congress at large from the State of his adoption. To what higher eminence he might have attained in his brilliant career had he not been cut down in the bloom of manhood we can well imagine by the strong personal force with which he conquered success and the high esteem in which he was held by the people of his State.

He was strong in his convictions of right, and a decided party man, but there was a kindness and benignity about him that like polished armor turned aside all feelings of ill-will or animosity and tended to disarm his opponents and turn them into friends.

It is a phase in our political character—a phase to be lamented and deprecated—for party antagonism to assail the private character and misrepresent the public acts of an official, and especially is this defamation unguarded and severe in the excitement and heat of a political campaign. There are but few men in public position, however chaste their lives, however pure their intentions, however disinterested their acts, who have not had hurled at them the poisoned arrows of partisan rancor. But the manly and generous qualities of our deceased friend were a shield to his character, and whatever may have been said against him in the heat of partisan anger was never cherished in the hearts of those who may have thus hastily spoken.

His political course was short and successful; labor and not words was what he relied upon for success; and no person, of whatever party, or however much they may have differed with him in opinion, ever doubted his intentions or failed to admire his fidelity to his party and his friends. His zeal in the performance of his duty kept him steadily at his post; and no movement, either of order or business, failed to attract his attention.

He was the first and only one of those who have been honored with seats in the National Council from the State of Nebraska who has departed hence for a world of peace; and yet he was the youngest of them all. He was cut down in the bloom and prime of his manhood, in the full possession of his intellectual powers, and has passed to that shadowy land from whence there is no return.

Mr. President, the record of the tomb is fast filling up with illustrious names. In the providence of an all-wise God a number of victims greater than is usual have been snatched by the hand of the dread destroyer from the councils of the nation during the present Congress. In the course of a very short service in this Chamber it has been my sad experience to witness with sympathizing sorrow an unusual number of occasions of this character, in memory of the departure of respected members of one or the other of the two Houses of Congress.

How impressively sad this warning, reminding us of the mutability of human life, of how powerless the earthly hands of love to save, and verifying in this case the saying that "in the midst of life we are in death!" Let these frequent admonitions, so solemn and awful, find a deep place in our hearts who yet remain behind.

Our late associate has gone hence, sir, but his memory will survive, embalmed in the hearts of those who knew him and appreciated his manly qualities. He died, as he lived, deserving and possessing the warm-hearted esteem of many and the ill-will, I trust, of none. In private life in the State in which he lived he was respected, confided in, and beloved to a very remarkable degree; and I have never witnessed a community apparently more deeply impressed by the death of one of its number than in the exhibition of sorrow over the death of our deceased associate.

The integrity of his character, the soundness of his judgment, and the kindness of his heart were well attested by the confidence and affection bestowed upon him in his life and the intense sorrow with which his untimely death was deplored.

Let us commend the heart-stricken widow, the fatherless children, and the bereaved relatives and friends to the tender mercies and teachings of Him who doeth all things well, and who alone can heal the bruised heart and calm the whirlwind of grief in the afflicted soul.

The PRESIDING OFFICER. The question is on agreeing to the resolutions proposed by the Senator from Nebraska, [Mr. PADDOCK.] The resolutions were agreed to unanimously.

Mr. SAUNDERS. As a further mark of respect to the deceased I move that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 25, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ARREARS OF PENSIONS.

Mr. MONROE. I move that the rules be suspended and that the following bill be passed:

A bill to provide for the payment of arrears of pensions.

Be it enacted, &c., That the act entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt" is hereby so amended that the Secretary of the Treasury shall be authorized to apply such portion of the proceeds of the sale of the certificates of deposit provided for in said act as may be necessary, not exceeding \$20,000,000, to the payment of claims for arrears of pensions arising under the act approved January 25, 1879.

Mr. MCKENZIE. I demand the yeas and nays.

Mr. RICE, of Ohio. Is it in order to suspend the rules to-day?

The SPEAKER. It is. Besides that, the Chair has recognized the gentleman from Ohio in accordance with an almost unanimous agreement yesterday.

Mr. MONROE. I wish the yeas and nays.

Mr. EWING. So do we.

Mr. ATKINS. I should like to have the bill again read.

The SPEAKER. It is perfectly idle to have bills reported unless gentlemen will listen.

Mr. BUCKNER. I ask that the gentleman from Ohio have five minutes in which to explain this bill.

Mr. EWING. I object unless five minutes are allowed to the opponents of the bill.

The SPEAKER. The proposition then will be that five minutes be allowed on each side.

Mr. BUCKNER. I hope there will be no objection to that.

Mr. MONROE. I have no objection.

The SPEAKER. The Chair hears no objection, and the bill will be again read.

Mr. TOWNSEND, of New York. What is the proposition about debate?

The SPEAKER. Five minutes on each side.

Mr. TOWNSEND, of New York. I object.

The SPEAKER. The gentleman is too late.

Mr. TOWNSEND, of New York. I did not hear the announcement.

Mr. HALE. The announcement was not heard in this part of the Hall. We could not hear anything.

The SPEAKER. The bill will be again read, and then the Chair will again put the proposition to the House in reference to debate of five minutes on each side.

Mr. GARFIELD. Let the bill be again read.

The bill was again read.

The SPEAKER. On motion of the gentleman from Missouri it has been proposed that five minutes of debate be allowed to the gentleman from Ohio [Mr. MONROE] to explain the bill, and five minutes to the gentleman from Ohio in opposition to it.

Mr. MILLS. Will the gentleman from Ohio permit me to offer an amendment?

The SPEAKER. It cannot be offered as this is a suspension of the rules.

Mr. MILLS. He could permit it to be offered.

The SPEAKER. He may modify his motion.

Mr. MILLS. Will the gentleman from Ohio permit an amendment to be offered?

Mr. TOWNSEND, of New York. I object to the proposition stated by the Chair in reference to debate.

Mr. HALE. Everybody is for the bill of the gentleman from Ohio.

Mr. EWING. Let there be read a bill which I have here to offer, providing for the payment of these arrears of pensions by the reissue of United States Treasury notes. [Cries of "Order!" "Object!"]

The yeas and nays were ordered.

Mr. ATKINS. Have we not already appropriated for these arrears of pensions? I think we passed a bill for that purpose.

Mr. MONROE. This bill is to provide the ways and means to meet that appropriation.

Mr. EWING. It is to provide an increase of the bonded debt for that purpose.

The SPEAKER. The question of the gentleman from Tennessee must be answered by some one else than the Chair.

Mr. ATKINS. The appropriation has been made.

Mr. SPARKS. The appropriation for the payment of arrears of pensions has been passed by this House some days ago. As a member of the Appropriations Committee I reported the bill, and it was passed under a suspension of the rules.

Mr. BANNING. Giving how much?

Mr. SPARKS. Twenty-six million eight hundred and fifty-two thousand two hundred dollars. These arrears of pensions have been already appropriated for.

Mr. MONROE. But no means have been provided to raise the money.

Mr. SPARKS. We are well convinced that there is abundant means

in the Treasury, if properly applied, to pay them without resorting to additional interest-bearing bonds for that purpose.

The SPEAKER. The clerks complain that they cannot hear the responses of members. There will be a pause until gentlemen get through with their private conversation.

Mr. WHITTHORNE. Would it be in order to move that the House take a recess for that purpose?

Mr. PRICE. It would last until after the 4th of March next. [Laughter.]

The question was taken; and it was decided in the negative—yeas 124, nays 125, not voting 41; as follows:

YEAS—124.

Aldrich,	Davis, Horace	Hungerford,	Price,
Bagley,	Deering,	Hunter,	Pugh,
Bailey,	Denison,	Itner,	Rainey,
Baker, John H.	Dunnell,	James,	Randolph,
Ballou,	Dwight,	Jones, John S.	Rice, William W.
Bayne,	Eames,	Joyce,	Robinson, G. D.
Bicknell,	Ellsworth,	Keifer,	Robinson, M. S.
Blair,	Errett,	Keightley,	Sampson,
Bliss,	Evans, I. Newton	Ketcham,	Sexton,
Boyd,	Evans, James L.	Killinger,	Shallenberger,
Brentano,	Fort,	Lapham,	Sinnickson,
Brewer,	Foster,	Lathrop,	Small,
Briggs,	Frye,	Lindsey,	Smith, A. Herr
Brown,	Fuller,	Loring,	Starin,
Bundy,	Gardner,	Luttrell,	Stewart,
Burchard,	Garfield,	Majors,	Stone, John W.
Burdick,	Hale,	Marsh,	Stone, Joseph C.
Calkins,	Hamilton,	McCook,	Strait,
Camp,	Hanna,	McGowan,	Thompson,
Cannon,	Hardenbergh,	McKinley,	Townsend, Amos
Caswell,	Harmer,	Metcalfe,	Townsend, M. I.
Chittenden,	Harris, Benj. W.	Mitchell,	Van Vorhes,
Clafin,	Haskell,	Monroe,	Wait,
Clark, Alvah A.	Hayes,	Neal,	Ward,
Clark, Rush	Hazelton,	Norcross,	Watson,
Cole,	Hendee,	O'Neill,	White, Harry
Conger,	Henderson,	Overton,	White, Michael D.
Cox, Jacob D.	Hewitt, Abram S.	Patterson, G. W.	Williams, Andrew
Crapo,	Hiscock,	Peddle,	Williams, C. G.
Cummings,	Hubbell,	Pollard,	Williams, Richard
Danford,	Humphrey,	Pound,	Willits,

NAYS—125.

Acklen,	Davis, Joseph J.	Jones, Frank	Rice, Americus V.
Aiken,	Dibrell,	Jones, James T.	Robbins,
Atkins,	Dickey,	Kelley,	Roberts,
Banning,	Durham,	Kenna,	Ross,
Beale,	Eden,	Kimmel,	Scales,
Bell,	Eickhoff,	Knapp,	Shelley,
Benedict,	Elam,	Knot,	Singleton,
Blackburn,	Ellis,	Landers,	Slemmons,
Blount,	Evins, John H.	Ligon,	White, William E.
Boone,	Ewing,	Lockwood,	Southard,
Bouck,	Felton,	Lynde,	Sparks,
Bragg,	Finley, Ebenezer B.	Mackey,	Springer,
Bridges,	Finley, Jesse J.	Malsh,	Steele,
Bright,	Fleming,	Manning,	Stenger,
Buckner,	Forney,	Martin,	Throckmorton,
Butler,	Garth,	McKenzie,	Townsend, R. W.
Cabel,	Giddings,	McMahon,	Tucker,
Caldwell, John W.	Glover,	Mills,	Vance,
Caldwell, W. P.	Goode,	Money,	Waddell,
Candler,	Gunter,	Morgan,	Warner,
Carlisle,	Harris, Henry R.	Morrison,	Whithorne,
Chalmers,	Harris, John T.	Morse,	Wigginton,
Clark of Missouri,	Harrison,	Muldrow,	Williams, James
Clymer,	Hartzell,	Muller,	Williams, Jere N.
Cobb,	Hatcher,	Oliver,	Willis, Benj. A.
Cook,	Henkle,	Patterson, T. M.	Wilson,
Covert,	Henry,	Phelps,	Wright,
Cox, Samuel S.	Herbert,	Phillips,	Yeates,
Cravens,	Hewitt, G. W.	Pridemore,	Young, John S.
Crittenden,	Hooker,	Rea,	
Culbertson,	House,	Reagan,	
Davidson,	Hunton,	Reilly,	

NOT VOTING—41.

Bacon,	Dean,	Reed,	Turney,
Baker, William H.	Franklin,	Riddle,	Veeder,
Banks,	Freeman,	Robertson,	Walker,
Beebe,	Gause,	Ryan,	Walsh,
Bland,	Gibson,	Sapp,	Willis, Albert S.
Brogden,	Hart,	Sayler,	Wood,
Cain,	Jorgensen,	Stephens,	Wren,
Campbell,	Mayham,	Swann,	Young, Casey.
Clarke of Kentucky,	Page,	Thornburgh,	
Collins,	Potter,	Tipton,	
Cutler,	Powers,	Turner,	

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. SAPP. I am paired with Mr. GAUSE. If he were here, I should vote "ay."

Mr. RYAN. I am paired with the gentleman from Missouri, Mr. FRANKLIN. If he were here, he would vote "no" and I should vote "ay."

Mr. BAKER, of New York. I am paired upon all political questions with my colleague, Mr. BEEBE. This seems to be made one. If he were present, I would vote "ay."

Mr. RICE, of Massachusetts. My colleague, Mr. BANKS, is paired with my other colleague, Mr. DEAN. I do not know how either of them would vote, if present.

Mr. HALE. My colleague, Mr. REED, is detained from the House by illness.

Mr. ATKINS. My colleague, Mr. YOUNG, left the House a short time since in consequence of illness, and is paired with some gentleman upon the other side of the House.

The result of the vote was then announced as above recorded.

L. J. CECIL AND WILLIAM BILLIPS.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 6511) for the relief of L. J. Cecil and William Billips; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

UNIVERSITY LANDS.

Mr. LUTTRELL also, by unanimous consent, presented a memorial in relation to university lands; which was referred to the Committee on Public Lands.

PERSONAL EXPLANATION.

Mr. McMAHON. Mr. Speaker, I rise to a personal explanation. Upon yesterday I voted for the sundry civil service bill upon a motion to suspend the rules. I supposed that it contained nothing but the usual appropriations for public buildings, &c. It contained the usual appropriation for Soldiers' Home, as follows:

Support of National Home for Disabled Volunteer Soldiers: Current expenses, including repairs, for the central branch, for the eastern branch, for the northwestern branch, for the southern branch, and for barracks and other necessary construction purposes, for clothing of extra sizes and underclothing, for out-door relief and incidental expenses, \$80,000; *Provided*, That all purchases of supplies exceeding the sum of \$1,000 at any one time shall be made upon public tender after due advertisement, and that the expenditures for new buildings shall be expressly authorized in writing; *Provided*, That no arrears of pension shall be allowed or paid to any pensioner being a disabled soldier or sailor for the time during which he has been supported in the National Home for Disabled Volunteer Soldiers; and that the estimates hereafter submitted for the support of the National Home shall be made in detail, specifying the several items of expenditure, and separating the cost of food and other supplies in the form usually adopted for the Army, and that this specification be made for each soldiers' home separately.

In the confusion attending the reading and passage of the bill nobody observed the proviso altering the arrearages of pension law. I would not have voted for the bill if I had known that it contained this provision, nor would quite a number of gentlemen, whose votes helped to carry the bill. This proviso is now wrong.

I voted to suspend the rules for two reasons: first, I believe all these money bills only grow larger under discussion and amendment; but, secondly, we are so near the close of the session that an extra session would be unavoidable if we do not give the Senate a fair opportunity to consider and pass these appropriation bills.

Mr. Speaker, I desire to express my sincere protest against this discrimination against a large and worthy class. It costs but twenty cents per day to support the inmates; and you would deprive some of them of ten or twenty times that amount. This inadvertence will, no doubt, be corrected in the Senate. The House, I am sure, did not intend this wrong.

Mr. ATKINS was recognized by the Chair.

Mr. WHITTHORNE. I desire to have a morning hour.

Mr. ATKINS. I will help my colleague to secure a morning hour when the appropriation bill is disposed of.

Mr. WHITTHORNE. Upon that promise I will not antagonize my colleague now.

ELECTION CONTEST—FROST VS. METCALFE.

Mr. HARRIS, of Virginia. I rise to make a report from the Committee of Elections touching the right of a member to his seat. I simply ask that the resolutions be read and the report printed, and I will not call up the case unless it is desired by some member of the House.

The Clerk read the resolutions reported by the Committee of Elections, as follows:

Resolved, That R. Graham Frost was not elected a member of the Forty-fifth Congress and is not entitled to a seat in the House of Representatives from the third congressional district of Missouri.

Resolved, That Lyne S. Metcalfe was elected a member of the Forty-fifth Congress and is entitled to a seat in the House of Representatives from the third congressional district of Missouri.

The SPEAKER. The report and the resolutions will be printed and laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent to take from the Speaker's table the bill making appropriations for the support of the Post-Office Department, which has been returned from the Senate with amendments, and that the bill be printed with the amendments of the Senate, and referred to the Committee on Appropriations.

There was no objection, and the order was made.

Mr. BLOUNT moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. COX, of New York. I desire to state that I will not call up the bill in relation to the census until after the appropriation bill is disposed of, and then I desire to have the co-operation of my friend, the chairman of the Committee on Appropriations, in bringing it up.

Mr. ATKINS. I am much obliged to my friend from New York, and I now press my motion that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. By an order of the House all debate on the pending amendment, and the amendments thereto, is limited to one hour, and the question is upon the amendments offered by the gentleman from Ohio, [Mr. SOUTHARD,] which the Clerk will now read.

The Clerk read Mr. SOUTHARD'S amendments, as follows:

That the several sections of the Revised Statutes of the United States, from and including section 2011 to and including 2331, and all other provisions of law authorizing the appointment of, or the performance of any duty by, any chief or other supervisor of elections, or any special deputy marshal, or other deputy marshal of elections, or the payment of any money to any such supervisor or deputy marshal of elections for any services performed as such, be, and the same are hereby, repealed.

Mr. BANNING. Mr. Chairman, I learn from the CONGRESSIONAL RECORD that during my temporary absence from the House on Wednesday last the gentleman from Ohio, [Mr. GARFIELD,] in discussing the amendment offered by my colleague [Mr. SOUTHARD] to the legislative appropriation bill, made the following assertion:

Already enough men from the city of Cincinnati have been sent to the penitentiary for fraud to take away the majority by which one of the members on this floor was declared elected to his seat.

Mr. Chairman, so far as I am aware this is the first time that this infamous falsehood has found any one so reckless of truth as to become its indorser upon this floor.

Mr. Chairman, in 1872 I was elected from the second congressional district of Ohio over R. B. Hayes by a majority of 1,505. In 1874 I was re-elected by a majority of 1,535 over Job E. Stevenson. In 1876, after the most exciting contest that had ever occurred in the district, in which every appliance known in corrupt politics was used against me, Governor Hayes certified my majority to be 75 over Senator STANLEY MATTHEWS.

I believed then, as I now know, that a fair count would have given me a much larger majority. Judge MATTHEWS gave me notice of contest, which I answered. Suffice it to say that he abandoned the contest, and never took a word of testimony. After the election charges of fraud were made by both parties and examined into by the United States district court, with a republican judge, a republican district attorney, and a republican marshal. What, sir, was the result? In the whole of Hamilton County, comprising two congressional districts, fifteen persons in all were convicted of illegal practices, of whom five were sent to the penitentiary. Ten of these fifteen were from the second district, and three of these ten were republicans, one being a colored republican.

This, sir, is the record regarding the election of 1876 in the second congressional district of Ohio as it has been furnished to me—a district composed of honorable men, who hate fraud and detest falsehood. In their behalf, in the interest of truth, and as a matter of justice to myself, I pronounce the assertion made by the gentleman to be untrue, and I denounce its author, whoever he may be, as a falsifier.

Mr. Chairman, before uttering this assertion the gentleman should have been certain that it was true, and should not have made himself responsible on this floor and before the country for that which the record shows to be false.

[Here the hammer fell.]

Mr. RICE, of Ohio. I ask to be recognized by the Chair, and will yield my time to my colleague, [Mr. BANNING.] [Cries from the republican side, "Let him go on!"]

Mr. ATKINS. I object. I must object to the prolongation of this debate over an hour.

The CHAIRMAN. Objection has been made, and the time of the gentleman from Ohio cannot be extended.

Mr. EWING. This will not lengthen the hour.

Mr. ATKINS. All right; if it does not lengthen the hour.

Mr. HALE. Let it be understood that the extension of time does not come out of the hour.

Mr. HARRIS, of Virginia. It does come out of the hour.

Mr. ATKINS. I will agree that the same time shall be allowed to the other side as is occupied by the gentleman from Ohio, [Mr. BANNING.]

The CHAIRMAN. Is there objection to the gentleman from Ohio proceeding, with the understanding that the time he occupies is not to be deducted from the hour to which debate has been limited?

Mr. TOWNSEND, of New York. With the understanding that the same time shall be allowed to the other side.

Mr. HARRIS, of Virginia. What time does the gentleman require?

Mr. BANNING. Only three minutes more.

There was no objection, and Mr. BANNING'S time was extended.

Mr. BANNING. Sir, I am informed that the gentleman is wont to clothe himself in the white robes of an evangelist, and ascending the pulpit to preach the gospel of Him who commands, "Thou shalt not bear false witness against thy neighbor." Surely, Mr. Chairman, he

of all men in this House should satisfy himself of the truth or falsity of an accusation, before placing it upon the records of the nation.

One word more, Mr. Chairman. I desire to be distinctly understood about this matter, once for all. If any person, sir, means to assert that a single fraudulent vote was cast at the election of 1876 with my knowledge, by my advice, or through my procurement, I here and now pronounce the assertion a malicious falsehood.

Now, Mr. Chairman, I might follow the illustrious example offered me and retaliate by gathering up all the slanders connected with the gentleman's official record, so well known to the press and the people of the country, and pour them out on this floor; but as I know nothing of my own knowledge as to the truth or falsehood of these charges I scorn to do so. And here I leave the gentleman to a full enjoyment of the position he has made for himself.

Mr. CONGER. I now ask unanimous consent that the gentleman from Ohio [Mr. GARFIELD] shall have the same time as was allowed to his colleague, [Mr. BANNING.]

Mr. BANNING. Certainly.

There was no objection.

Mr. GARFIELD. Mr. Chairman, I have no particular desire to say anything in reply to what has dropped from my colleague. He will observe I did not name his name; I did not name his district; and what I did say in no way implied that any member on this floor had done any corrupt thing. That was not the matter of discussion. If my colleague is ambitious to get into a controversy, to elevate himself into the position of a controversialist, he certainly has failed; for I have not in any way challenged either his personal character or his name. If he has anything to say against me, let him say it; but he found no ground of personal controversy in my recent remarks.

I was talking about the necessity of a law remaining on our statute-book to protect the purity of national elections. As exhibiting that necessity, after calling the attention of the House to frauds that had been practiced at the elections in New York, I mentioned the frauds that had been practiced in my own State, signaling the city of Cincinnati. All I know about that case is what I suppose every person also knows who is an intelligent reader of the current history of the country. I remember to have read (and this is my only special knowledge of it if the gentleman desires to know) the testimony of one Eph. Holland, before a court of competent jurisdiction, in the nature of a confession, in which, if I remember aright, he said that, being himself not a lawful citizen but a professional repeater, he was engaged for hire by a party or parties to superintend the work of increasing the majority of the democratic party at the last congressional election in Cincinnati.

He testified that he himself voted nineteen times and secured about three hundred other fraudulent votes in favor of my colleague, [Mr. BANNING.] Holland was convicted, and many of his associates; and I know it was stated in the public prints that one car took to the Ohio penitentiary seventeen of his associates in that work. That may have been an exaggeration, but these facts or alleged facts, testified to before a court of competent jurisdiction, warranted me in citing the Cincinnati case as proof that there was need of Federal scrutiny in national elections, even in the State of Ohio, where ordinarily our elections have proceeded with so much fairness and justice to all parties. If these statements about a general state of facts have rendered my colleague restless and unhappy, I am not responsible for it. The RECORD will bear me witness that I made no personal application of the facts to him.

Mr. EWING. Will my colleague allow me to ask him a question?

Mr. TOWNSEND, of New York. There are no greenbacks in this. [Laughter.]

Mr. EWING. I desire to ask my colleague one question.

Mr. GARFIELD. Certainly.

Mr. EWING. Does not your memory of the facts lead you to recollect that Eph. Holland was pardoned out of the penitentiary by Governor Hayes, and is now a very satisfactory republican worker?

Mr. FOSTER. I believe he was elected a delegate to the last democratic State convention. [Laughter.]

Mr. GARFIELD. That I understand was his last political performance since he was pardoned. I am glad to say that republicans have never been successful in that line. Even if our people were inclined to employ Holland and his crew, I do not believe that they would prove so great a success under our auspices as under those of the party for whom he cast so many votes in one day.

Mr. BANNING. Allow me one word.

Mr. GARFIELD. Certainly.

Mr. BANNING. You are as much mistaken in your facts now as before. Eph. Holland was never sent to the penitentiary.

Mr. TOWNSEND, of New York. How could he be pardoned out, then?

Mr. BANNING. The republican party did not dare to send him there. They sent him to the Dayton jail, where he was indulged with all the luxuries that could be given him. And now, if you will go to the attorney-general's office, you will find that he was pardoned at the instance and request of republicans only.

Mr. FOSTER. And the luxuries furnished him were furnished by the democrats of Cincinnati. [Great laughter.]

Mr. GARFIELD. If my colleague [Mr. BANNING] thinks he has bettered the case by having this democratic repeater in jail in a strong democratic county, under the control of democrats, and fed

with luxuries by democrats—if that mitigates the case, he is welcome to the mitigation. But the real fact was he was convicted for the crime of fraudulent voting, and that these three hundred fraudulent votes were cast for my colleague, whose majority was only seventy-five. I have said all I care to say on the subject.

Mr. McMAHON. I do not want anything said against Dayton jail; it is the best west of the Alleghanies. [Laughter.]

Mr. BANNING. One word, and that is that the gentleman does not answer what he said the other day, [cries of "Regular order!"] that there were already enough men sent to the penitentiary from the city of Cincinnati alone to overcome the majority which one of the members from that city had obtained. [Renewed cries of "Regular order!"] That was his charge, and he must not get away from the issue.

Mr. HAYES. Mr. Chairman, I have thus far abstained from participating in the discussion of the bill now under consideration for the reason that I have been anxious to see the bill disposed of with as little delay as possible, and hence have been unwilling to take up the time of the House with remarks which might perhaps just as well remain unsaid. I realize the fact that what we do in the way of legislation must be done quickly, for we have but a few days left us in which to complete the work of the Forty-fifth Congress. Yet, sir, as the majority in this body seem determined to impede legislation by attempting to attach to this appropriation bill amendments which are entirely foreign to the bill and have no relation to it whatever, I feel called upon to say a few words at this time. It is scarcely necessary to remark that I am most decidedly opposed to the amendment offered by the gentleman from Ohio, [Mr. SOUTHWARD,] and hope to see it voted down by an overwhelming majority. The reasons upon which I base my opposition are two: first, because I believe it to be bad policy to legislate in regard to general matters in an appropriation bill; and, second, because I heartily approve those portions of our law which this amendment proposes to repeal and am in favor of letting them remain as they now are upon our statute-book.

It is, perhaps, unnecessary for me to say anything in regard to the first of these two reasons, as the point covered by it has been most fully and ably discussed by other gentlemen who have already participated in this debate. Yet, sir, I will add a few words to what these gentlemen have said. I hold to the idea that an appropriation bill should be an appropriation bill and nothing else, unencumbered by anything of a foreign or irrelevant nature. This, evidently, was the idea of those who drafted the rules by which this House professes to be governed, and I am fully persuaded that if these rules had been interpreted according to either their letter or spirit this amendment would have been declared out of order. A careful reading of these rules will be sufficient to convince any fair-minded man that this amendment is in direct violation both of Rule 48 and Rule 120. This being the case, why should such an amendment be declared in order? My idea is, that if we have rules to govern us in our deliberations we ought to live up to them, and not be so ready to violate them whenever some little partisan advantage can be gained by so doing. If our rules are not what we want, let us proceed to amend them and get them to suit us. But so long as we have them and profess to be governed by them, let them be enforced.

But, sir, in the second place, I am opposed to this amendment because I desire to preserve the law which it proposes to destroy. What is this law, let me ask, or rather what are its provisions? The law simply provides that in certain cases the United States court shall appoint persons to act as supervisors of elections, and makes it the duty of United States marshals under certain circumstances to assist these supervisors in the discharge of their duties. The sole object of the law is to prevent fraud at the ballot-box and secure free, fair, and honest elections. This being so, why is it that the gentlemen on the other side are so hostile to it? Are they not in favor of fair and honest elections—of preserving the purity of the ballot-box? It would certainly seem not, if we are to judge from the bitter war they are making against this law. I am free to confess, sir, that I cannot see what objection any honest man can urge against the law as it now stands. I cannot see why any one who is anxious to have fair and honest elections in this country should ask for its repeal.

The fact is, the war against this law is waged not so much by men who want fair and honest elections, as by mere politicians who hope, by wiping out this law, to advance the interests of the democratic party, and thus help forward their own ambitious schemes. There is method in what these men are doing, and it will be well for us before we give our votes in favor of this amendment to pause and consider the meaning of the demand for its passage, to pause and consider what peculiar significance attaches to this cry that comes up from a democratic caucus, asking that this law be repealed. Why, sir, this cry is nothing but a note of alarm, a signal of distress. The democratic party is in trouble, and this House is called upon to help it out. The future looks dark for that party unless some relief is furnished at once.

The enforcement of this law by President Hayes has sent terror to democratic leaders everywhere. As the law goes forth and does its work, they see the immense democratic majorities in such cities as New York almost entirely wiped out. They see their friends and supporters in South Carolina, Louisiana, Florida, Maryland, and New York arrested, tried, convicted, and sent to the penitentiary. These facts lead them to fear for the future of their party. They know that

if this law is suffered to remain upon the statute-book and is enforced, our penitentiaries will soon be filled with democratic voters. They know, too, that this law, honestly and fearlessly executed, would wipe out the heavy democratic majorities in many localities, both North and South. They understand fully that while this law is in the interest of honest elections and good government, it is not in the interest of the democratic party, and hence they have resolved to blot it out.

Now, sir, I do not blame the democratic leaders much for being alarmed at the situation. The signs of the times are ominous. This law is cutting down democratic majorities fearfully. Already hosts of democratic voters have fallen beneath its unsparing hand. No less than two stalwart democrats who claim to be elected to the Forty-sixth Congress are already indicted for election frauds, and may be landed in the penitentiary any day. Why, sir, if this thing is allowed to go on much longer, the democrats may find themselves in a hopeless minority in the next House. But this is only a part of the danger that threatens our democratic friends. If this law continues in force until 1880, and under its operation we can get a fair and honest election, not only will the democrats not be able to elect their candidate for President, but many of our democratic friends on this floor will be retired to the ranks of private life.

Here is where the shoe pinches, Mr. Chairman. It is the fear of what the future has in store for them under the present order of things that troubles the democratic mind to-day. Hence they demand a repeal of this law in order that ballot-box stuffing and fraud may have full sway. There is certainly nothing either in this law itself or in its administration to alarm any one who is in favor of honest elections. Like all just laws it is a terror only to evil-doers. The democracy themselves would not find any fault with it if they were really anxious for fair elections. But the trouble is they do not want fair elections. They know that fair elections would bring defeat and ruin to their party. Hence, at the dictation of their caucus, the democratic majority come in here and demand the repeal of this law which stands directly across the path of democratic frauds and holds in check the hordes of democratic bullies and repeaters in their attempted raids upon the ballot-box.

This is the secret of the democratic hatred of this law. The fact is the democratic leaders have determined upon success at the next presidential election, and as this law stands in their way they have resolved to get rid of it. They propose to repeat in 1880 the frauds and dishonest trickery of their party in 1876, only upon a more extensive scale. They say that in order to carry the State of New York for the democracy the bummers, dead-beats, and plug-uglies of New York City must be allowed to vote half a dozen times apiece instead of only once, as they can do under this law. They say that the white-liners and rifle-club men must be permitted to intimidate republican voters, drive them from the polls, and vote tissue ballots to their heart's content, or the Southern States will all go republican. The repeal of this law will be an act solely in the interest of the democratic party, and not in the interest of the country. It will simply mean the opening of the flood-gates of iniquity, ballot-box stuffing, intimidation, and fraud in order to make democratic success certain in 1880. It will only give the democracy more complete control in those localities where they are in the majority, and thus enable them with impunity to perpetrate such frauds upon the ballot-box as will give them a victory.

To one unacquainted with democratic tactics and history such a proceeding as this would seem exceedingly strange, but to those who understand the democracy nothing could be more characteristic. In demanding the repeal of this law we see just the same spirit manifested that has characterized democratic action and democratic legislation for the past quarter of a century. It is a notorious fact that the great democratic party has had but one leading principle of action for the past twenty-five years, and that is, to gain power and hold it after they had gained it. For this they have been willing to sacrifice everything that ennobles and dignifies a party. For this they have violated the Constitution, torn down solemn compromises, attempted to force slavery upon a free Territory at the point of the bayonet, and plunged the nation into a cruel and bloody war. They have shown themselves ready and willing to tear down any and everything that stood between them and power, no matter how sacred it was or how necessary to the safety and welfare of the people. And to-day we find them actuated by the same motives and controlled by the same spirit. We see them to-day at their old tricks again, and we cannot but feel that they are as hostile to the common good as ever. In demanding the repeal of this law, they show that they are as ready as ever to resort to any means, however questionable, to achieve success. They want a President in 1880, and they are determined to so "fix things" that there will be no possibility of defeat. That is the meaning of all this planning and scheming—this special legislation in appropriation bills. And I say again that I am not surprised at this action on the part of our democratic friends. It is only a continuation of the course entered upon four years ago and kept up from that time to the present; knowing what I do of their actions in the past, I am not surprised now at anything they may do. A party that will go to work deliberately to buy the Presidency and to bulldoze Congress into counting in to the presidential office a man who was not elected thereto, that will resort to the most infamous frauds to carry elections, that will turn out of seats in this House republicans who were honestly and fairly elected to their seats and put democrats

into them who had no shadow of right to them—a party, I say, that will commit such high-handed outrages as these I am not surprised to see come forward now and demand the repeal of this law.

The fact is, these gentlemen are determined to have the next President, if possible, no matter at what cost. They hope by repealing this law to make fraud at the ballot-box free all over the country, and to give the democratic repeaters in our large cities a chance to vote as many times as they please. The whole thing is a grand scheme to advance the interest of the democratic party, and by means of it they expect to carry not only a "solid South," but New York, Connecticut, New Jersey, Ohio, Indiana, and perhaps Illinois, in the North.

With such a grand scheme for opening the flood-gates of fraud and ballot-box stuffing as this, the majority on this floor must not wonder if the republicans here stand solid against them. They must expect the gentlemen on this side to be firm and united to resist the consummation of such an infamous piece of legislation. Mr. Chairman, it would be well for the majority to pause and consider for a moment what they are going to gain by the attempt to force through such legislation as this. The democratic majority in the Forty-fourth Congress forced an extra session of the present Congress by their determination to attach partisan legislation to an appropriation bill, and the course the majority have entered upon may force an extra session of the Forty-sixth Congress.

Will an extra session of the Forty-sixth Congress pay the democratic party? I do not imagine that the extra session of the present Congress helped them any, and I do not believe an extra session of the Forty-sixth Congress would assist them to any great extent in the campaign of 1880. However, they are to be the judges; but I tell them here that, if an extra session comes, upon their shoulders must rest the entire responsibility. The present session is one extending over three full months. During all that time we have had nothing to do but to pass the appropriation bills. If these bills fail, there is and can be no excuse given for the failure. If they are not passed, it will be simply because the majority in this House will it otherwise. The responsibility for the failure will be theirs, and the people of the country will so regard it.

Mr. DAVIS, of North Carolina. The gentleman from Maine [Mr. POWERS] said the other day:

I for one believe that every citizen should have the right to vote, and have that vote honestly counted.

Now, sir, it seems curious to me that gentlemen in the section from which the gentleman from Maine comes, cannot discover the fact that in the little State of Rhode Island there are more white men over the age of twenty-one years who are not only not allowed to have their votes honestly counted, but are not allowed to vote at all, than there are negroes disfranchised by intimidation in the States of Louisiana, Florida, and South Carolina combined, even counting all that are alleged to have been intimidated. In the State of Rhode Island free white citizens are excluded unless possessed "of real estate of the value of \$134 over and above all incumbrances, * * * or which shall rent for \$7 per annum, over and above all rent reserved, or interest of any incumbrance thereon." Yet beam-eyed political saints up there can look over the State of Rhode Island down into the South and find a vast deal to complain of. Motes compared—

Mr. EAMES. Will the gentleman yield to me a moment?

Mr. DAVIS, of North Carolina. Not just now. No man is allowed to vote in the State of Massachusetts unless he can read and write. Apply these tests to the impoverished South and nine-tenths of your republican brethren would be excluded from the right to vote.

Mr. FOSTER. How many Democrats? [Laughter.]

Mr. DAVIS, of North Carolina. Not so many; but three-fourths of them would be disfranchised by provisions so undemocratic. We have no such provisions in our democratic constitutions.

There was another thing said the other day by the gentleman from Ohio, [Mr. KEIFER], to which I wish to call attention. He said—

Mr. EAMES. I ask the gentleman to yield to me for a moment. I want to state to him—

Mr. DAVIS, of North Carolina. I have no time, and decline to yield. I want to reply to the gentleman from Ohio—

Mr. HANNA. I rise to a question of order. I hope the Chair will protect us on this side from being intimidated. [Laughter.]

Mr. YEATES. My colleague has but a few minutes, and is entitled under the rules to speak without interruption, unless by his consent. He has refused to be interrupted, and I demand that he shall be allowed to proceed and not be overrun by the violence of the other side.

Mr. EAMES. I would like to correct the gentleman from North Carolina in his inaccurate statement in regard to my State.

The CHAIRMAN. The gentleman from North Carolina declines to yield, and will proceed without interruption.

Mr. DAVIS, of North Carolina. Now, sir, in regard to Rhode Island, I have only to say that there are free white men who are not allowed to vote. With two Representatives on this floor, she only cast 26,627 votes at the last presidential election out of a voting population of more than twice that number, and in 1876 there were nearly 6,000 more votes cast in my single district than were cast in the whole State of Rhode Island—that is, less than one-half her citizens are allowed to vote, and they may possibly have to resort to another Dorr rebellion to secure their rights as freemen.

Now, in reply to the gentleman from Ohio. He said the other day:

Not one man on that side of the House has sought in any way to do anything to purify the ballot-box, but all have favored free fraud in our elections.

Is it possible the gentleman from Ohio meant that? I trust he did not. It is language that cannot be reasonably applied to a single gentleman on this side of the House. It is not true, and if applied to any one on this side would be pronounced false and slanderous. Why, sir, this is the old cry of "Wolf!" "Stop thief!" this cry of fraud in elections. Why, sir, in 1876 the democratic majority of all the votes cast was fully a quarter of a million over that cast for the republican candidate, and counting only the white vote it was nearly or quite one million, and yet the voice of the people was stifled by fraud, by perjuries, by forgeries, by the improper use of the power of Federal officials all over the land, and by the improper use of the Army. Having the control of an army of office-holders, with the aid of supervisors and marshals appointed for partisan purposes and paid out of the public funds by assessments on office-holders, and the improper use of official power, the will of the people was defeated.

Sir, this amendment is a protest against fraud and outrages in elections; a protest against the improper use of Federal patronage and Federal power; and it is strange that a charge such as that made by the gentleman from Ohio should come from that side of the House.

Sir, I may be pardoned for a little feeling when I hear not only my whole party abused, but when I hear statements made in regard to my section and my State which I know to be untrue, and which go all over the land to prejudice and poison the public mind against us. I repeat, the gentleman cannot find a man on this side of the House who in any way "approves of fraud in elections" or in anything else. That, perhaps, belongs rather to the gentleman's own party-friends in Louisiana and Florida, all of whom, so far as I know, have been rewarded by his party; known and recognized perjurers have been rewarded by the bestowal of office, I will not say (because I hope it is not true) with the approval of the gentleman from Ohio.

All this complaint against the democratic party of the South has its origin in the fact that by the enfranchisement of the colored man, designed to be in the interest of the republican party, the democrats have gained power, and our republican friends have been grievously disappointed. Instead of securing increased power for that party it has proved, as the late Senator Morton had the good sense to foresee, an element of weakness.

Our republican friends commit a radical mistake when they assume that the colored vote belongs to their party as a matter of right. Their argument, syllogistically put, is this:

First. The party that gave the colored man the right to vote is entitled to his vote.

Second. The republican party gave him the right.

Therefore, the republican party is entitled to his vote.

Colored men are beginning to comprehend this and to understand that if it is good logic, it may be bad policy; and when they remember how often the men for whom they have voted have cheated and swindled them, it is not strange that they should conclude to change their votes, and regard good policy as better than doubtful logic. They have found by experience—that best of teachers—that the average white radical who came down from the North and professed so much love for them was often a hypocrite, still oftener a swindler, and sometimes a thief.

In my district, for instance, some of them can understand the disgrace and feel the shame of having sent to this Hall one of my predecessors, whose highest merit was that he did not pretend to be honest and who, after having been detected in "ways that are dark," and charged with taking a bribe, which he confessed, resigned his seat, coolly assigning as a reason therefor, to use his own language, that he deemed it his duty "to make vacant the place he had disgraced." (See Congressional Globe, volume 76, page 1617.) He never returned to North Carolina, but returned to his own State, Ohio, without even taking leave of his confiding "man and brother."

They remember, too, that some of their pious friends organized a bank for them in this city. I hold in my hand now one of the "deposit books" of this institution in which thousands of our colored people deposited their money under such assurances as the following—I read from the book: "Instead of hiding your savings in a napkin, put it in the bank where it will be making money for you;" and then follows a statement to show how it will pay. "Let us see," says the little book, "how much a man who saves ten cents every working day for ten years will have if he puts it out at interest at 6 per cent.;" and then follows the calculation, showing that he would have \$411.13. Many of my deluded colored constituents put their money there, and have only gotten back thirty cents on the dollar. A large portion of the money of which they were thus swindled, as was proved before a committee of the Forty-fourth Congress, was used to carry the election for Grant in 1872.

They are beginning to comprehend the situation and to think for themselves and to ask, "How is it that our good friends who love us so, and who are always whining about our rights and wrongs, especially as election time approaches, how is it that these good friends have never invited us to Maine or Michigan, to Massachusetts or to Minnesota, to Iowa or to Indiana, or to some other northern State where sweet liberty was born and grew for us?"

Sir, our republican friends underrate the colored man if they sup-

pose that he can always be deceived by the cunning arts of the men who first bewildered and then swindled him. It is a mistake to suppose that he will not follow the great law of self-interest which governs other men—especially our republican friends—and vote in accordance with their interests. In my section, at least, he is beginning to find that his interest is not with the republican party, which unduly taxes the products of his labor—the party which put a tax of twenty-four cents per pound on his tobacco to pay the interest on the untaxed millions of the bondholder and the capitalist.

Mr. PHILLIPS. Mr. Chairman, pure, well-guarded elections are the foundation-stone of this Republic. When, therefore, we see a well-concerted movement, a party movement, to strike down the few safeguards the law has thrown around the elective franchise we may well pause to ask whether we are drifting? During this debate we have heard much about the Constitution from men who have spent the best part of their lives trying to destroy all that the Constitution was made to preserve. Carried to its logical end their argument is that the Federal Government shall have no power to preserve and maintain its own organization, and no power to execute the law it makes. I cannot conceive of anything so derogatory to the framers of the Constitution that they should have made such a government as these gentlemen imagine. The Constitution is clear and explicit in the sections so often referred to in this debate; for while it provides that State machinery may be used, that is a mere convenience that may be used when it can accomplish the purpose; to Congress is reserved the power to alter even that machinery or make a complete system of its own. Congress is made the sole judge of the qualifications and election of its own members. It surrenders that origin of its power to no city or State. If we had no written Constitution on the subject, common sense and the necessities of all governments would teach us that no government can safely surrender to another the origin of its power or the execution and administration of its laws. The local government has its own sphere and functions, but where there is conflict the Federal Government is supreme. If there ever was a doubt on that subject it was forever settled in the stern tribunal of war which gave the final decision on the State-rights heresy at Appomattox.

When the war closed in 1865 the republican party was in possession of every element of civil and military power. There was nothing to hinder them from maintaining a large military force. They might have reduced the conquered States to the condition of Territories, and so held them until the fruits of the war had been secured. They might have confiscated the estates of the southern leaders to pay the debt the war contracted. Instead of this they exhibited a magnanimity unparalleled in all history, and which history may yet have to record as unwise and unwarranted. The Army was disbanded. Political power was given to those lately at war with the Government. They declared that they in good faith accepted the situation. What was the situation? It was that the changed social condition in the Southern States should be maintained, and that the poor, illiterate, manumitted slaves should be the political equals of the whites. How have these pledges been kept? Ever since these men touched the scepter of power, what they have labeled democracy has been a reactionary party. Organization and intelligence have held numbers and property in an iron grasp. Violence took the place of persuasion, and wholesale fraud made a mockery of what men called elections.

We gave to those gentlemen on the other side of the Chamber the power which to-day enables them to strike down these safeguards of elections; and I wish to say to those gentlemen that in thus receiving power they gave a pledge that the colored people of the Southern States should enjoy the elective franchise; that those colored people should have every right and be the political equals of those gentlemen. A few years ago seven colored men represented their race upon this floor. Now under this process there are but three. In the next Congress there will be none. Whither are we drifting? The gentleman from Mississippi was eloquent about the unconstitutionality of these safeguards to elections. He represents, I believe, the celebrated shoe-string district, in which it was supposed our colored friend Lynch thought he might have had twenty thousand majority. Under the peculiar constructions of the Constitution which prevail in Mississippi what is called an election becomes more mysterious than a chancery suit, and the gentleman comes to tell us that we have no power to regulate an election, and offers the monstrous heresy that the Federal Government may not inquire into the elections on which the foundations of its power and security rest. In the few spots from which the dark veil has been lifted we see a wretched travesty on the sacred American franchise, and here, to-day, at the dictation of a so-called democratic caucus, there is to be stricken down the last safeguard law has thrown around the machinery by which the President and the Congress of the United States shall be chosen.

But a few weeks ago I saw in a railroad depot at Saint Louis some five or six colored refugees—men, women, and children, with their little burdens. I asked them where they were going. They said they were going from Mississippi to Kansas. I asked them why. They replied, "We can no longer live in Mississippi and maintain the rights of freemen. We have heard that in Kansas we can have farms and homes and maintain our rights." Ah, my friends, whither are we drifting?

Have civil rights been stricken down? Is the amendment to the Constitution that guaranteed civil rights to all a mockery? Is social

disorganization rocking the Republic to its center in the throes of a new struggle? Have politics once more been organized into war and elections become the puppets of secret societies? Are members to be chosen for this body to make laws for the Republic after every violent fashion, and are we to be told here that we cannot regulate it and must not even inquire into it? Shall the heresy of State rights rise from the blood and ashes under which it was buried once more to utter the pernicious doctrines that plunged us into war? Shall it deny to Congress the power to see that its members and the President of these United States have been fairly elected?

Let me warn you, gentlemen of the democratic party, to pause and ask yourselves whether you are drifting. I wish to say to those who worship the democratic name that since the war closed that party has been a reactionary party.

Mr. HOOKER. Will the gentleman allow me to ask him a question?

Mr. PHILLIPS. I have not time.

Mr. HOOKER. Very well; then I will take my own time.

Mr. PHILLIPS. I desire to say that the democratic party, once a grand national party, the party of Jefferson, has since the war been a reactionary party, endeavoring to drag this country back to another era of public calamity and to those State rights heresies which were buried in blood and ashes—a party coming back here to-day and telling us on this floor that this Federal Government has no power to regulate elections, no power to maintain the sacredness of the elective franchise, no power to execute its laws in every State of this Union. I say to the democratic party, the effort is now to strike down under the very Dome of the Capitol the only laws which are safeguards to the elective franchise. Has that party learned nothing and forgotten nothing, and must the folly of so-called democratic leaders be a constant menace to the peace of this country and the perpetuity of our institutions?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHILLIPS. One word more to close.

The CHAIRMAN. Is there objection to the gentleman proceeding farther?

Objection was made.

Mr. HEWITT, of New York. Mr. Chairman, the nature of the opposition which is expressed against this amendment by the gentlemen on the other side shows how absolutely impossible it is for them to comprehend the motives which govern the democracy in their desire and their fixed determination to erase from the statute-books every provision which infringes upon the personal liberty of the citizen. These provisions have all been placed upon the statute-book during and since the close of the late war. For nearly three-quarters of a century the old principles upon which free government had been based were found sufficient for the preservation of the right of suffrage, the most sacred right of the citizen. Once only in our history was an attempt made to violate the principles upon which George Mason, and Thomas Jefferson, and James Madison, and Alexander Hamilton had firmly planted the structure of free government, and that was when the alien and sedition laws were forced on this country. They were swept from the statute-books in a burst of popular indignation, which consigned John Adams to private life, and placed Thomas Jefferson, the great expounder of the democracy, in the presidential chair.

So now the democracy to-day plant themselves on the old stronghold that there is no safety for civil liberty when power is centralized; that the only security for free institutions lies in the distribution of power among the people, so as to strengthen local self-government. We believe if abuses occur they will be remedied more quickly, more readily, and more effectually than by any central power.

And when the gentleman from Maine [Mr. FRYE] alluded to those corrupt judges who had granted false naturalization papers in 1868, he overlooked the fact that Judges Barnard and McCunn were driven from the bench, not by the Government at Washington, but by the indignant voice of the people of the State of New York. And we say, now that these statutes, thus centralizing power in Washington, although they may alleviate temporary difficulty, are sure to produce evils on a scale of infinitely greater magnitude, and to become the parent of abuses which, if tolerated, will imperil, if permanently tolerated will destroy, the right of suffrage and the inestimable blessings to which it gives birth.

The gentleman from Maine said it was necessary to repeal these laws in order to carry the State of New York for the democracy. Does the gentleman not know, did he not himself bear witness to the fact, that the election of 1876 was an honest election in the State of New York; and did not Governor Tilden receive a majority in that State of over thirty thousand? What motive, then, have we to repeal those laws in order that the democratic party may carry the State of New York? We have carried that State by constantly increasing majorities at every election since their enactment. And we shall do it to the end of time, unless by the abuse of those election laws which we seek to repeal free citizens shall be deterred from exercising the right of suffrage.

Mr. FOSTER. Did you carry the last election?

Mr. HEWITT, of New York. We carried the last general election in the State of New York; but I must decline to be interrupted, because I have no time to finish what I have to say.

Now, Mr. Davenport has administered this law from the time of its enactment up to the present hour and found no way honestly to keep

democratic voters from the polls. But in 1876 they taught him a lesson in New Orleans. They issued ten thousand warrants in one day, and upon the strength of that precedent Mr. Davenport on the night before the election, upon the affidavit of his own clerk, issued warrants which resulted in the arrest of four thousand citizens of the city of New York, and their imprisonment on the day of election in the iron den of the court-house.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEWITT, of New York. I am sorry that I am not permitted to go on, as I should like to have these facts before the House and the country. If I can do nothing else, I ask permission to print them.

The CHAIRMAN. The gentleman from New York asks leave to print the remainder of his remarks.

Mr. BUTLER. I object if he is going to abuse Mr. Davenport. He is a friend of mine.

Mr. ATKINS. Does the gentleman object to the gentleman from New York having the remainder of his remarks printed? For if that is to be the rule, there will be no more remarks printed.

Mr. BUTLER. I do not object if you leave out any allusion to Mr. Davenport personally. [Laughter.]

Mr. HEWITT, of New York. I am at a loss to understand the gentleman's objection. But I want to oblige the gentleman from Massachusetts, and I will leave the name of Mr. Davenport out and call him the supervising-general of elections.

Mr. BUTLER. You would not do by indirection what you would not do directly. I persist in my objection.

Mr. ATKINS. Then there will be no more printing of remarks hereafter.

Mr. BUTLER subsequently withdrew his objection, and general permission was granted to print.

Mr. HEWITT, of New York. Mr. Chairman, when my time expired I had reached the recital of the arrest of four thousand citizens of New York on election day and their summary confinement in the temple of justice erected by the Federal Government in that city. What occurred on that memorable day has been described with such graphic power by General Wingate in his argument before Judge Blatchford against the validity of these arrests, an argument so able and so eloquent that it will survive as a monumental protest against the exercise of despotic power, that I prefer to quote his description as the statement of an eye-witness, which will be confirmed by my colleague from New York, [Mr. EICKHOFF,] who was present and saw what occurred:

Such a scene as the room of this court presented on that election day has never before been witnessed in this city or in this country, and it is to be hoped never will again. From early morning until after the polls were closed these rooms were packed and jammed with a mass of prisoners and marshals. Not only were they crowded beyond their capacity, but the halls and corridors were thronged with those who were unable to obtain admission; so that the counsel representing the prisoners and the bondsmen who were to be offered to secure their release had the greatest difficulty and were frequently unsuccessful in obtaining entrance. In addition to all this was this delectable iron "pen" on the upper floor, in which men were crowded until it resembled the "black hole of Calcutta," and where they were kept for hours, hungry, thirsty, suffering in every way, until their cases could be reached. With scarcely an exception these men had gone to the polls expecting to be absent but a short time. Many of them were thinly clad. Numbers had sick wives or relatives; some were sick themselves. There were carmen who had left their horses standing in the public streets; men whose situations depended upon their speedy return; men who wished to leave the city on certain trains. Every imaginable vexation, inconvenience, injury, and wrong which the mind can conceive existed in their cases, so that it was painful for the counsel who were endeavoring to secure their release to approach sufficiently near the railing to hear their piteous appeals and witness the distress which they had no power to alleviate. And over all this pushing, struggling, complaining crowd Mr. Commissioner John I. Davenport sat supreme, with a sort of oriental magnificence, calmly indifferent to everything but the single fact that no man who was arrested was allowed to vote. And after all this tremendous exhibition of the power of this great Government, after this exhibition of what a United States commissioner and chief supervisor of elections can do if he has a mind to, what was the result?

Surely if the offenses which these persons had committed were of so grave a nature as to require these wholesale proceedings; if the morals, the peace, and outraged laws of the community required to be vindicated by the summary arrest of four thousand persons on a single day, it was certainly necessary that the law should be enforced to the end, and that the offenses which were so dangerous as to require this arbitrary action should be punished.

But nothing of the kind was done. As these men were brought up before the three commissioners who sat in judgment they were asked if they had voted. If they had not they were required to promise that they would not do so. If to escape the terrors of Ludlow-street jail they surrendered their rights as American citizens and made the promise thus exacted, as the great majority of necessity did, they were released upon their own recognizance. If they did not, they were held to bail. If they had voted, although if not properly naturalized such vote was an additional offense instead of a palliation for the crime charged against them, they were immediately released. After sundown, when the polls were closed and it was too late for any one to vote, the doors appear to have been thrown open and all set at liberty.

This scene occurred, not in the imperial city of Berlin, where despotism is striving to roll back the tide of time, but in the metropolis of this land of freedom, in the free city of the sovereign State of New York. Fortunately for the cause of liberty, out of these four thousand citizens thus summarily deprived of their freedom and of the sacred right of suffrage, one man alone, so poor that he had no friends to become his bail, and so friendless that he seems not to have known that he might have walked away, was committed to jail, and allowed to lie there until by accident his case was made known in the proper quarter, and proceedings of *habeas corpus* were taken to test the question of the legality of these arrests. The name of that unfortunate citizen was Peter Coleman—a name destined to live in history with

that of John Peter Zenger, who, in the colonial days of New York, was so fortunate as to have suffered a similar arrest and to have achieved immortality by vindicating the freedom of the press.

Coleman's case was brought before Judge Blatchford, an able and upright judge of the Federal court, who never has and never will allow his republican sympathies to interfere with the stern performance of his duty. The case was elaborately argued, and in a careful opinion he decided that not only was the affidavit whereon the arrest was made insufficient, but that the warrant itself was unlawfully issued. He further decided that the naturalization papers which had been called in question upon the other side had been duly made and issued; and, to quote his own language—

It therefore appears that Coleman was duly and legally admitted to citizenship, and that the legality of his admission was not invalidated by any act or omission which occurred either prior or subsequently to his admission. As he was legally admitted it was proper for the court to give to him the certificate of citizenship which was given to him, and that certificate was not unlawfully issued or made. On this ground he is entitled to his discharge from arrest.

But there is another ground on which Coleman is entitled to be discharged. Even if there were such a defect in the record of the superior court as to make the certificate given to him one that was unlawfully issued or made, he was not guilty of an offense, under section 5426, unless when he used the certificate he knew that it was unlawfully issued or made. As it appears that he complied fully with all the conditions imposed on him as prerequisites to his admission, and that the unlawfulness, if any, was in the want of form in the records of the court, and as he received at the time from the court a certificate stating that all the statutory requisites had been complied with, and that the court had ordered that he be admitted to be a citizen, and that he was accordingly admitted by the court to be a citizen, no court would permit a jury to convict him of using such certificate knowing that it was unlawfully issued. So manifest was this that the moment the facts were brought to the attention of this court on the hearing on the *habeas corpus* it announced that Coleman would be discharged immediately on this ground alone. Thereupon the attorney for the United States stated that he did not think the evidence disclosed sufficiently guilty knowledge on the part of Coleman of the defects in the certificate of citizenship, and that he consented that he should go at large. He was immediately released from custody, but no formal decision was made, in order that other questions presented might be argued, considered, and decided.

An order will be entered discharging Coleman from custody.

STEWART L. WOODFORD, *District Attorney,*
SAMUEL B. CLARKE, *Assistant District Attorney,*
For the United States.

E. ELLERY ANDERSON,
GEORGE W. WINGATE,

For Coleman.

A copy.

JOHN I. DAVENPORT, *Clerk.*

Now let me inquire what redress these four thousand citizens thus unlawfully arrested have under the law against Mr. Davenport. Can they bring suit for damages for false arrest? No; they are met by the conclusive answer that it was an official act done in the performance of a duty required by the statute. Is there any reason why this outrage may not be repeated at the next or any future election? If four thousand men can be arrested in one day upon the affidavit of one man, the entire legal majority of either party might be wiped out in any city of this Union by supervisors bold enough to take the responsibility of such monstrous action.

My grievance is not that this was done by a republican official. My objection is that it can be done by any official whatever. I should protest just as earnestly against it if it had been the action of a democratic supervisor, under a democratic administration. It simply goes to prove what I have already said, that there is no safety and can be no safety for personal liberty when the fountain of power is not in the people, but resides in a centralized government. The fact that despotism is the inevitable result of centralized power is as old as the story of the human race. The complaints of citizens at a distance from the central power are rarely heard, but where the power to redress grievances resides at home, where men live and move among their fellow-citizens, grievances cannot long survive. There is no more striking proof of this fact than the manner in which the Tweed ring, who were the creators of whatever frauds occurred in the years 1868, 1869, and 1870, was utterly broken up and its members consigned to prison and to exile. The very judges who connived at their atrocities were the first to feel the popular indignation and were driven in disgrace from the bench into obscurity, from which they can never emerge.

The gentleman from Ohio, [Mr. GARFIELD,] in his remarks upon this subject, made the extraordinary statement that Samuel J. Tilden was the "author and finisher of these election frauds of 1868," and he made this statement holding in his hand the report of the Lawrence committee, which he said "had never been answered, and never could be answered." I was astonished to hear this stale slander revived by a gentleman of his standing in this House and before the country. It had often been made before, and as often had it been shown to be untrue. This duty I myself performed in this House on one memorable morning in August, 1876; but so far as I remember the charge was never made by one who professed to hold the evidence in his hand. I immediately proceeded to examine the evidence contained in the Lawrence report which was thus said to be unanswerable.

The charge was originally based upon a circular purporting to have been issued by Samuel J. Tilden as "chairman of the democratic State committee, calling for election returns by telegraph at the earliest possible moment," and it was charged that the object of this circular was to give opportunity to the canvassers in New York to manipulate the returns so as to give the majority to the democratic

candidates. It is well known that Mr. Tilden denied this charge in the Evening Post immediately after the election, but it does not appear to be known that when the Lawrence committee met in New York, Mr. Tilden having been summoned before that committee, testified under oath that he had never seen or heard of this circular prior to its issue, and was not consulted in regard to it either directly or indirectly. His evidence is to be found on page 257 of the report of the evidence. In addition to his denial under oath, Mr. A. Oakey Hall, then mayor of New York, testified as follows, page 275:

This circular was prepared by me and ordered to be printed by me, and Mr. Tilden's name was signed to it because it was the usage to sign the name of the chairman of the main committee. * * * To the best of my knowledge and my entire belief, Mr. Tilden knew nothing about it.

Upon this testimony Mr. Lawrence in his report, which the gentleman from Ohio held in his hand and shook in the face of this House, makes the following statement, after quoting the circular in full:

And for some reason this circular was kept so secret that it was prepared and issued without the knowledge of Mr. Tilden.

I suppose this slander will never die; but I should think that the gentleman from Ohio, having the evidence before him, would have been as anxious to acquit Mr. Tilden of the unfounded charge as he was earnest in making it.

He did, however, plant himself upon the letter of Mr. Greeley, addressed to Mr. Tilden in 1869, in which Mr. Greeley speaks of Mr. Tilden's "confederates," but no one can read that letter without seeing that there is no allegation against Mr. Tilden personally; and Mr. Greeley at no time ever made any imputation upon his integrity. The word "confederates" was used as it often is, in the sense of associates, and Mr. Greeley did not then know what afterward came to his full knowledge, for he acted upon it, that Mr. Tilden at that very time was laying the foundation for his final struggle with the Tweed ring, and that his relations with the members of that nefarious body were, even at that date, of a very hostile character. If Mr. Greeley really believed Mr. Tilden to be an unprincipled man—"the author and finisher of these frauds," as the gentleman from Ohio has seen fit to characterize him—he could scarcely have held the intimate personal relations with him which induced him to join him in a trip to Albany a few months after this letter was written in order to defeat the city charter, under which was organized the board of audit, by whose operations \$6,000,000 were stolen in one sum in one single day from the city treasury.

From that day to the day of Mr. Greeley's death, and especially during the presidential election of 1872, Mr. Tilden and Mr. Greeley were on terms of the greatest personal intimacy; and if at any time previous to that their friendly relations had ever been interrupted, I, who knew them both, never heard of it. I think that this statement warrants me in demanding that the gentleman from Ohio [Mr. GARFIELD] shall make good his charge that Mr. Tilden was "the author and finisher of these frauds." I challenge him to produce one particle of testimony from any quarter whatever, which connects Mr. Tilden directly or indirectly with the frauds which were then committed. It is in evidence in the Lawrence report that Mr. Tilden had no charge of the naturalization of aliens; that he did not even know where the naturalization office was, and that he had never heard of the man who appears to have been the agent through whom the papers were distributed. I have often heard unfounded assertions on this floor, but never one so utterly reckless as this made by the gentleman from Ohio. Heretofore he has had no warmer admirer and, when necessary, more earnest defender than I have been, both here and elsewhere, but I must confess more in sorrow than in anger that now my idol is shattered.

I think, however, that I can account for this extraordinary proceeding. During the progress of this debate, a gallant soldier, an able lawyer who has been attorney-general of my State, and who is a staunch republican, General Francis C. Barlow, of New York, had given evidence on the lower floor of this Capitol that the vote of the State of Florida had been unjustly counted for Mr. Hayes; the conclusion being that if it had been counted for Mr. Tilden, he to-day would have been occupying the White House instead of its present *de facto* and not *de jure* tenant. This evidence must have touched the gentleman from Ohio to the quick; it must have revived the memories of eight to seven; it must have reminded him how, when the electoral bill was pending in this House, for one whole evening he devoted himself to proving that the law creating the commission was unconstitutional, but that if it should be passed, it would be the duty of the commission to take evidence of fraud and to go behind the returns. And yet when he was made a judge, acting under a law which he had declared to be unconstitutional, and which, as he had affirmed, required evidence to be taken, he consented to violate the Constitution and to deny the admission of the evidence which was necessary to arrive at the truth. When the great wrong thus done by the vote of the gentleman from Ohio, for it was his casting vote in every case that excluded evidence, was thus made manifest by the testimony of General Barlow, did that feeling of remorse which is the attribute of great minds force him to attempt to drown the reproaches of conscience by alleging that the man who to-day is of right President of the United States was the "author and finisher" of frauds, and there-

fore should be excluded from the high office to which he had been elected by the people?

High minds of native pride and force
Must deeply feel thy pangs, remorse!
Fear for their scourge mean villains have;
Thou art the torturer of the brave.

Gentlemen on the other side realize fully that a great wrong cannot be committed in this country without being finally redressed by the voice of the people, for they remember what took place in General Jackson's case in 1828, and they know that the voice of the people is the voice of God, who has declared, "Vengeance is mine, I will repay, saith the Lord." They see no refuge from the coming judgment but in destroying the character of the man whom they have robbed. For months an uninterrupted stream of abuse, misrepresentation, and calumny has been poured out upon his devoted head, but the testimony of the last few days has justified the assertion which I have never failed to make when Mr. Tilden's character and integrity have been attacked, that not one particle of dishonest action can be traced to him, but, on the contrary, it is now manifest to all men that he scorned to purchase the Presidency which found a ready market elsewhere.

But to patriots the vindication of Mr. Tilden thus made complete is of far less moment than the preservation of the right of suffrage and the removal of all impediments to its honest exercise. To this end no troops can be allowed to approach the polls on the day of election, no Federal officials be clothed with the power to make arbitrary arrests, by which the most sacred right of the citizen, the very palladium of our liberties, may be destroyed.

We are prepared to make this issue now and forever. Upon this rock the democratic party was founded, and upon this rock it will stand "till the crack of doom." We are the friends of order and the conservators of peace, but we know from many a costly lesson that despotism is fed by the fears of men, while liberty and progress are preserved only by courage and sacrifice. Hence we shall never rest until every refuge of arbitrary power is purged from the statutes.

Mr. HAZELTON. Mr. Chairman, there are three propositions, involved in these amendments. The first in order, which provides for the elimination of the restrictions placed upon the jury-box by sections 820 and 821 of the Revised Statutes, I support with all my heart. I support it because it opens the jury-box to the intelligence of the South, brings it within that constitutional principle which permits the citizen to be tried by his peers and places it where it ought to stand in our country, open to every citizen ordinarily eligible to pass upon a question of fact in the courts of the land.

The next proposition, Mr. Chairman, is one which the American people will repudiate at sight. It is to make the jury-box of our country a political jury-box. It is to select one juror from one political party and the next from another political party, who are to constitute thus made up a jury to try the great questions which shall arise in the administration of justice in the future of our country. It is revolutionary and impracticable. Such a system, sir, will poison the very fountains of justice and undermine and destroy the settled law of ages. To state the proposition is to condemn it, and I discuss it no further.

The third proposition strikes down at a blow twenty sections of the statutes, comprising those election laws which constitute to-day the safeguards of the ballot-box and the muniments of liberty. They are all that can protect and keep pure the ballot-box in many States of the Union, and especially in the great city of New York.

And I tell the gentleman from New York [Mr. HEWITT] in all fairness that there never has been an instance where any honest voter has been deprived of the exercise of the elective franchise by the enforcement of any one of those laws, and I challenge any man on this floor to show an instance where any man has been deprived of his rights by those great safeguards of our Government.

Mr. HEWITT, of New York. I instance Peter Coleman, by the decision of Judge Blatchford, which I hold in my hand.

Mr. HAZELTON. Now, sir, who asks for this great change; whence comes the demand for these amendments? Do the one million voters of the black race in the South ask for this legislation? Not one of them, sir. Does the demand come from that sentiment that carried the Government through the storm and shock of war and laid its foundations anew in the principles of liberty? No, sir. Where, then, does the voice come from?

Louisiana wants it; and her regular political diet has been for the last ten years fraud, intimidation, and blood. Alabama wants it, and upon that declaration of her leading citizens that the exercise of the elective franchise by the black man is a crime against American liberty. Mississippi wants it; and just now her escutcheon is blackened by the political murder of Judge Chisholm and his boy, and of that fair, young, heroic girl whose memory shall outlast the memory of the Roman mother whose name she bore.

South Carolina wants it also. And the gentleman from that State [Mr. AIKEN] only the other day boasted on this floor that as a matter of recrimination they were in South Carolina now visiting back upon the republicans, upon the black men, this whole scheme of the tissue ballot.

Mr. AIKEN. You are sorry the chickens are coming home to roost, are you?

Mr. HAZELTON. If you tell them a man's right is struck down in South Carolina, they will answer you that the North sent down awhile ago a lot of carpet-baggers. If you say that crimes are committed there against civilization, against humanity, the answer is, "Why, you sent carpet-baggers down to rule over us." Now the gentleman from South Carolina—and no man has a higher respect for that gentleman than I have—says that because, away back, some republican was elected by tissue ballots, now the thing had come home to roost.

Mr. AIKEN. And it is roosting.

Mr. HAZELTON. The gentleman says that as an apology for this grand declaration of American statesmanship.

[Here the hammer fell.]

Mr. HAZELTON. I do not know that I have any more remarks which I should desire to print, but if I should have I ask that permission.

Mr. JONES, of New Hampshire. I object.

Mr. HEWITT, of New York. I hope the gentleman will be permitted to print provided he will cite Judge Blatchford's opinion in the case of Peter Coleman against John I. Davenport.

Mr. FRYE. Let the gentleman from New York [Mr. HEWITT] quote the title of the pamphlet which he holds in his hand.

The CHAIRMAN. The gentleman from New York [Mr. HEWITT] is not entitled to the floor.

Mr. WHITTHORNE. Mr. Chairman, far above party and far above the love I bear the section in which I was born is my attachment to a republican form of government; and whatever else may happen in the future of this country, I trust the inheritance of a free ballot shall be the heritage for all time of the American citizen.

For one at least I desire to look in the solution of the question propounded in the pending amendment beyond mere party interests, and I have to say to gentlemen on this floor that the subject of this amendment did not originate in a democratic caucus. It is the product of one of the committees of this House, presided over by my friend from Kentucky, Judge DURHAM, and upon which has been prepared an able and exhaustive report by my friend from Wisconsin, General BRAGG.

But no matter from whence the proposition comes, it should be impartially and away from party and party interests considered, and so I propose to look at the question. Under the Constitution, article I, section 4, it is provided that—

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Now, it is claimed that under this provision of the Constitution the existing laws in regard to supervisors of election and their aids, deputy marshals, and which are sought to be repealed by the pending amendment, were enacted.

It is admitted that Congress may rightfully adopt regulations as to the time, place, and manner of the elections of Representatives in Congress, but it is denied that Congress in the exercise of this right to make regulations, either as to time, place, or manner, can determine the question of the sovereignty of the elector or his qualification in this regard. This belongs alone to the States or the people thereof. The people of the States may fix the qualification of the elector as to age, residence, and character, and when so fixed and determined, these electors become and are the supreme sovereignty in and of the Government of the United States.

Now, then, any attempt made to impair this sovereignty is an attack upon the fundamental theory upon which our whole popular institutions are based. It is war upon the people and their right of defense and protection.

Let me say, Mr. Chairman, that if it be necessary to the preservation of the national life that the existing laws should be enforced I am in favor of their enforcement. But what is the source of the national life? It is the sovereignty of the people; it is the freedom of the elector.

The democratic party of the country believe that the laws sought to be repealed go beyond the rightful authority of Congress to regulate the time, place, and manner of holding the elections for members of Congress; and in the authority given to the supervisors and marshals to arrest and imprison the elector before registering and before voting, as well as in the act of voting, assert a dangerous and unconstitutional exercise of authority upon the part of the Government, and seek to destroy the source of the life of the Government.

No more arbitrary, tyrannical, or oppressive power was ever given to any body of men than is lodged in the hands of deputy marshals by section 2022 of the Revised Statutes, which I read:

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

It will be seen from this section that an indefinite number of marshals may be appointed. It is a fact that pending the elections of 1876 over eleven thousand were appointed; a body of men in numbers equal to one-half of your regular Army, and, as I have said, may be multiplied beyond the strength of that Army.

Remembering that these marshals are paid by the National Government out of the taxes derived from the people we come to look into the power with which these marshals are vested.

They are clothed with the power to decide of their own will, whether "order" is observed, either at places of registration or voting; whether there is "fraudulent registration;" whether there is "fraudulent voting;" whether there is "fraudulent conduct" on the part of any officer of the election; whether the State authorities have rightfully administered their own election laws and upon their own will to decide and determine whether any attempt to violate the law has been made, and thereupon to arrest and take into custody, with or without process, such parties as they may decide or determine to be guilty of these offenses or any one of them. Thus clothed with new, strange, and extraordinary powers, they are at once judges and executive officers, powers the exercise of which arbitrarily takes from the citizen his liberty and the elector his sovereignty. Sir, it is simply an invasion of authority upon the freedom of the ballot.

The genius of tyranny never conceived a more insidious assault upon the rights of a free people than is concealed under this pretense of guarding the purity of the ballot-box. The citizen invested with sovereignty by his State or the people thereof is subordinated to the control and will of a foreign, and it may be an antagonistic, tribunal, which, in the assertion of its supremacy by its supple minions, disrobes him of his sovereignty and leaves him the slave of a superior power. The tendency of the law is to prostitute the judiciary to the domination of the Executive and to take away this asylum of the oppressed and make it the castle, if not the bastille, of the oppressor.

I beg gentlemen of the republican party to pause a moment and reflect that if the powers now sought to be taken away from the executive department were in the hands of a democratic President, governed alone by party considerations and controlled by partisan counsels, what would prevent him from perpetuating the power of his party under the machinery given by these laws. What, then, under their view of the state of things existing South, would the chances of the republican party be? No, Mr. Chairman, we must away with these attempts to destroy the sovereignty of the people. As an American I have been taught that the ballot was the sure if not the only weapon of freeman, and any attempt to take it from him or to overawe him in its exercise was an assault upon his rights.

The theory of American institutions was happily expressed by that venerable, distinguished, and pure statesman of Ohio, Governor Allen, who said that upon election day it was that the American citizen resumed his sovereignty and became superior to the law-maker; and, standing that day so clothed, none but God could rightfully come between him and his conscience in the exercise of his rights as a sovereign elector. But from the majesty of the American citizen you take at once the crown of his honor and the force of his will, and subject him to the caprice and whims of arbitrary power, and in doing so, place in the hands of its irresponsible agents the liberties and property of the millions that now make our Government great.

It is full and free sovereignty to the people for which we struggle. It is for popular right and liberty that we battle, and in such a contest are not awed by the threats of our opponents. Nor should we be deterred from our duty by what may be the consequences in the fate of individuals or parties.

Sir, when the gentleman from Maine [Mr. HALE] speaks of the red revolutionists of France—from whose mad theories and practices may Heaven preserve this beloved land of ours—let him remember the agencies of the later Napoleon (Napoleon III) by which a people were robbed of their liberties, and he will be struck with the similarity, if not kinship, that exists between these agencies and the election laws now complained of, and which we seek to strike from the statute-books of this free country, with the hope that popular sovereignty unawed by any power shall be the heritage of American freeman for countless ages.

Mr. ITTNER. If it can be arranged so that I can have the floor at some other time, it would suit me much better than to have to address the committee now.

The CHAIRMAN. The Chair has no control of that matter. The gentleman is entitled to the floor.

Mr. ITTNER. Then I will yield my time to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. Mr. Speaker, in five minutes I cannot do more than make a protest against the proposed amendment. Section 4, article I, of the Constitution authorizes Congress to legislate touching the election of members of the House of Representatives. Any citizen is just as much interested in the election of a member of Congress in every other district in the United States as in his own. The Congress legislate for the whole people; and if a member of Congress is elected by fraud or intimidation in New York, Cincinnati, South Carolina, or Louisiana, every citizen in the United States is injured equally by such fraud. Now this law which is sought to be repealed is a law of the United States to secure a fair election of the Congress of the United States, and when applied for places a democratic supervisor and a republican supervisor appointed by the United States court at

the poll to witness the election and the count; if there is no fraud, then such witnessing can do no harm; if there is fraud, then such witnessing is all-important. Our democratic friends, however, do not want the Federal Government to guarantee or enforce a fair election touching members of Congress by legislation under section 4, article 1, of the Constitution, but want to leave the whole matter to the respective States; therefore you propose to repeal the present law. It is the old fight again of State sovereignty, as promulgated by the democracy, and which brought on the war. If the Government of the United States has not the power and does not enforce by such regulations fair elections for members of Congress, but upon the contrary must rely upon each State to make and enforce such regulations, then the United States exists as a republic by a full and fair expression of a majority only by the consent of each State and not by virtue of her own force, and if any one State permits fraud or intimidation to run riot and destroy the will of the majority in that State or any congressional district in the same, then practically the Republic, founded upon the will of a majority, ceases to exist. If any one thing was intended to be settled by the late war it was that the United States had the full power to perpetuate itself under the Constitution in spite of any State or States, and at the very foundation of the Republic are full and fair elections.

But the gentleman from New York [Mr. HEWITT] says that the power conferred by this law has been abused and that it will be abused again. That may be, yet its abuse has not been proved. No general law I apprehend, however, ever stood upon the statute-book but what it was abused in some instances. If that constituted a sufficient reason for the repeal of a law, then we would have to repeal every law upon the statute-book. But there is a remedy for the abuse of power. The courts are open to every individual, and the power of the House of Representatives can be invoked at any time by way of impeachment as to any Federal officer who abuses his power. I apprehend, however, it is not so much the abuse as the use of this law that distresses many of our democratic friends.

Mr. HARRIS, of Virginia. All those alleged to have been guilty of one party have been sent to the penitentiary, and all on the other side have been sent on foreign missions, or given high offices under Government. Is not that a good reason why the law should be repealed?

Mr. CANNON, of Illinois. The gentleman from Virginia is not as ingenious as he usually is when he interjects remarks into the speeches of others. Is he prepared to say that none but democrats have been convicted under this law? Can he rise in his place here and now and say that none but democrats have been convicted under the law, or that they have been unjustly convicted? I pause for an answer.

Mr. HARRIS, of Virginia. So far as my knowledge extends every man who has been indicted and convicted under this law has been a democrat, and not a single republican has ever been indicted or convicted.

Mr. CANNON, of Illinois. Can you say that any man has been unjustly convicted under the law?

Mr. HARRIS, of Virginia. I am not apprised of the facts, but my complaint is that all of one party who are charged with crime are convicted and punished, and the other party charged with crime are rewarded, which makes a very wide difference—to punish one and reward the other.

Mr. CANNON, of Illinois. I think that under the law the courts are open for everybody, and will enforce the law.

The Constitution gave us the right to pass it, and I believe it should be enforced, and when enforced, the question should not be asked whether the alleged criminal is a democrat or republican, but has he violated the law of the country?

I believe further, that under the Constitution, and by the results of the war, this is a national Government that has power, like the grace of God, to reach down to the humblest citizen anywhere and throw around him its protecting arm in the enjoyment of all rights and the performance of all duties under the Constitution and the laws.

Mr. THOMPSON. I desire to move that the committee now rise. I will state that my purpose is that when we shall again be in the House I will move that the time for debate upon the pending proposition be extended for one hour or more.

Mr. ATKINS. Oh, no.

Mr. THOMPSON. With that view, I move that the committee now rise.

Mr. ATKINS. Was not the motion to reconsider laid upon the table in regard to the order limiting debate?

The CHAIRMAN. The present occupant of the chair was not in the chair at the time the order was made.

Mr. ATKINS. The record will show.

The CHAIRMAN. The Chair will have the record examined.

Mr. THOMPSON. The time ought to be extended, whether the motion to reconsider was laid on the table or not.

Mr. LAPHAM. I ask consent that all members who are cut off from an opportunity to speak at this time be allowed to print their remarks in the RECORD.

Mr. ATKINS. I am willing.

Mr. LUTTRELL. I object.

The CHAIRMAN. The Chair is now prepared to answer the question of the gentleman from Tennessee, [Mr. ATKINS.] The Chair is

informed by the Clerk that the motion to reconsider the order limiting debate to one hour was laid upon the table. Consequently the order could not be changed, even if the committee should rise.

Mr. LUTTRELL. I withdraw my objection to printing in the RECORD the remarks of gentlemen who have not had an opportunity to speak.

There was no further objection, and it was so ordered. [See Appendix.]

Mr. ATKINS. I would inquire if that embraces the gentleman from New York. [Mr. HEWITT.]

The CHAIRMAN. It embraces all.

Mr. CAMP. On behalf of my colleague, who was called out on the Potter committee, I must object.

The CHAIRMAN. The Chair does not desire to be discourteous at all, but the objection comes too late.

Mr. DAVIDSON. Mr. Chairman, in the debate which has taken place on the amendment now under consideration, remarks have been made by gentlemen on the other side of this House which surprised me very much, and yet I ought not to have been surprised had I recalled other utterances which have fallen from the lips of those gentlemen during the present session of Congress.

The amendment proposes to repeal the several sections of the Revised Statutes of the United States from and including section 2011 to and including section 2031. It was introduced by a gentleman whose home is north of the Ohio River, and it is earnestly supported and advocated by members from the North and West as well as from the South. Yet there are those here who would make it appear that the proposition is a southern measure only, and they pretend to see in it treason and rebellion. The gentleman from Maine [Mr. HALE] has told us that "the proposition to repeal all these sections takes hold and violent hold of the whole body of criminal law applicable to the purity of elections in the South and ruthlessly repeals it." He seems to have forgotten that the sections sought to be repealed apply not only to elections in the South, but throughout the whole country, and at the same time to have misapprehended the purport and scope of the amendment. For it does not propose to repeal the whole body of the criminal law applicable to elections, but only those sections which provide for the appointment of supervisors and deputy marshals. Again, sir, it was very strongly intimated, if not expressly stated, a few days since by the gentleman from New York [Mr. CHITTENDEN] that the object of this amendment was to give to the South absolute control of this Government, and that the proposition to repeal the unwise and iniquitous sections, as I regard them, was an exhibition of audacity which the North would not for a moment tolerate.

Sir, the South does not desire absolute control of this Government. It does desire though that the vicious and tyrannical legislation, the enactment of which was the result of bitter feelings engendered during the late great struggle, should no longer remain in force. It does desire that laws which are used as political machines by the political party now in power, and which are manipulated and run altogether in the interest of that party, regardless of the rights of those who are opposed to it, should be repealed.

And I fail, Mr. Chairman, to discover in the amendment that audacity which seems to be so apparent to the gentleman from New York. And I could not see it even had the amendment been offered by a democrat from the South, for in this House the privileges and rights of members are the same whether they come from the North or South, from the East or West.

And again, sir, it has been argued by the gentleman from Indiana [Mr. HANNA] that the adoption of the pending amendment will sweep away all that legislation which sharply defines, as he expressed it, the difference between loyalty and treason. And it has been said by the gentleman from Indiana [Mr. BAKER] that it will undo all the results of the war. Mr. Chairman, I cannot appreciate such arguments; neither can I believe that they emanate from sober reflection and sound judgment, but rather do I think that they are the offspring of bitter partisan feeling and uncontrolled prejudice.

The members of this House from the South claim no rights here which are not granted to them by the Constitution and laws of their country. And when they assert those rights on this floor and in a fair and manly manner endeavor to maintain them, that it should be said they are audacious and intimated that they are treasonable is not only unkind, but also most wonderfully presumptuous and arrogant.

Sir, the proposition on the part of the democrats to repeal the odious sections mentioned in the amendment is not prompted by a desire to obtain any undue advantage of republicans. They seek only to take from them that advantage which, owing to partisan legislation, they possess and which they so harshly, unfairly, and corruptly use at elections in some of the States—use not merely against the interest of the democratic party, but also in violation of the rights and privileges of the citizens of those States. Mr. Chairman, wrongs, great wrongs, have been and will continue to be perpetrated under the operation of this law so long as it remains in force, and therefore it ought to be repealed.

This committee has already, I am rejoiced to know, decided to repeal the test oath and to amend the law providing for the drawing of jurors, and earnestly do I hope that it will determine to adopt the amendment proposed by the gentleman from Ohio, and then may we hope, sir, to have fair and free elections.

Mr. DUNNELL. During the eight years which I have been a member of this House I may say that I have not consumed twenty minutes of time in the discussion of political questions. I have contented myself, in the little I have said here, in the discussion of questions of a different nature.

Yet, sir, I confess that no question has come before this House more thoroughly arousing my convictions than this proposition to repeal the laws which go to the protection of the ballot-box. If there is anything fundamentally important in the management of our governmental affairs it is an honest and pure election. I agree with the gentleman from Tennessee [Mr. WHITTHORNE] that we ought to discuss this question not from the narrow boundaries which party may give us, but look at it in a broader and more liberal light, and ask ourselves seriously, honestly, candidly, and patriotically whether this law is needed to secure an honest expression of the will of the people.

The gentleman from New York [Mr. HEWITT] has said that no such law existed in the time of Thomas Jefferson. Sir, Thomas Jefferson himself foresaw in the growth of the great cities the very evil that this law seeks to protect us against. Jefferson regarded the great cities as the sores of the Republic. Were he now alive, his counsel would be to protect in these great cities the purity of the ballot-box. One gentleman from Louisiana, on the other side, has said that it was the province of the supervisors to overawe the voters. That is a mistake. It is no part of their business to interfere with the elections. They are not to overawe; they are not to prevent any ballot from being thrown; they are simply, solely, and purely supervisors, overlooking the election; to be used as witnesses, if need be, in order to demonstrate what the voice of the people at a given ballot-box was.

I am unable to see, Mr. Chairman, why this supervisor law is so objectionable to anybody. Why should anybody be opposed to it? Is there a party represented here or elsewhere that is unwilling to have honest elections? As the gentleman from Wisconsin [Mr. HAZELTON] has well said, it has not yet been told us when and where these supervisors have prevented an honest expression of the people's voice. It has not yet been demonstrated that they have exercised the duties of their office to prevent an honest vote.

It has been alleged here that the States should take care of all elections. I insist that a general Federal law overlooking the elections of Federal Representatives in this House is not only constitutional but eminently just and right. In this power of the Constitution lie reposing the liberties of the American people. Have we no right to have it demonstrated that we as Representatives here are honestly elected? When corruption can take possession of the ballot-box, when fraud can triumph, adieu to American liberty, adieu to republican institutions.

[Here the hammer fell.]

Mr. SHELLEY and Mr. HALE rose.

The CHAIRMAN. The gentleman from Maine [Mr. HALE] is recognized. The Chair must state to the gentleman from Alabama [Mr. SHELLEY] that debate having been limited under the order of the House to one hour, there are now but ten minutes of that hour remaining; and, in the opinion of the Chair, the gentleman from Maine, [Mr. HALE,] who opposed the amendment upon the point of order which was raised, is entitled to the last five minutes on his side, and the gentleman moving the amendment [Mr. SOUTHARD] is entitled to close the discussion on the other side.

Mr. SHELLEY. Then, I ask leave to print remarks on this subject.

The CHAIRMAN. Leave has already been granted.

Mr. HALE. Mr. Chairman, I rise only for the purpose of stating the position of this question. We may as well understand exactly how this matter now stands before us. The gentleman from Ohio, [Mr. SOUTHARD,] in pressing this amendment, has thrown down the gage of battle. The gentleman from New York [Mr. HEWITT] has asserted this morning that the democratic party stands here to-day, and will stand, in favor of sweeping from the statute-book all that body of law which he says interferes with the operations of the State governments and State laws with respect to the ballot. Now, there is a plain, distinct challenge; and, Mr. Chairman, I know that strong as is the feeling on the other side, it is equally strong on this. These laws for the protection of the ballot must not and shall not be repealed.

The CHAIRMAN. The gentleman from Maine will suspend a moment in order that a message from the Senate may be received.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. No. 2161) for the relief of M. G. Harmon; and

A bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. No. 1784) to prevent the introduction of contagious or

infectious diseases into the United States, and to establish a bureau of public health.

LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HALE. I repeat that this side of the House will never consent to this project of repeal being pushed forward and carried through. Gentlemen on the other side may as well understand that now as hereafter. Thus we are confronted with what the other side must take the responsibility of, an extra session of Congress. Last Tuesday, one week ago to-day, an almost solid vote of this side of the House was given in favor of going into Committee of the Whole upon this appropriation bill. We were voted down by the other side. On Wednesday the bill came up, was discussed, and went over. On Thursday the republican side again voted solidly to take it up and pass it pure and simple; but we were antagonized with an election case upon which the other side, refusing to consider this bill, unseated a member who had been here within twenty days of his entire term of office. On Friday this bill was antagonized with private bills, and that day was wasted. On Saturday the republican side again rallied for the purpose of pushing this appropriation bill through; but antagonized as it was by the morning hour and by the bill for the repeal of the tobacco tax, the motion to proceed to the consideration of this bill was, on a vote by tellers, defeated by 1 vote.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. HALE. This is the shortest five minutes that I ever knew. The Chair must have counted as part of my time the time occupied in receiving the message of the Senate.

The CHAIRMAN. The instruction of the Chair was that the time occupied in receiving that message should not be deducted from the time of the gentleman from Maine, and he is informed that it was not.

Mr. HALE. The Chair of course ought to know about this matter, but it seems to me that I have had a very brief five minutes. I only wish to say that we on this side have done everything to push this bill, and at some stage of this proceeding between now and the final adjournment gentlemen on the other side must yield their position, for these laws cannot be and shall not be repealed. [Derisive laughter on the democratic side.]

Mr. SOUTHARD. Mr. Chairman, in response to the gentleman from Maine I desire to say for myself, and I think I speak the spontaneous and unanimous sentiment of this side of the House, that these laws, which were enacted for the purpose of controlling the ballot-box and securing the success of the republican party by bribery, intimidation, and force, must and shall be swept from the statute-books. [Applause.]

Mr. RICE, of Ohio. That is right.

Mr. SOUTHARD. Let it be distinctly understood that with this side of the House and with the democratic party rests the responsibility, and they are ready to do, dare, and die, if need be, in defense of the freedom of the ballot and the freedom of the citizen. It is a question of a fair and pure ballot and a question of personal liberty, and the man who yields now in this supreme crisis deserves the condemnation and scorn of a free and independent people. [Applause.]

These marshals, Mr. Chairman, are appointed by a party, for a party purpose, but they are paid out of the public Treasury. It is idle to say that any Administration will be fair and impartial in the execution of the law against the opposing political party. In addition, these deputy marshals have the power of arresting individuals without affidavit and without warrant upon their own *ipse dixit*, upon their own malice, hatred, interest, or caprice, so that so long as these statutes stand it is utterly impossible that the American citizen can be duly protected in his personal liberty and in his right to vote.

In Saint Louis the special deputy marshals were appointed upon the pledge, and as an indispensable condition, that they would support in the canvass and by their votes the republican candidates for Congress. One thousand and twenty-eight special deputy marshals were appointed in that city alone, at an expense of over \$20,000, and the result was the election of three republicans in three democratic districts.

Mr. COLE. Let me ask the gentleman a question.

Mr. SOUTHARD. I have no time to yield. These supervisors and marshals have in different parts of the country arrested citizens without right and imprisoned them until the hour of voting had passed. In New York last fall if those who were arrested pledged themselves not to vote they were immediately discharged, but if they insisted on the right to vote they were held in custody; but when the ballot-boxes were closed at six o'clock on election day they were all discharged, and no attempt was made afterward to prosecute them for any crime. The plain inference is that these supervisors and marshals used their authority not to bring to punishment those voting illegally, but simply and solely to secure a victory for the republican party. This machine is simply one of party for the purpose of perpetuating a party dynasty that has been condemned by the popular judgment of the country. It is a northern outrage as well as a southern outrage. In the North, in 1876, \$220,515.64 was paid to these marshals, while in the South but \$54,770.96. Four-fifths of the money was paid in the North. In 1878 \$24,636.74 was paid in the South, while \$177,654.35

was paid in the North, or seven-eighths of the entire amount, and Mr. Davenport, of New York, has still to come in with his bills of thousands more.

I say again, in response to the taunt from the gentleman from Maine, [Mr. HALE,] that this side of the House has determined on this measure, not as a question of mere dollars and cents, but as a question of absolute, incontestible right, as a question of the freedom and purity of the ballot-box, as a question of freedom from arrest without due process of law. We will no longer permit the control of the ballot-box to remain in the hands of paid and hired agents of one political party for the purpose of carrying elections. It is, as I have already said, a question of personal liberty to the citizen, and we do not mean in this free country that any man shall be arrested and imprisoned until there has been due complaint and warrant of arrest, until there has been due process of law. We mean to protect the citizen in his personal rights and to protect the ballot-box in its freedom and in its purity.

If the republican party can beat the democratic party at the polls, after they have had a free and fair election, we will cheerfully submit, but until that ballot-box is freed we intend to stand as free men to make it free. [Applause.] Let the issue come, and come now. [Applause.] Not a dollar of appropriations should be voted until this most reasonable redress of grievances is conceded—

The CHAIRMAN. The gentleman's time has expired. The question recurs on the amendment of the gentleman from Ohio, [Mr. SOUTHWARD.]

Mr. HALE demanded tellers.

Tellers were ordered; and Mr. HALE and Mr. SOUTHWARD were appointed.

The committee divided; and the tellers reported—ayes 135, noes 110. The CHAIRMAN. The amendment is agreed to. [Applause.]

Mr. HALE. We will take a vote on this question in the House by yeas and nays.

The Clerk proceeded with the reading of the bill.

Mr. HERBERT. No action was taken on the paragraph commencing with line 1933.

Mr. ATKINS. That has already been passed upon by the House.

Mr. HERBERT. The amendment which I wished to offer I understand has been already adopted.

The Clerk read as follows:

Office of the Attorney-General:

For compensation of the Attorney-General, \$8,000; Solicitor-General, \$6,000; three Assistant Attorneys-General, at \$5,000 each; one Assistant Attorney-General of the Post-Office Department, \$4,000; solicitor of the internal revenue, \$4,500; examiner of claims, \$3,500; law clerk and examiner of titles, \$2,700; chief clerk, \$2,200; stenographic clerk, \$1,500; one law clerk, \$2,000; five clerks of class 4; additional for disbursing clerk, \$200; one clerk of class 2; two clerks of class 1; five copyists, at \$900 each; one telegraph operator, \$1,000; two assistant messengers; for two laborers; and two watchmen; in all, \$72,100.

Mr. STONE, of Iowa. I offer the following amendment.

The Clerk read as follows:

At the end of line 1925—

That from and after the taking effect of this act, in order to bring the court near the people, save expense, and promote the general welfare, the regular terms of the district court of the United States within and for the southern division of Iowa, as now established by law, shall be held at Burlington, to commence on the third Tuesday in the months of January and June of each year, to which place the office of the clerk of said court, and all the records thereof, shall be removed at the expense of the city of Burlington and kept; that all cases brought within said division, and pending at the taking effect of this act, shall be tried at Burlington, unless otherwise ordered by the court; and no process issued or proceedings pending in the said district court shall be avoided or impaired by the change of the place of holding such courts; but all process, bail-bonds, and recognizances returnable at the next term of the said court at Keokuk, shall be returned to the next term of said court to be held at Burlington, according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act.

That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HANNA. I make the point of order that the pending amendment cannot be entertained; in the first place, because it is new legislation; and secondly, because there is a bill pending now on the Calendar to accomplish the same purpose.

The CHAIRMAN. Does the gentleman from Iowa admit to be a fact what is stated by the gentleman from Indiana, that there is a bill pending before the House similar to this?

Mr. STONE, of Iowa. No, sir.

Mr. WILSON. I would inquire of the gentleman from Iowa whether the object of this amendment is to remove the court from Keokuk to Burlington?

Mr. HARRIS, of Virginia. I wish to say that the Committee on the Judiciary have directed an adverse report to be made on a bill similar to this.

Mr. STONE, of Iowa. The amendment now offered is not the bill which was pending before the Judiciary Committee.

Mr. HARRIS, of Virginia. In substance it is.

Mr. CONGER. Is not the amendment liable to the point of order that it is new legislation?

The CHAIRMAN. The Chair understands that to be embraced in the point of order made by the gentleman from Indiana, [Mr. HANNA,] that the amendment is new legislation and not in the line of retrenchment.

Mr. WILSON. I make the further point of order that the Judiciary Committee have passed on this subject, and reported adversely.

The CHAIRMAN. The Chair does not recognize that as a point of order.

Mr. HALE. The amendment is subject to the point of order that it is new legislation, and does not retrench expenditures.

The CHAIRMAN. That is part of the point of order made by the gentleman from Indiana. The point of order is also made that the amendment comes within Rule 48, that no bill shall be amended by affixing thereto any other bill pending before the House. The Chair will be glad to hear the gentleman from Iowa upon that point.

Mr. STONE, of Iowa. I would like to hear the gentleman from Indiana, [Mr. HANNA,] if he has any remarks to submit on that question, after which I would like to be heard myself for a moment.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. HANNA. I do not wish to take up the time of the committee.

Mr. STONE, of Iowa. The amendment offered is clearly in the interest of economy and tends toward retrenchment. If adopted, it will save on every juror, on every witness that is summoned to appear before that court, traveling expenses to the amount of \$4, which in the aggregate would amount to \$1,500 each session. So much for retrenchment.

In regard to the statement that a similar bill or a bill that would effect the same purpose is now pending before the Judiciary Committee, I have this to say, that I have labored faithfully to get the report of that committee before this House, and have been unable to accomplish that result. I have taken the only means left to me to represent fairly the four hundred thousand people that are interested in the adoption of this amendment.

Mr. HARRIS, of Virginia. I rise to a point of order. I submit that the gentleman must discuss at this time the point of order and not the facts involved.

The CHAIRMAN. The gentleman must confine himself to the point of order.

Mr. STONE, of Iowa. I shall keep as close to it as I can.

The CHAIRMAN. The Chair is disposed to give the gentleman all the latitude he can.

Mr. STONE, of Iowa. I am merely answering the point made by the gentleman from Indiana that there is a bill pending; and I want to explain the reason why I bring in this amendment. It is because I have not been able to get a report from the Judiciary Committee, and there is no report by that committee before this House. I do not care to detain the House on this question. I do wish, however, that the amendment may be entertained that I may have a vote on this proposition. That is what I desire, and nothing more.

Mr. FRYE. I do not understand that it is within the province of the Chair to take testimony in relation to the saving of expenses of jurors or of witnesses or anything of that kind. It must appear from the bill itself to the Chair that it does retrench expenditures. It appeared before the Judiciary Committee that it was a question and a serious question whether or not it would reduce expenditures. It is a subject open to investigation, and the Chair clearly must determine that from the bill itself and from no testimony, even though it come from so respectable a source as the gentleman from Iowa.

Mr. HARRIS, of Virginia. I desire simply to state that this bill was before the Committee on the Judiciary. The Committee on the Judiciary directed it to be reported adversely. It has not been reported because the committee has not been called. The bill is for the identical purpose embraced in this resolution.

Mr. COX, of New York. I think the amendment is obnoxious to the point of order, not merely because a like bill is pending, but because on its face it must show retrenchment. It is new legislation, and does not on its face show retrenchment.

Mr. HALE. The Chair must see that if this amendment be admitted we might on an appropriation bill go into all the vast range of subject-matters that other committees of the House have in charge, and make changes in regard to the places of courts and judicial appointments that could never be made except through an appropriation bill. It seems to me that this is not a case the rules can be extended to embrace. It may be a meritorious provision, but we cannot consider it on an appropriation bill.

The CHAIRMAN. The Chair has no opinion to express on the merits of the proposition. The Chair is bound to accept the statement made that a similar bill to what has just been offered as an amendment by the gentleman from Iowa is now pending; and if such be the fact, under Rule 48 this amendment would not be in order. If, however, that were not the case, the Chair holds that this amendment is evidently new legislation; nor does it, in the judgment of the Chair, affirmatively show upon its face a retrenchment of expenditures. For both reasons the Chair feels bound to sustain the point of order made by the gentleman from Indiana.

Mr. CALDWELL, of Tennessee. I offer the amendment, which I send to the desk.

The Clerk read as follows:

Strike out all between the word "dollars" in line 1946 and the word "solicitor" in line 1949, namely, these words:

"Three Assistant Attorneys-General, at \$5,000 each; one Assistant Attorney-General of the Post-Office Department, \$4,000."

And insert the following:

"Four Assistant Attorneys-General, one of whom shall be for the Post-Office Department, at a salary of \$4,500 each."

Mr. DURHAM. I make the point of order that that amendment is new legislation and creates a new office.

Mr. CALDWELL, of Tennessee. The amendment does not create a new office. This bill provides for four Assistant Attorneys-General, and it provides that three of them shall be paid \$5,000 a year and one \$4,000 a year. The amendment I offer proposes to equalize the pay, putting them at \$4,500, and in fact reducing the aggregate compensation of these four Attorneys-General from \$19,000 down to \$18,000. But it does more than make a reduction of \$1,000. It equalizes the compensation, so that the Assistant Attorney-General for the Post-Office Department will receive the same pay as the other Assistant Attorneys-General, neither of whom do as much work, according to my information and opinion, as the Assistant Attorney-General for the Post-Office Department, and each of whom now receives \$1,000 more than he.

Now, I insist that this discrimination ought not to exist, and I think the Committee on Appropriations should be willing to save this \$1,000 to the public Treasury when by so doing they give this gentleman as much as his services are worth, as they themselves admit, by putting the pay of the other Assistant Attorneys-General at \$4,500.

I insist that the amendment is not subject to a point of order. It does not change existing law, and it does reduce expenditures, and is therefore in order; and, in my judgment, it should be adopted by the House.

Mr. DURHAM. I withdraw the point of order.

The question was taken on the amendment offered by Mr. CALDWELL, of Tennessee; and it was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

Office of the Solicitor of the Treasury:

For compensation of the Solicitor of the Treasury, \$4,500; assistant solicitor, \$3,000; chief clerk, \$2,000; three clerks of class 4, two clerks of class 3, two clerks of class 2, two clerks of class 1, one assistant messenger, and one laborer, in all, \$24,680.

Mr. DEERING. I offer the following amendment:

In line 1975 strike out "three" and insert in lieu thereof "four." In line 1977 strike out "two" where it first occurs and insert in lieu thereof "three." In line 1979 strike out "\$24,680" and insert in lieu thereof "\$28,000."

Mr. ATKINS. I make the point of order on that amendment.

Mr. DEERING. I would like to hear the point of order stated.

Mr. ATKINS. The amendment increases expenses and changes existing law.

Mr. DEERING. I understand that the amendment if adopted would simply leave the force in this office the same as it was. At the present time the business of this office is constantly increasing, while the force is constantly being diminished. During the war there were eight more clerks employed than there are now.

Mr. ATKINS. The gentleman repeats an amendment already submitted by the committee as to the increase of clerks, but he goes a little beyond that, and proposes to increase the salary of the assistant solicitor to \$4,000 a year. To that I object, and it is upon that portion of the amendment that I urge the question of order.

Mr. DEERING. Then the gentleman does not interpose any objection to the increase of the number of clerks?

Mr. ATKINS. No; for I understand that the bill has already been amended as the gentleman wishes so far as that is concerned. It is upon the increase of the salary of the assistant solicitor of the Treasury that I make the point of order—that it increases expenditures and changes existing law.

Mr. DEERING. I would like to ask if that amendment of the committee has been adopted?

The CHAIRMAN. The Chair would state to the gentleman that the Chair understands that a portion of his amendment has already been adopted, and upon the latter portion, that portion of it increasing the salary of the assistant solicitor of the Treasury, the chairman of the Committee on Appropriations makes the point of order.

Mr. DEERING. That is the part in regard to the number of clerks.

Mr. ATKINS. No; it relates to the salary of the assistant solicitor of the Treasury.

Mr. HALE. I understand that the chairman of the Committee on Appropriations has agreed to the increase in the number of clerks in this office so as to put it back to last year's basis, and that the chairman of the Committee on Appropriations only objects to the proposition which increases the salary of the assistant solicitor.

Mr. DEERING. If the committee have already provided for this increase of force I withdraw the amendment.

The Clerk resumed and concluded the reading of the bill.

Mr. ATKINS. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had instructed him to report the same back to the House with sundry amendments.

Mr. ATKINS. I call for the previous question upon the bill and the amendments.

Mr. HALE. I desire to have a separate vote upon the amendment offered by the gentleman from Ohio, [Mr. SOUTHWARD.]

The SPEAKER. The Chair will recognize the gentleman for that purpose at the proper time.

The previous question was seconded and the main question ordered.

Mr. ATKINS moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair suggests that separate votes be taken on the amendments in the order in which they appear in the bill.

Mr. HALE. The gentleman from Michigan [Mr. CONGER] gave notice that he would call for a separate vote on an amendment which comes in earlier than that of the gentleman from Ohio, [Mr. SOUTHWARD.]

The SPEAKER. Gentlemen desiring separate votes can now indicate them, and after that the Chair will submit to a vote the remaining amendments in gross.

Mr. ATKINS. I suggest that the amendments be taken up and voted on in their order.

The SPEAKER. Certainly; they will be voted upon in the order in which they occur in the bill.

Mr. HALE. There will not be more than two or three separate votes asked, and all the rest of the amendments can be disposed of by one vote.

Mr. CONGER. I desire a separate vote on the amendment proposing to repeal section 820 of the Revised Statutes; also another vote on the repeal of section 821.

Mr. ATKINS. I shall ask for a separate vote on each amendment concerning which I gave notice in Committee of the Whole, except the one relative to the clerical force in the Navy Department.

The SPEAKER. The Clerk advises the Chair that there were eight amendments in Committee of the Whole upon which notice was given that separate votes would be asked.

Mr. HALE. Are there as many separate votes as that insisted upon now?

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] states that he shall insist upon all of which he gave notice, except one.

Mr. ATKINS. I do not say that I will ask for a ye-a-and-nay vote.

Mr. SPRINGER. I desire a separate vote on the amendment offered by the gentleman from Kansas, [Mr. HASKELL,] inserting the word "geographical" after the word "geological" in the provision relating to surveys.

Mr. ATKINS. The gentleman will withdraw that.

Mr. BUTLER. I desire to withdraw the objection which I made in Committee of the Whole to the gentleman from New York [Mr. HEWITT] printing additional remarks in the RECORD. After his explanation, I think I ought to withdraw that objection.

The SPEAKER. The Chair will have to submit the question to the House.

Mr. BUTLER. There will be no objection; everybody got leave but him.

The SPEAKER. The gentleman from New York [Mr. HEWITT] asks consent to print in the RECORD some remarks touching the legislative appropriation bill, to which the gentleman from Massachusetts [Mr. BUTLER] objected. Is there now any objection?

There was no objection, and leave was granted accordingly. [See page 1897.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. No. 4414) to amend the laws relating to internal revenue, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate, Mr. BAYARD, Mr. MORRILL, and Mr. FERRY.

LEGISLATIVE APPROPRIATION BILL.

The House resumed the consideration of the legislative appropriation bill, reported from the Committee of the Whole with amendments.

The SPEAKER. The Clerk will now read the first amendment upon which a separate vote has been asked.

The amendment was in relation to the salary of the messenger to the Speaker, to strike out "\$1,000" and insert "\$1,400."

The question was taken upon a *viva voce* vote, and the Speaker announced that the amendment was agreed to.

The next amendment was in relation to the salaries of the pages of the House, to strike out "\$60" and insert "\$75" as the salary per month.

Mr. ATKINS. What was the vote upon the amendment in relation to the Speaker's messenger?

The SPEAKER. That amendment was agreed to without a division.

Mr. ATKINS. A gentleman was speaking to me at the time the vote was taken. I intended to call the yeas and nays upon it.

Mr. ROBERTS. It is too late now.

The SPEAKER. The Chair thinks it is too late. The question now is upon the amendment in regard to the pay of the pages of the House, striking out "\$60" and inserting "\$75" as the salary per month of the pages.

The question was taken; and upon a division there were yeas 102, noes not counted.

Mr. ATKINS. I call for the yeas and nays on that amendment. [Cries of "Oh, no!" "Oh, no!"]

The yeas and nays were not ordered, there being but 14 in the affirmative; not one-fifth of the last vote.

So the amendment was agreed to.

Mr. ATKINS. I ask now that we go back to the portion of the bill relating to the Senate pages, and put their pay where we have put the pay of the House pages.

Mr. TUCKER. Let the Senate take care of their own pages.

Mr. ATKINS. I hope the House will not force the Committee on Appropriations to go over to the Senate with a bill fixing the pay of the pages of the House at a larger sum than is allowed by it to the pages of the Senate.

Mr. TUCKER. I think the Senate will attend to that.

Mr. SPARKS. We should perfect this bill ourselves.

Mr. HALE. The Senate will not be at all sensitive about it.

The next amendment upon which a separate vote was asked was in the provision relating to the Patent Office, to make the pay of the principal examiners of the Patent Office \$2,500, instead of \$2,000 a year as proposed by the Committee on Appropriations.

Mr. ATKINS. That amendment puts the pay of the principal examiners above what it is now.

The question was taken upon concurring in the amendment; and upon a division there were—yeas 57, noes 71.

Before the result of this vote was announced.

Mr. VANCE called for tellers.

Tellers were not ordered, there being but 22 in the affirmative; not one-fifth of a quorum.

Mr. VANCE. I call for the yeas and nays on this amendment. Members ought not to be afraid to go upon the record.

The question was taken upon ordering the yeas and nays; and there were 26 in the affirmative.

The SPEAKER. That is exactly one-fifth of the last vote.

Mr. ATKINS. Count the other side.

The negative vote was counted; and there were 123 in the negative. So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The amendment was accordingly not agreed to.

Mr. ATKINS. I move to reconsider the various votes upon concurring in amendments reported from the Committee of the Whole, and move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment on which a separate vote was asked was, to strike out in the second paragraph relating to the Bureau of Education all after the word "information," in line 1660, and insert "\$15,000; fuel and lights, \$400; office furniture, \$250; contingencies, \$1,065; in all, \$19,100;" so that the clause, as amended, will read as follows:

Collecting statistics and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, \$15,000; fuel and lights, \$400; office furniture, \$250; contingencies, \$1,075; in all, \$19,100.

The question being taken on agreeing to the amendment, there were—yeas 43, noes 72; no quorum voting.

Tellers were ordered; and Mr. ATKINS and Mr. GARFIELD were appointed.

Mr. WAIT. This is a very important amendment, and I believe that if the House understood it, it would sustain it.

Mr. ATKINS. I object to debate.

Mr. WAIT. The gentleman does not want light shed upon this subject, and therefore enforces the rule against debate.

The SPEAKER. The gentleman from Connecticut is not in order.

The House divided; and the tellers reported—yeas 83, noes 76.

Mr. ATKINS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 111, not voting 39; as follows:

YEAS—140.

Aldrich,	Cox, Jacob D.	Hart,	Luttrell,
Bacon,	Crapo,	Haakell,	Majors,
Bailey,	Cravens,	Hayea,	Manning,
Baker, John H.	Cummings,	Hazelton,	Marsh,
Baker, William H.	Cutler,	Hendee,	McCook,
Ballou,	Danford,	Henderson,	McGowan,
Bayne,	Davis, Horace	Henkle,	McKinley,
Bell,	Dean,	Henry,	Menroe,
Blair,	Deering,	Hooker,	Morse,
Bliss,	Denison,	Hubbell,	Neal,
Brewer,	Dunnell,	Humphrey,	Norcross,
Briggs,	Dwight,	Hungerford,	Oliver,
Brown,	Eames,	Hunter,	O'Neill,
Burchard,	Evans, I. Newton	Huntton,	Overton,
Burdick,	Evans, James L.	Ittner,	Page,
Butler,	Felton,	Jamea,	Patterson, G. W.
Calkins,	Fort,	Jorgensen,	Peddle,
Camp,	Foster,	Joyce,	Phelps,
Campbell,	Frye,	Keifer,	Phillips,
Cannon,	Gardner,	Keightley,	Pollard,
Caswell,	Garfield,	Kelley,	Potter,
Chittenden,	Goode,	Kenna,	Pound,
Claffin,	Hanna,	Ketcham,	Powers,
Clark, Rush	Hardenbergh,	Landers,	Pugh,
Cole,	Harner,	Lapham,	Raney,
Conger,	Harris, Benj. W.	Lathrop,	Randolph,
Covert,	Harrison	Lindsey,	Reilly,

Rice, William W.
Robbins,
Roberts,
Robinson, G. D.
Robinson, M. S.
Ryan,
Sampson,
Sapp,

Sexton,
Shallenberger,
Simickson,
Small,
Springer,
Starin,
Stewart,
Stone, John W.

Stone, Joseph C.
Strait,
Thompson,
Townsend, M. I.
Townshend, E. W.
Turner,
Van Vorhes,
Wait,

Ward,
Watson,
White, Harry
Williams, Andrew
Williams, C. G.
Williams, Richard
Willits,
Wren.

NAYS—111.

Acklen,
Aiken,
Atkins,
Banning,
Beale,
Benedict,
Bicknell,
Blackburn,
Blount,
Boone,
Boeck,
Bragg,
Bridges,
Bright,
Brogren,
Buckner,
Cabell,
Caldwell, John W.
Candler,
Carlele,
Chalmers,
Clark, Alvah A.
Clarke of Kentucky,
Clark of Missouri,
Clymer,
Cobb,
Collins,
Cook,

Cox, Samuel S.
Crittenden,
Culberson,
Davidson,
Davis, Joseph J.
Dibrell,
Dickey,
Durham,
Eickhoff,
Elam,
Ellis,
Evins, John H.
Finley, Ebenezer B.
Finley, Jesse J.
Fleming,
Forney,
Franklin,
Fuller,
Garth,
Gause,
Giddings,
Glover,
Gunter,
Hamilton,
Harris, Henry R.
Harris, John T.
Hartzell,
Hatcher,

Herbert,
Hewitt, Abram S.
Hewitt, G. W.
Jones, Frank
Jones, James T.
Killing,
Kimmel,
Knott,
Ligon,
Lockwood,
Mackey,
Maish,
Martin,
Mayham,
McKenzie,
McMahon,
Mills,
Money,
Morgan,
Muldrow,
Muller,
Patterson, T. M.
Price,
Pridemore,
Rea,
Reagan,
Rice, Americus V.
Robertson,

Ross,
Saylor,
Scales,
Shelley,
Singleton,
Slemmons,
Smith, A. Herr
Smith, William E.
Southard,
Sparks,
Steele,
Swann,
Throckmorton,
Turney,
Vance,
Vaddell,
Warner,
Whithorne,
Wigginton,
Williams, James
Williams, Jere N.
Willis, Benj. A.
Wilson,
Wood,
Wright,
Yeates,
Young, John S.

NOT VOTING—39.

Bagley,
Banks,
Beebe,
Bland,
Boyd,
Brentano,
Bundy,
Cain,
Caldwell, W. P.
Eden,

Ellsworth,
Errett,
Ewing,
Freeman,
Gibson,
Hale,
Hiscock,
House,
Jones, John S.
Knapp,

Loring,
Lynde,
Metcalfe,
Mitchell,
Morrison,
Reed,
Riddle,
Stenger,
Stephens,
Thornburgh,

Tipton,
Townsend, Amos
Tucker,
Veeder,
Walker,
Walsh,
White, Michael D.
Willis, Albert S.
Young, Casey.

So the amendment was concurred in.

During the roll-call the following announcements were made: Mr. KNAPP. I am paired with my colleague, Mr. TIPTON. Mr. EDEN is absent on account of sickness in his family.

Mr. JONES, of Ohio. I am paired with Mr. YOUNG, of Tennessee, for to-day.

Mr. POLLARD. Mr. BLAND is paired with Mr. METCALFE.

Mr. BOYD. For to-day, I am paired with my colleague, Mr. EDEN. On motion of Mr. BROWNE, the reading of the names was dispensed with.

The vote was announced as above recorded.

Mr. GOODE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment of the committee was read, as follows:

Under the heading of Second Assistant Postmaster-General, in line 1718, strike out the word "six" and insert "seven," and in the same line, strike out "thirteen" and insert "twelve;" so it will read, "twenty-seven clerks class 3; twelve clerks class 2."

The amendment was non-concurred in.

Mr. ATKINS moved to reconsider the vote by which the amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment of the Committee of the Whole was read, as follows:

On page 82, section 2, after the word "except," in line 9, insert "the public land surveys;" and also strike out all of said section after line 20.

Mr. PATTERSON, of Colorado. That was an amendment to section 2; and after it was adopted the chairman of the Committee on Appropriations moved a substitute for section 2, which struck that amendment out, together with the portion of the paragraph to which it was moved.

The SPEAKER. Anything put in by the committee has a right to be voted on in the House. The gentleman is thinking of where amendments are offered and rejected.

Mr. PATTERSON, of Colorado. Where an amendment is adopted to any section and then a substitute for that entire section is adopted the section itself and amendments to it are not before the House, but the new matter adopted by the committee.

The SPEAKER. The gentleman is mistaken. It is a substitute.

Mr. PATTERSON, of Colorado. If this amendment to section 2 should be rejected by the House, it is simply section 2 standing intact.

The SPEAKER. This bill was submitted to the committee with section 2 in it, and an amendment to section 2 is an affirmative amendment. It comes into the House of course, and the House can reject it or not. That is for the House to determine.

Mr. WHITE, of Pennsylvania. I ask for the reading of the amend-

ment again with the words included which are proposed to be stricken out.

The Clerk read as follows:

After the word "except," in line 9, insert "the public land surveys;" and also strike out all of said section after line 20.

Mr. SPRINGER. This is the provision in reference to surveyors-general.

Mr. PAGE. Yes; leaving the law as it now is in reference to surveyors-general.

Mr. SPRINGER. Let the words that are proposed to be stricken out be read.

The Clerk read as follows:

And provided further, That the offices of surveyors-general are hereby abolished, to take effect on the 30th day of June, 1879; and the compensation of said surveyors-general, and all employes under them, shall cease on that day; and the duties pertaining to the offices of surveyors-general shall thereafter be performed by the Superintendent of the Coast and Interior Survey; and the parceling surveys of the public lands shall hereafter be made by employes of the Coast and Interior Survey. And provided further, That the rectangular method with township and sectional units shall be retained wherever it can be appropriately and economically applied, but all surveying by contract shall be prohibited; and the Superintendent of the Coast and Interior Survey is hereby authorized to adopt such additional surveying methods as he may deem most economic and accurate; but the surveys of mineral claims shall be made by deputy surveyors, as now provided by law. And such of the archives and records now in the offices of the surveyors-general as may not be required for the office of the Superintendent of the Coast and Interior Survey shall be turned over to the governors of the several States and Territories, upon the same terms and conditions and in the same manner that the archives have heretofore been delivered to the State authorities in States where the public surveys have been completed and the offices of the surveyors-general closed: And provided further, That the Secretary of the Interior shall direct the archives and records of the surveyor-general's office of any State or Territory to be kept in the place where they are now located, if thereby the interests of the people of said State or Territory will be best subserved, such archives and records to be placed under the charge of an employe of the Coast and Interior Survey: And provided further, That hereafter surveys of public lands shall, at the discretion of the Secretary of the Interior, be made under the deposit system, on petition of not less than five persons for the survey of a township; the sum of money to be deposited for the survey of the township shall equal the cost of the survey at the present rates allowed for the several classifications of the land to be surveyed, including such sum as shall be estimated for office work: Provided, That the excess of any deposit over and above the aforesaid cost shall be returned to the depositor; and all moneys so deposited and actually required for said survey and office work, for the amount of land for the survey of which the petition is filed, shall be applicable, either in the hands of the depositor or his assignee, to pay for lands to which the said depositor or others may be entitled under the law. It shall be the duty of the Commissioner of the Land Office to make all needful rules and regulations necessary for carrying into effect the detail of this law, so far as relates to the new conditions established by it in reference to the public lands.

Mr. PAGE. The vote must come on the substitute offered by the gentleman from Tennessee.

The SPEAKER. The vote comes on the amendment which is a change of the language in the bill as originally committed to the committee.

Mr. PAGE. That is where it excepts the surveys of the public land. The vote will then come on that amendment. After that the vote must come on the substitute for the balance of the section offered by the gentleman from Tennessee.

The SPEAKER. This comes from the committee as one amendment, and is to be voted on as a whole.

Mr. ATKINS demanded tellers.

Mr. PAGE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. ATKINS. I suggest that by unanimous consent the vote on this proposition be taken by tellers.

Mr. PAGE. Very well. I now ask the Chair to explain to the House exactly upon what it is voting.

The SPEAKER. As far as the Chair is able to comprehend the amendment an affirmative vote strikes from the bill the original proposition vacating the office of surveyor-general.

Mr. ATKINS. That is it, and those in favor of retaining the law in reference to surveyors-general as it now is will vote "ay," and those opposed to it will vote "no."

Mr. CONGER. Those in favor of the present mode of surveying public lands will vote "ay," as I understand it.

The SPEAKER. The Chair appoints as tellers Mr. PAGE and Mr. ATKINS.

The House divided; and the tellers reported—ayes 121, noes 62. So the amendment was concurred in.

The next amendment of the Committee of the Whole was read, as follows:

At the end of line 1, section 3, page 84, insert the words "and geographical;" and strike out the word "created," in line 2, and insert "established."

Mr. SPRINGER. There is no objection to the word "established" being adopted instead of "created," and the gentleman from Kansas, [Mr. HASKELL,] on whose motion this amendment was adopted, does not insist upon it. I suggest by unanimous consent that the amendment "and geographical" be non-concurred in, and that the word "established" remain instead of "created."

Mr. ATKINS. Let that be done.

There was no objection; and it was ordered accordingly.

The next amendment from the Committee of the Whole was read, as follows:

After line 16, page 85, add the following:

For defraying the expenses of the Supreme Court, and circuit and district courts

of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned of prosecutions for offenses committed in violation of the laws of the United States, and for the safe-keeping of prisoners, \$2,800,000: Provided, That the per diem pay of each juror, grand or petit, in any court of the United States shall be \$2, and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 820 and 821 of the Revised Statutes of the United States are hereby repealed, and that all such jurors, grand and petit, shall be publicly drawn from a box containing the names of not less than three hundred persons possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box, alternately, until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts in the State. All general and special laws in conflict herewith are hereby repealed.

The amendment was agreed to.

Mr. HERBERT moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a resolution, in which the concurrence of the House was requested, for the printing of 15,000 copies of the consular reports now being prepared by the Secretary of State, showing the rates of wages, hours of labor, food prices, and general condition of the working classes in the several countries of Europe.

The message further announced that the Vice-President had appointed Mr. KERNAN a manager on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4414) to amend the laws relating to internal revenue, in place of Mr. MORRILL, excused.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The Clerk will report the next amendment reported by the Committee of the Whole on the state of the Union.

The Clerk read the amendment, as follows:

Insert after the amendment just adopted the following:

That the several sections of the Revised Statutes of the United States from and including section 2011 to and including section 2031, and all other provisions of law authorizing the appointment of or the performance of any duty by any chief or other supervisor of elections, or any special deputy marshal, or other deputy marshal of elections, or the payment of any money to any such supervisor or deputy marshal of elections for any services performed as such, be, and the same are hereby, repealed.

Mr. HALE. I call for a division.

The House divided; and there were—ayes 107, noes 0.

Mr. HALE. A quorum has not voted.

The SPEAKER. The Chair is aware of that.

Mr. SPRINGER. I move that there be a call of the House.

Mr. YEATES. I call for the yeas and nays on agreeing to the amendment.

Mr. SPRINGER. I withdraw the motion for a call of the House. The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 3, not voting 144; as follows:

YEAS—143.

Acklen,	Davis, Joseph J.	Hewitt, Abram S.	Rice, Americus V.
Aiken,	Dean,	Hewitt, G. W.	Robbins,
Atkins,	Dibrell,	Hooker,	Roberts,
Banning,	Dickey,	House,	Robertson,
Beale,	Durham,	Hunton,	Ross,
Bell,	Eden,	Jones, Frank	Saylor,
Benedict,	Eickhoff,	Jones, James T.	Scates,
Bicknell,	Elam,	Kenna,	Shelley,
Blackburn,	Ellis,	Kimmel,	Singleton,
Bliss,	Evins, John H.	Knott,	Slemmons,
Blount,	Ewing,	Landers,	Smith, William E.
Boone,	Felton,	Ligon,	Southard,
Bouck,	Finley, Ebenezer B.	Lockwood,	Sparks,
Bragg,	Finley, Jesse J.	Luttrell,	Springer,
Bridges,	Fleming,	Lynde,	Steele,
Bright,	Forney,	Mackey,	Stenger,
Buckner,	Franklin,	Maish,	Swann,
Cabell,	Fuller,	Manning,	Tackmorton,
Caldwell, John W.	Garth,	Martin,	Townsend, R. W.
Caldwell, W. P.	Gause,	Mayham,	Turner,
Candler,	Gibson,	McKenzie,	Turney,
Carlisle,	Giddings,	McMahon,	Vance,
Chalmers,	Glover,	Mills,	Veeder,
Clark, Alvah A.	Goode,	Money,	Waddell,
Clarke of Kentucky,	Gunter,	Morgan,	Warner,
Clark of Missouri,	Hamilton,	Morrison,	Whitthorne,
Clymer,	Hardenbergh,	Morse,	Williams, James
Cobb,	Harris, Henry R.	Muldrow,	Williams, Jere N.
Collins,	Harris, John T.	Muller,	Willis, Albert S.
Cook,	Harrison,	Patterson, T. M.	Willis, Benj. A.
Covert,	Hart,	Phelps,	Wilson,
Cox, Samuel S.	Hartzell,	Potter,	Wood,
Cravens,	Hatcher,	Pridemore,	Wright,
Crittenden,	Henkle,	Rea,	Yeates,
Culberson,	Henry,	Reagan,	Young, John S.
Davidson,	Herbert,	Reilly,	

NAYS—3.

Chittenden,	Fort,	Killinger.	
NOT VOTING—144.			
Aldrich,	Danford,	Keightley,	Robinson, M. S.
Bacon,	Davis, Horace	Kelley,	Ryan,
Bagley,	Deering,	Ketcham,	Sampson,
Bagley,	Denison,	Knapp,	Sapp,
Baker, John H.	Dunnell,	Lapham,	Sexton,
Baker, William H.	Dwight,	Lathrop,	Shallenberger,
Ballou,	Eames,	Lindsey,	Sinickson,
Banks,	Ellsworth,	Loring,	Smalls,
Bayne,	Errett,	Majors,	Smith, A. Herr
Beebe,	Evans, I. Newton	Marsh,	Starin,
Blair,	Evans, James L.	McCook,	Stephens,
Bland,	Foster,	McGowan,	Stewart,
Boyd,	Freeman,	McKinley,	Stone, John W.
Brentano,	Frye,	Metcalfe,	Stone, Joseph C.
Brewer,	Gardner,	Mitchell,	Strait,
Briggs,	Garfield,	Monroe,	Thompson,
Brogden,	Hale,	Neal,	Thornburgh,
Browne,	Hanna,	Norcross,	Tipton,
Bundy,	Harner,	Oliver,	Townsend, Amos
Burchard,	Harris, Benj. W.	O'Neill,	Townsend, M. I.
Burdick,	Haskell,	Overton,	Tucker,
Butler,	Hayes,	Page,	Van Vorhes,
Cain,	Hazelton,	Patterson, G. W.	Wait,
Calkins,	Hendee,	Peddle,	Walker,
Camp,	Henderson,	Phillips,	Walsh,
Campbell,	Hiscock,	Pollard,	Ward,
Cannon,	Hubbell,	Pound,	Watson,
Caswell,	Humphrey,	Powers,	White, Harry
Chaffin,	Hungerford,	Price,	White, Michael D.
Clark, Rush	Hunter,	Pugh,	Wigginton,
Cole,	Ittner,	Raney,	Williams, Andrew
Conger,	James,	Randolph,	Williams, C. G.
Cox, Jacob D.	Jones, John S.	Reed,	Williams, Richard
Crapo,	Jorgensen,	Rice, William W.	Willits,
Cummings,	Joyce,	Riddle,	Wren,
Cutler,	Keifer,	Robinson, G. D.	Young, Casey.

During the roll-call the following announcements were made:

Mr. DEAN. I am paired with my colleague, Mr. BANKS, on all political questions, on the condition, however, that if it were necessary to help to make a quorum I should be at liberty to vote. I vote "ay."

Mr. TUCKER. I am paired upon this question with Mr. GARFIELD, who had to leave the House a few minutes ago, and I am therefore precluded from voting. If he were present I should vote "ay."

The SPEAKER, (before announcing the vote.) The Clerk will call my name.

The Clerk called the name of Mr. RANDALL.

The SPEAKER. I vote "ay." [Great applause.]

The result of the vote was then announced as above recorded, and the amendment was accordingly agreed to.

Mr. SPRINGER. I move to reconsider the vote by which the amendment was agreed to and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HALE. I move that the House do now adjourn, and pending that motion I move that when the House adjourns it adjourn to meet the day after to-morrow at eleven o'clock, and on that motion I call for the yeas and nays.

Mr. ATKINS. I hope the gentleman from Maine will not obstruct the public business.

Mr. RICE, of Ohio. We want the appropriation bills passed.

The SPEAKER. The gentleman from Maine [Mr. HALE] first moves that the House do now adjourn, and then supplements it with a motion that when the House adjourns to-day it adjourn to meet on Thursday next.

Mr. HALE. And pending that motion I move that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. McMAHON. I thought the gentleman was anxious that the appropriation bill should be passed.

Mr. HALE. If you let it be an appropriation bill, pure and simple, we will not object to its passage.

Mr. McMAHON. We are ready to vote on the appropriation bill.

Mr. FORT. I move to reconsider the vote by which the amendment was agreed to.

The SPEAKER. The gentleman is too late. A motion to reconsider has already been laid upon the table, and besides the gentleman from Illinois voted with the minority.

Mr. HALE. I will withdraw my motion that when the House adjourns to-day it be to meet on Friday next, and leave the question to be taken upon my motion to adjourn till Thursday next.

Mr. McMAHON. I thought gentlemen on the other side wanted to pass the appropriation bill.

Mr. COX, of New York. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Maine [Mr. HALE] that when the House adjourns to-day it adjourn to meet on Thursday next.

Mr. HALE. And upon that motion I call for the yeas and nays.

The yeas and nays were ordered, 46 members voting therefor.

The question was taken; and there were—yeas 1, nays 239, not voting 50; as follows:

YEAS—1.

Keifer.

NAYS—239.

Acklen,	Cutler,	Ittner,	Robbins,
Aiken,	Davidson,	Jones, Frank	Roberts,
Aldrich,	Davis, Horace	Jones, James T.	Robertson,
Atkins,	Davis, Joseph J.	Jorgensen,	Robinson, G. D.
Bacon,	Dean,	Joyce,	Robinson, M. S.
Bagley,	Deering,	Keightley,	Ross,
Baker, John H.	Denison,	Kelley,	Ryan,
Ballou,	Dibrell,	Kenna,	Sampson,
Banning,	Dickey,	Ketcham,	Sapp,
Bayne,	Dunnell,	Killinger,	Scales,
Beale,	Durham,	Knapp,	Shallenberger,
Bell,	Dwight,	Knott,	Shelley,
Benedict,	Eames,	Landers,	Singleton,
Bicknell,	Eden,	Lapham,	Sinickson,
Blackburn,	Eickhoff,	Lathrop,	Slemmons,
Blair,	Elam,	Ligon,	Smalls,
Bliss,	Evans, I. Newton	Lindsey,	Smith, A. Herr
Blount,	Evins, John H.	Lockwood,	Smith, William E.
Boone,	Ewing,	Luttrell,	Southard,
Bouck,	Felton,	Lynde,	Sparks,
Boyd,	Finley, Ebenezer B.	Mackey,	Springer,
Bragg,	Finley, Jesse J.	Malish,	Starin,
Brentano,	Fleming,	Majors,	Steele,
Brewer,	Forney,	Manning,	Stenger,
Bridges,	Foster,	Marsh,	Stewart,
Briggs,	Franklin,	Martin,	Stone, John W.
Brogden,	Frye,	Mayham,	Stone, Joseph C.
Buckner,	Fuller,	McCook,	Strait,
Bundy,	Garth,	McKenzie,	Thompson,
Burchard,	Gause,	McKinley,	Throckmorton,
Burdick,	Gibson,	McMahon,	Tipton,
Cabell,	Giddings,	Mills,	Townsend, Amos
Caldwell, John W.	Glover,	Money,	Townsend, M. I.
Caldwell, W. P.	Goode,	Monroe,	Townsend, R. W.
Calkins,	Gunter,	Morgan,	Turner,
Camp,	Hale,	Morrison,	Turney,
Campbell,	Hamilton,	Morse,	Vance,
Candler,	Hanna,	Muldrow,	Van Vorhes,
Carlisle,	Hardenbergh,	Muller,	Waddell,
Caswell,	Harmer,	Neal,	Wait,
Chalmers,	Harris, Henry R.	Norcross,	Ward,
Chaffin,	Harris, John T.	Oliver,	Warner,
Clark, Alvah A.	Harrison,	O'Neill,	Watson,
Clark of Kentucky,	Hart,	Overton,	White, Michael D.
Clark of Missouri,	Hartzell,	Page,	Whitthorne,
Clark, Rush	Haskell,	Patterson, G. W.	Williams, Andrew
Clymer,	Hatcher,	Patterson, T. M.	Williams, C. G.
Cobb,	Hayes,	Phelps,	Williams, James
Cole,	Hazelton,	Phillips,	Williams, Jere N.
Collins,	Hendee,	Pollard,	Williams, Richard
Conger,	Henderson,	Potter,	Willis, Albert S.
Cook,	Henry,	Price,	Willis, Benj. A.
Covert,	Hewitt, G. W.	Pridemore,	Wilson,
Cox, Jacob D.	Herbert,	Pugh,	Willits,
Cox, Samuel S.	Hooker,	Raney,	Wood,
Crapo,	House,	Rea,	Wren,
Cravens,	Humphrey,	Reagan,	Wright,
Crittenden,	Hungerford,	Reilly,	Yeates,
Culberson,	Hunter,	Rice, Americus V.	Young, John S.
Cummings,	Hunton,	Rice, William W.	

NOT VOTING—50.

Bailey,	Ellsworth,	Jones, John S.	Sexton,
Baker, William H.	Errett,	Kimmel,	Stephens,
Banks,	Evans, James L.	Loring,	Swann,
Beebe,	Fort,	McGowan,	Thornburgh,
Bland,	Freeman,	Metcalfe,	Tucker,
Bright,	Gardner,	Mitchell,	Vesder,
Browne,	Garfield,	Peddle,	Walker,
Butler,	Harris, Benj. W.	Pound,	Walsh,
Cain,	Henkle,	Powers,	White, Harry
Cannon,	Hewitt, Abram S.	Randolph,	Wigginton,
Chittenden,	Hiscock,	Reed,	Young, Casey.
Danford,	Hubbell,	Riddle,	
Ellis,	James,	Saylor,	

So the motion that when the House adjourns to-day it be to meet on Thursday next was not agreed to.

During the roll-call the following announcements were made:

Mr. JONES, of Ohio. On all questions relating to this legislative appropriation bill, I am paired with Mr. YOUNG, of Tennessee.

Mr. RICE, of Massachusetts. I desire to state that my colleague, Mr. BANKS, is paired on all political questions with Mr. DEAN, of Massachusetts.

Mr. O'NEILL. My colleague, Mr. FREEMAN, is paired with Mr. RIDGLEY, of Tennessee.

The result of the vote was then announced as above stated.

The SPEAKER. The question recurs on the motion of the gentleman from Maine [Mr. HALE] that the House now adjourn.

Mr. HALE. I will withdraw that motion, and in order to ascertain if there is a quorum present on the other side of the House, I will move to lay this bill and amendments on the table. That will require a yeas-and-nay vote, and we can then see if gentlemen on the other side, of their own motion, can pass this bill. I hope gentlemen on this side of the House will not vote on the motion.

Mr. TUCKER. Did the gentleman from Maine have a caucus on that subject?

Mr. HALE. I caucused with myself.

The question was taken by a *rica voce* vote, and the Speaker announced that the "noes" had it.

Mr. HALE. Let us have tellers on that.

Mr. McMAHON. Let us have the yeas and nays.

Mr. HALE. Very well.

The yeas and nays were ordered.

The question was taken; and there were—yeas 3, nays 143, not voting 144; as follows:

		YEAS—3.	
Brentano,	Dunnell,	Patterson, G. W.	
		NAYS—143.	
Acklen,	Davidson,	Herbert,	Reilly,
Aiken,	Davis, Joseph J.	Hewitt, Abram S.	Rice, Americus V.
Atkins,	Dean,	Hewitt, G. W.	Robbins,
Banning,	Dibrell,	Hooker,	Roberts,
Beale,	Dickey,	House,	Robertson,
Bell,	Durham,	Hunton,	Rosa,
Benedict,	Eden,	Jones, Frank	Saylor,
Bicknell,	Eickhoff,	Jones, James T.	Scales,
Blackburn,	Elam,	Kenna,	Shelley,
Bills,	Ellis,	Kimmel,	Singleton,
Blount,	Evins, John H.	Knott,	Slemmons,
Boone,	Ewing,	Landers,	Smith, William E.
Bouck,	Felton,	Ligon,	Southard,
Bragg,	Finley, Ebenezer B.	Lockwood,	Sparks,
Bridges,	Finley, Jesse J.	Luttrell,	Springer,
Brogden,	Fleming,	Lynde,	Steele,
Buckner,	Forney,	Mackey,	Stenger,
Cabell,	Franklin,	Maish,	Throckmorton,
Caldwell, John W.	Fuller,	Manning,	Townsend, R. W.
Caldwell, W. P.	Garth,	Martin,	Turner,
Candler,	Gause,	Mayham,	Turney,
Carlisle,	Gibson,	McKenzie,	Vance,
Chalmers,	Giddings,	McMahon,	Veeder,
Clark, Alvah A.	Glover,	Mills,	Waddell,
Clarke of Kentucky,	Goode,	Money,	Warner,
Clark of Missouri,	Gunter,	Morgan,	Whitthorne,
Clymer,	Hamilton,	Morrison,	Williams, James
Cobb,	Hardenbergh,	Morse,	Williams, Jere N.
Collins,	Harris, Henry R.	Muldrow,	Willis, Albert S.
Cook,	Harris, John T.	Muller,	Willis, Benjamin A.
Covert,	Harrison,	Patterson, T. M.	Wilson,
Cox, Samuel S.	Hart,	Phelps,	Wood,
Cravens,	Hartzell,	Potter,	Wright,
Crittenden,	Hatcher,	Pridemore,	Yeates,
Culberson,	Henkle,	Rea,	Young, John S.
Cutler,	Henry,	Reagan,	
		NOT VOTING—144.	
Aldrich,	Davis, Horace	Kelley,	Ryan,
Racon,	Deering,	Ketcham,	Sampson,
Bagley,	Denison,	Killingier,	Sapp,
Bailey,	Dwight,	Knapp,	Sexton,
Baker, John H.	Eames,	Lapham,	Shallenberger,
Baker, W. H.	Ellsworth,	Lathrop,	Sinnickson,
Ballou,	Errett,	Lindsey,	Smalls,
Banks,	Evans, I. Newton	Loring,	Smith, A. Herr
Bayne,	Evans, James L.	Majors,	Starin,
Beebe,	Fort,	Marsh,	Stephens,
Blair,	Foster,	McCook,	Stewart,
Bland,	Freeman,	McGowan,	Stone, John W.
Boyd,	Frye,	McKinley,	Stone, Joseph C.
Brewer,	Gardner,	Metcalfe,	Strait,
Briggs,	Garfield,	Mitchell,	Swann,
Bright,	Hale,	Monroe,	Thompson,
Browne,	Hanna,	Neal,	Thornburgh,
Bundy,	Harmer,	Norcross,	Tipton,
Burchard,	Harris, Benj. W.	Oliver,	Townsend, Amos
Burdick,	Haskell,	O'Neill,	Townsend, M. I.
Butler,	Hayes,	Overton,	Tucker,
Cain,	Hazelton,	Page,	Van Vorhes,
Calkins,	Hendee,	Peddle,	Wait,
Camp,	Henderson,	Phillips,	Walker,
Campbell,	Hiscock,	Pollard,	Walsh,
Cannon,	Hubbell,	Pound,	Ward,
Caswell,	Humphrey,	Powers,	Watson,
Chittenden,	Hungerford,	Price,	White, Harry
Claffin,	Hunter,	Pugh,	White, Michael D.
Clark, Rush	Ittner,	Rainey,	Wigginton,
Cole,	Jones, John S.	Randolph,	Williams, Andrew
Conger,	Jorgensen,	Reed,	Williams, C. G.
Cox, Jacob D.	Joyce,	Rice, William W.	Williams, Richard
Crapo,	Keifer,	Riddle,	Willits,
Cummings,	Keightley,	Robinson, G. D.	Wren,
Danford,		Robinson, M. S.	Young, Casey.

During the roll-call the following announcements were made:

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP, who is detained at his room, being unwell and unable to be here.

Mr. DUNNELL. I ask leave to withdraw my vote.

Mr. LUTTRELL. I object.

Mr. TUCKER. I feel bound not to vote on this question by reason of a pair made with the gentleman from Ohio, General GARFIELD, this morning. If the gentleman from Maine [Mr. HALE] only wants to test whether a quorum is present or not, I desire it to be understood that I am present, and will remain here in order to vote. I have written to General GARFIELD to return to the House or the pair must be at an end. I had no idea that gentlemen on the other side intended to refrain from voting, so as to break a quorum; if I had anticipated this, I should not have made the pair.

Mr. HALE. Let the gentleman from Minnesota, [Mr. DUNNELL] who voted inadvertently, withdraw his vote, and then let the gentleman from Virginia [Mr. TUCKER] vote.

Mr. McMAHON. I object to any withdrawal.

Mr. HALE. I think this is a fair proposition. Let the gentleman from Minnesota withdraw his vote and the gentleman from Virginia vote.

Mr. CONGER. I ask the Chair whether the gentleman from Minnesota has not a right to withdraw his vote?

The SPEAKER. The Chair is at loss to understand under what rule a vote can be withdrawn if objection is made.

Mr. TUCKER. I must hear from the gentleman from Ohio in a very short time.

Mr. HALE. My proposition is objected to on the other side.

Mr. CHALMERS. I rise to make a parliamentary inquiry. Would it be in order to ask a suspension of the roll-call until the gentleman from Virginia can have an opportunity to vote? He is present and is merely waiting to hear from General GARFIELD.

The SPEAKER. The Chair thinks that a suspension of the roll-call would not be in order.

Mr. WADDELL. I rise to ask whether any member of this House—and in this inquiry I refer to my friend from Virginia, [Mr. TUCKER]—has any right to make a pair whereby to obstruct public business by defeating a quorum?

The SPEAKER. That is not a question for the Chair to decide, but one for the Representative from Virginia to determine.

Mr. WADDELL. I hope my friend from Virginia will vote. I deny his moral right to make a pair with any member of this House to obstruct the public business by defeating a quorum. I do not think the gentleman would be violating any contract by voting.

Mr. TUCKER. I am very much obliged to my friend from North Carolina for his suggestion; but I have acted all my life on this principle: if there is any doubt about the question of honor, with me the doubt is always on the side of honor.

When the roll-call was concluded,

The SPEAKER said: On this question the Chair votes "no." The vote now stands yeas 3, nays 144; so the motion of the gentleman from Maine [Mr. HALE] to lay the bill on the table is not agreed to. The Chair desires to state in this connection that with his vote there are 147 members voting, making a quorum of a full House. But in his own mind he does not think that under present circumstances 147 votes are required for a quorum, as there are two vacancies.

Mr. HALE. Is the Chair prepared to make a definite ruling that anything less than a majority of the entire body can be regarded as a quorum?

The SPEAKER. The Chair does not make any ruling in advance, because it is not necessary to do so; but he desires to have read a decision on this point made in the Thirty-seventh Congress; and he thinks it ought to be read now for information when the question is not involved.

Mr. HALE. I understand that the Chair does not make any decision on this point.

The SPEAKER. The Chair never makes a decision until some question is raised requiring a decision.

The Clerk read as follows:

The SPEAKER. Does the gentleman from New York insist on the demand for the previous question?

Mr. SEDGWICK. I do.

The House divided upon seconding the demand for the previous question; and there were—yeas 52, nays 41.

Mr. VALLANDIGHAM. There is no quorum voting.

The SPEAKER. Does the gentleman raise that point of order?

Mr. VALLANDIGHAM. I do, unless debate is allowed.

The SPEAKER. The Chair decides that the question is decided in the affirmative. The gentleman from Ohio raises the point of order that 52 is not a majority of the quorum necessary to do business. The Chair understands that to be the point.

Mr. VALLANDIGHAM. Yes, sir.

The SPEAKER. The Chair calls the attention of the House to the question what constitutes a quorum. The Chair will have read the provision of the Constitution on the subject. It is in article I, section 5.

The Clerk read as follows:

"Each House shall be the judge of the election returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business."

The SPEAKER. The Clerk will now read article I, section 2 of the Constitution.

The Clerk read as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States."

The SPEAKER. There were chosen to this Congress 183 members. The Chair decides under that clause of the Constitution that 92 would be a majority of all the members chosen, and the majority of a quorum would be 47. The Chair so decides.

Mr. VALLANDIGHAM. I concur in that decision. Then the Chair decides that the previous question is seconded?

The SPEAKER. The Chair so decides.

Mr. VALLANDIGHAM. I think the House consists only of the members sworn in. The SPEAKER. The Chair has held in this case that those chosen constitute the House, as they have been returned to the Clerk.

Mr. VALLANDIGHAM. The Chair has no knowledge of any member unless he appears here. That question may become material by and by, and I save the point.

The SPEAKER. So far as that point is concerned, the Chair withholds its decision as to whether the House consists of those sworn in or of those known to have been elected; but the Chair is clear in his own mind that a majority of those chosen constitute a quorum.

Mr. WEBSTER. I ask that the joint resolution be again read.

The joint resolution was read.

The SPEAKER. The Chair has caused this to be read for the information of the House. It will be observed that Mr. Grow, a Representative from the State of Pennsylvania, made the decision which has been read by the Clerk.

Mr. HALE. Will the Chair allow me a moment?

The SPEAKER. Certainly.

Mr. HALE. I am very glad the Chair has not precipitated any decision upon this question. It seems to me that the circumstances of the case which has been cited are not in any degree analogous to the circumstances of this case. To this House there have been undoubtedly at one time or another two hundred and ninety-three members returned and certificated to the House. As this matter does not by any means end here to-day, in case this bill shall come back from

the Senate, I will reserve all points as to a quorum, so that whenever the question does come up the matter may be before the House, it being understood that the Chair does not now forestall any question by a decision.

The SPEAKER. The Chair desired to have this information read to the House during a period of calmness, so that when the question does come up and a decision is given by the Chair, it shall not be said that it was precipitately given. [Laughter.]

Mr. SPRINGER. I desire at this time to call attention to another question which may arise in the deliberations of the House as to parliamentary ruling.

The SPEAKER. The gentleman from Maine will give his attention for a moment. The gentleman moved to lay the bill upon the table and made his statement that he wanted this side of the House should be responsible for the passage of the bill. There are yet remaining some amendments upon which no separate vote has been called and if there be no objection he will submit them in gross.

Mr. HALE. I had the impression, as is usual in such cases, that where no separate votes were asked the amendments had already been concurred in in bulk.

The SPEAKER. They were reserved.

Mr. HALE. That is customarily done and I do not object.

The remaining amendments of the Committee of the Whole on the state of the Union were concurred in.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ATKINS demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. KEIFER. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 143, nays 117, not voting 30; as follows:

YEAS—143.

Acklen,	Davis, Joseph J.	Hewitt, G. W.	Robbins,
Aiken,	Dibrell,	Hooker,	Roberts,
Atkins,	Dickey,	House,	Robertson,
Banning,	Durham,	Hunton,	Ross,
Beale,	Eden,	Jones, Frank	Saylor,
Bell,	Eickhoff,	Jones, James T.	Scales,
Benedict,	Elam,	Kenna,	Shelley,
Bicknell,	Ellis,	Kimmel,	Singleten,
Blackburn,	Ewins, John H.	Knott,	Slemmons,
Bliss,	Ewing,	Landers,	Smith, William E.
Blount,	Felton,	Ligon,	Southard,
Boone,	Finley, Ebenezer B.	Lockwood,	Sparks,
Bouck,	Finley, Jesse J.	Luttrell,	Springer,
Bragg,	Fleming,	Lynde,	Steele,
Bridges,	Forney,	Mackey,	Stenger,
Bright,	Franklin,	Maish,	Swann,
Buckner,	Fuller,	Manning,	Throckmorton,
Cabell,	Garth,	Martin,	Townsend, R. W.
Caldwell, John W.	Gause,	Mayham,	Turner,
Caldwell, W. P.	Gibson,	McKenzie,	Turney,
Candler,	Giddings,	McMahon,	Vance,
Chalmers,	Glover,	Mills,	Veeder,
Clark, Alvah A.	Goode,	Money,	Waddell,
Clarke of Kentucky,	Gunter,	Morgan,	Walker,
Clark of Missouri,	Hamilton,	Morrison,	Warner,
Clymer,	Hardenbergh,	Morse,	Whitthorne,
Cobb,	Harris, Henry R.	Muldrow,	Williams, James
Collins,	Harris, John T.	Muller,	Williams, Jere N.
Cook,	Harrison,	Patterson, T. M.	Willis, Albert S.
Covert,	Hart,	Pelphs,	Willis, Benj. A.
Cox, Samuel S.	Hartzell,	Potter,	Wilson,
Cravens,	Hatcher,	Pridemore,	Wood,
Crittenden,	Henkle,	Rea,	Wright,
Culbertson,	Henry,	Reagan,	Yeates,
Cutler,	Herbert,	Reilly,	Young, John S.
Davidson,	Hewitt, Abram S.	Rice, Americus V.	

NAYS—117.

Aldrich,	Conger,	Henderson,	Neal,
Bacon,	Cox, Jacob D.	Hiscock,	Norcross,
Bagley,	Crapo,	Hubbell,	Oliver,
Baker, John H.	Cummings,	Humphrey,	O'Neill,
Ballou,	Danford,	Hungerford,	Overton,
Bayne,	Davis, Horace	Hunter,	Page,
Blair,	Deering,	Ittner,	Patterson, G. W.
Boyd,	Denison,	James,	Peddle,
Brentano,	Dunnell,	Jorgensen,	Phillips,
Brewer,	Eames,	Joyce,	Pollard,
Briggs,	Ellsworth,	Keifer,	Pound,
Brogden,	Errett,	Keightley,	Price,
Browne,	Evans, I. Newton	Kelley,	Pugh,
Bundy,	Fort,	Ketcham,	Taney,
Burchard,	Foster,	Killinger,	Randolph,
Burdick,	Frye,	Lapham,	Rice, William W.
Cain,	Gardner,	Lathrop,	Robinson, G. D.
Calkins,	Hale,	Lindsey,	Robinson, M. S.
Camp,	Hanna,	Majors,	Ryan,
Campbell,	Harner,	Marsh,	Sampson,
Caswell,	Harris, Benj. W.	McCook,	Sexton,
Chittenden,	Haskell,	McGowan,	Shallenberger,
Claffin,	Hayes,	McKinley,	Sinnickson,
Clark, Rush	Hazelton,	Mitchell,	Smalls,
Cole,	Hendee,	Monroe,	Smith, A. Herr

Starin,
Stewart,
Stone, John W.
Stone, Joseph C.
Strait,

Thompson,
Townsend, Amos
Townsend, M. I.
Van Vorhes,
Wait,

Ward,
Watson,
White, Harry
Williams, Andrew
Williams, C. G.

Williams, Richard
Willits.

NOT VOTING—30.

Bailey,
Baker, William H.
Banks,
Beebe,
Bland,
Butler,
Cannon,
Carlisle,

Dean,
Dwight,
Evans, James L.
Freeman,
Garfield,
Jones, John S.
Knapp,
Loring,

Metcalfe,
Powers,
Reed,
Riddle,
Sapp,
Stephens,
Thornburgh,
Tipton,

Tucker,
Walsh,
White, Michael D.
Wigginton,
Wren,
Young, Casey.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. TOWNSEND, of Ohio. My colleague, Mr. KNAPP, is paired with my other colleague, Mr. TIPTON.

Mr. SAPP. I am paired with Mr. WIGGINTON. If he were here, I would vote "no" and he would vote "ay."

Mr. DEAN. I am paired with my colleague, Mr. BANKS, on all political questions. If he were here, he would vote "no" and I would vote "ay."

On motion of Mr. ATKINS, by unanimous consent the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of Kentucky. I ask that by unanimous consent the Army appropriation bill be taken from the Speaker's table, and that the House non-concur in the Senate amendments and request a committee of conference.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that next Thursday night, at half-past seven o'clock, be made a special order for reports from the following committees: On Indian Affairs, on Revolutionary Pensions, on Railways and Canals, on Education and Labor, on Accounts, on Expenditures in the Treasury Department, and on Invalid Pensions.

Mr. CANNON, of Illinois. I object.

Mr. THOMPSON. I move that the House do now adjourn.

CLAIMS REPORTED ALLOWED.

The SPEAKER. The gentleman from Illinois [Mr. EDEN] asks the Chair to state the fact that he is called away from the House to-night by reason of the illness of a member of his family, and he asks consent to make a report from the Committee on War Claims.

Mr. THOMPSON. I yield for that purpose.

Mr. EDEN. I am instructed by the Committee on War Claims to report a bill making appropriations for payment of certain claims reported allowed by the accounting officers of the United States Treasury Department, and for other purposes, and ask for its present consideration.

Mr. HANNA. Is it the purpose to put this bill now on its passage?

The SPEAKER. It is.

Mr. HANNA. Then I object.

The SPEAKER. If there be no objection, the bill will be printed and recommitted.

There was no objection; and the bill (H. R. No. 6512) was recommitted to the Committee on War Claims, and ordered to be printed.

ADDITIONAL CLERKS.

Mr. THOMPSON. I withdraw for the present the motion to adjourn, and offer the resolution which I send to the desk. I understand it is an absolute necessity that it should be adopted.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized to employ four additional clerks for the remainder of the session to assist in the engrossment and enrollment of bills, to be paid, out of the contingent fund of the House, such compensation as may be fixed by the Committee of Accounts.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. THOMPSON. I renew the motion to adjourn.

Mr. COX, of New York. Before the House agrees to adjourn I wish to arrange for the business to-morrow. I wish to have the unanimous consent of the House, with the aid of gentlemen on both sides, that after the reading of the Journal to-morrow we shall take up the Federal census bill.

Several members called for the regular order.

The question being taken on the motion to adjourn, there were—ayes 106, noes 63.

Mr. COX, of New York. I do not choose to take up the time of the House by asking for the yeas and nays. [Cries of "Regular order!"]

The SPEAKER. The gentleman from New York will be recognized to-morrow morning. His bill is next in order.

Mr. COX, of New York. I have been recognized every morning

for some time, but have always failed in getting the bill taken up and disposed of.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAIR: The petition of Mount Prospect Grange, New Hampshire, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

By Mr. BLISS: The petition of Silas P. Knight, for an act authorizing the Commissioner of Patents to extend patent No. 20353—to the Committee on Patents.

By Mr. BURCHARD: The petition of H. H. Newcomer and others, for the removal of the charge of desertion from the military record of Charles Fletcher—to the Committee on Military Affairs.

By Mr. CLARK, of New Jersey: The petition of the women of Sparta Presbyterian church, Sussex County, New Jersey, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. CONGER: The petition of Ida Cottrell and 120 other women, of Vassar, Tuscola County, Michigan, of similar import—to the same committee.

By Mr. DANFORD: The petition of Mrs. Maggie J. Blackford and 56 other women, of Columbiana County, Ohio, of similar import—to the same committee.

By Mr. DAVIS, of California: Memorial of the constitutional convention of California, protesting against the passage of House bill No. 6083—to the Committee on Public Lands.

By Mr. DEERING: The petition of 158 citizens of Butler and Black Hawk Counties, Iowa, for the amendment of the patent laws—to the Committee on Patents.

By Mr. HARRIS, of Virginia: Resolution of the members of Milldale Grange, No. 50, of Warren County, Virginia, asking the reduction of the tax on tobacco—to the Committee of Ways and Means.

By Mr. LORING: The petition of 300 workmen in the shoe manufacturing of Haverhill, Massachusetts, for a renewal of the McKay sewing-machine patent—to the Committee on Patents.

By Mr. PRIDEMORE: The petition of Grange No. 434, Virginia, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

Also, the petition of Grange No. 434, Virginia, for the reduction of the tax on tobacco—to the Committee of Ways and Means.

By Mr. ROSS: The petition of Sarah M. Barclay, Phebe Marshall, and other women, of Eatontown and vicinity, Monmouth County, New Jersey, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. STENGER: The petition of 843 citizens of Huntingdon and Millin Counties, Pennsylvania, against the passage of the bills S. No. 300 and H. R. No. 1612, relating to the patent laws—to the Committee on Patents.

By Mr. STEWART: Memorial of the Legislature of Minnesota, asking Congress to give to each living soldier and officer who served in the Army of the United States nine months or longer during the late civil or Mexican war one-quarter section of land, now or hereafter to be subject to entry under the laws of the United States—to the Committee on Public Lands.

Also, memorial of the Legislature of Minnesota, for the improvement of the western channel of the Mississippi River at Saint Paul, Minnesota—to the Committee on Commerce.

IN SENATE.

WEDNESDAY, February 26, 1879.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The VICE-PRESIDENT. The Secretary will delay the reading of the Journal for a few minutes until Senators come in.

Mr. INGALLS, (at eleven o'clock and ten minutes a. m.) Mr. President, it appears to be past the hour to which the Senate adjourned yesterday, and I ask why the Journal is not read?

The VICE-PRESIDENT. Simply because it is apparent there is no quorum present.

Mr. INGALLS. Has the want of a quorum been ascertained in any definite manner?

The VICE-PRESIDENT. It has been ascertained by view by the Chair. He regards it his duty under the first rule of the Senate not to permit the Journal to be read until a quorum is present.

Mr. INGALLS. I suggest that the proper method of ascertaining the presence or absence of a quorum would be by calling the roll.

The VICE-PRESIDENT. That is an order. The Secretary will call the roll.

The Secretary called the roll.

Mr. KERNAN. I am requested to say that the Senator from Delaware (Mr. BAYARD) is in the room of the Committee on Finance and will come if needed. He is engaged just now on a conference committee.

The VICE-PRESIDENT. There is a quorum present, forty-one Senators having answered to their names. The Secretary will read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal of yesterday's proceedings, when,

On motion of Mr. INGALLS, and by unanimous consent, the further reading of the Journal was dispensed with.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Nathaniel P. Hill, chosen by the Legislature of Colorado a Senator from that State for the term beginning March 4, 1879; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Alexander L. Holley, and endorsed by General Q. A. Gillmore, members of the board for testing iron and steel, recommending an appropriation by Congress to reimburse Mr. A. H. Emery for the moneys expended by him in the building of a machine for testing iron and steel at Watertown arsenal, Massachusetts; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Mrs. Laura M. Seymour, of Carroll County, Illinois, praying for the removal of her political disabilities and that she may be declared invested with full power to exercise her right of self-government at the ballot-box; which was referred to the Committee on Privileges and Elections.

Mr. WITHERS presented a memorial of Ashland Grange, No. 113, of Hanover County, Virginia, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

Mr. RANDOLPH presented resolutions adopted by a mass meeting of cigar manufacturers at Hoboken, New Jersey, on the 21st instant, in favor of legislation by Congress for the proper establishment of cigar factories and prohibiting the manufacture of cigars in block tenement-houses; which were referred to the Committee on Finance.

He also presented the petition of Cornelia C. Hussey, of East Orange, Essex County, New Jersey, praying for the removal of her political disabilities, and that she may be declared invested with full power to exercise her right of self-government at the ballot-box; which was referred to the Committee on Privileges and Elections.

He also presented the memorial of J. W. Dudley and others, citizens of New Jersey, engaged in the manufacture of boots and shoes, remonstrating against the extension of the patent granted to McKay and Mathies for an improvement in sewing-machines; which was ordered to lie on the table.

Mr. WALLACE presented a memorial of Allen Grange, No. 526, of Lehigh County, Pennsylvania; the memorial of Welcome Home Grange, No. 551, of Berks County, Pennsylvania, and the memorial of Millville Grange, No. 131, of Erie County, Pennsylvania, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which were referred to the Committee on Commerce.

Mr. HEREFORD presented a memorial of Bowman Grange, No. 343, of Marshall County, West Virginia, and a memorial of Green Hill Grange, No. 8, of Berkeley County, West Virginia, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which were referred to the Committee on Commerce.

He also presented a memorial of Bowman Grange, No. 343, of Marshall County, West Virginia, and a memorial of Green Hill Grange, No. 8, of Berkeley County, West Virginia, in favor of the passage of the bill (H. R. No. 4414) to amend the laws relating to internal revenue; which was ordered to lie on the table.

Mr. SHARON presented resolutions of the Legislature of Nevada, in favor of the passage of a law to donate arid lands to citizens who shall perfect flowing artesian wells in that State; which was referred to the Committee on Public Lands.

Mr. DAVIS, of Illinois, presented the petition of P. B. Perkit and others, citizens of Pittsfield, Pike County, Illinois, praying for the passage of a law prohibiting the sale of intoxicating liquors in the District of Columbia except for medicinal, mechanical, and scientific purposes; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 1126) for the relief of Moses Meyers, executor of Meyer Meyers, deceased, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of A. Burwell, of the District of Columbia, praying compensation for the use and occupancy of his property at Vicksburgh, Mississippi, by United States troops during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Mrs. C. M. Pritchard, of New Orleans, praying for compensation for the use and occupancy of and damages to her property by United States military forces during the years 1863, 1864, and 1865, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HOAR. The Committee on Claims, to whom was referred the petition of William H. Sneed, of Tennessee, praying compensation for the alleged use and occupancy of his property by the United States military forces during the rebellion, direct me to report orally that the prayer is for compensation for property taken and occupied for military purposes during the war in a State in insurrection and without any contract whatever for rent, and under the principles uniformly acted upon the claim ought to be denied. I therefore move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. SARGENT. The Committee on Naval Affairs, to whom were referred the joint resolution (S. R. No. 55) authorizing the President to appoint Passed Assistant Surgeon John W. Ross a surgeon in the United States Navy, the joint resolution (S. R. No. 49) authorizing the President to appoint Surgeon J. Rufus Tryon a medical inspector in the United States Navy, the bill (S. No. 1734) authorizing the President to appoint Dr. Thomas Owens a surgeon (not in the line of promotion) in the regular Navy of the United States, the joint resolution (S. R. No. 45) authorizing the President to appoint Dr. William Martin a full surgeon in the United States Navy, have instructed me to report these joint resolutions and bill back and recommend that they be indefinitely postponed. In this connection the committee desire me to say that, while they believe in some of these cases there was considerable meritorious and perhaps self-sacrificing effort on the part of these persons, worthy of commendation, they do not think it is advisable, considering the interests of the public service and the harmony of the Medical Corps of the Navy, to recommend the passage of any of the measures just reported.

The VICE-PRESIDENT. The bill and joint resolutions will be indefinitely postponed, if there be no objection.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 6469) for the relief of Mrs. Elizabeth P. Page reported it without amendment.

Mr. SARGENT. The same committee, to whom was referred the bill (H. R. No. 5050) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy, have instructed me to report it favorably without amendment, and to ask that it be substituted for a Senate bill on the same subject heretofore reported favorably by the committee.

The VICE-PRESIDENT. That order will be made, and the bill will be placed on the Calendar.

Mr. SARGENT also, from the same committee, to whom was referred the bill (S. No. 1818) to promote the efficiency of the corps of the naval constructors of the United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1730) to reduce the number and fix the relative rank of the civil engineers in the Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1670) to regulate and define the rank of the staff of the Marine Corps, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SARGENT. I am also instructed by the same committee, to whom were referred the bill (S. No. 1787) for the relief of Jeronimus S. Underhill; the bill (S. No. 765) for the relief of Donald McKay; the bill (S. No. 336) for the relief of Nathaniel McKay; the petition of Secor & Co., (by Mary A. Secor, executrix, &c.,) praying for relief as to a claim for damages arising out of a contract for the construction of certain iron-clad vessels, and the memorial of Charles P. Choteau and William A. Steel, praying payment of balance alleged to be due for constructing the monitor Etlah, to report these several bills and petitions back and ask to be discharged from the further consideration of the petitions and that the bills be indefinitely postponed, and as covering the whole subject, I report a bill which I ask may be read the first and second times and placed upon the Calendar.

The bill (S. No. 1857) for the relief of the builders of iron-clad vessels for the United States was read twice by its title.

The VICE-PRESIDENT. The order asked for by the Senator from California in the other cases will be entered.

Mr. SARGENT. The same committee, to whom was referred the bill (S. No. 245) for the relief of J. D. Graham, have instructed me to report adversely, but desire that the adverse report shall not be taken as concluding the bill if it shall be referred hereafter to another committee. I am also instructed to make the same report in relation to the bill (S. No. 293) to authorize the payment of prize-money to the captors of the steamboat New Era No. 5 and cargo. We desire that these reports shall be considered without prejudice, although we ask that the bills be indefinitely postponed at this session.

The bills were indefinitely postponed.

Mr. SARGENT. The same committee, to whom were referred the bill (S. No. 1145) to amend section 1485 and to repeal section 1486 of the Revised Statutes of the United States, and the bill (S. No. 1180) to amend section 1471 and other sections of the Revised Statutes con-

cerning the relative rank of staff and line officers in the Navy, instruct me to report them adversely, at the same time saying that on account of the multiplicity of duties that devolve upon the committee we have not been able to give the subjects involved in them, which is the relation between the line and staff of the Navy, the attention which their importance demands. We desire that the adverse reports shall be considered without prejudice to the bills. The bills proceed upon exactly opposite theories, one being in favor of the line and the other in favor of the staff.

The bills were postponed indefinitely.

Mr. VOORHEES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. No. 585) for the relief of Daniel C. Putnam;

A bill (H. R. No. 4385) granting an increase of pension to Caroline Hawley;

A bill (H. R. No. 846) for the relief of Thomas C. Young, late private of Company F, Thirty-ninth Iowa Infantry;

He also, from the same committee, to whom was referred the bill (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio; and

A bill (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6242) for the relief of soldiers and sailors becoming totally blind in the service of the country, reported it with an amendment.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (H. R. No. 4554) for the relief of James G. Harrison, reported it without amendment.

Mr. MORGAN, from the Committee on Foreign Relations, to whom were referred the message of the President of the United States communicating information in answer to a Senate resolution of November 8, 1877, in relation to an alleged unlawful rescue by an armed band from Mexico of prisoners lawfully confined in the jail at Rio Grande City, Texas, and a message from the President of the United States communicating, in answer to a Senate resolution of April 29, 1878, information respecting the terms and conditions under which the surrender of the Cuban insurgents have been made and in relation to the future policy of Spain in the government of the island of Cuba, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 54) providing for a treaty with the Republic of Mexico, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred a concurrent resolution of the Senate submitted May 9, 1878, touching the relations of the United States of America with the Republic of Mexico, asked to be discharged from its further consideration; which was agreed to.

Mr. DAWES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1725) for the erection of a building for a post-office and United States courts in San Francisco, California, reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred a letter of the Postmaster-General, in relation to the selection of a site for a city post-office in the city of Washington, reported an amendment to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred a letter of the Secretary of the Interior inclosing a copy of a letter from the governor of New Mexico in relation to the condition of the house occupied by him for the executive offices, and recommending an appropriation for the alteration and repair of the same, reported an amendment to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROLLINS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. No. 6175) to incorporate the Mount Pleasant Railroad Company of the District of Columbia; which was ordered to be printed.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1633) for the relief of the captors of the ram Albemarle, reported adversely thereon, and the bill was postponed indefinitely.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2769) granting an increase of pension to Catharine H. Gallagher, widow of Captain John Gallagher, late United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 4258) for the relief of settlers upon the Absentee Shawnee lands in Kansas and for other purposes, reported it with an amendment.

Mr. ANTHONY. I wish to make some reports from the Committee on Printing.

Mr. EDMUNDS. I ask consent of my friend from Rhode Island,

as the Judiciary Committee is sitting and I desire to go down-stairs to attend it, to make a report from that committee, to go on the Calendar.

Mr. ANTHONY. I have no objection, if I do not lose the floor.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, which was instructed by a resolution of the Senate a few days ago to prepare and report as soon as might be provisions of law in a bill further to protect the constitutional rights of citizens and to punish violations of the same, to report a bill which the committee recommends be passed. I ask that it be read the first and second times.

The bill (S. No. 1858) further to protect the constitutional rights of citizens and to punish violations of the same was read twice by its title.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the bill (S. No. 1541) to provide for additional maps of the battle of Gettysburg, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution submitted by Mr. CHAFFEE, to print 5,000 copies of the quarto reports and accompanying atlas sheets of the Geographical Surveys West of the One Hundredth Meridian, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Franklin Rives, praying for an examination by the Committee on Printing into the propriety of making a contract with him for the printing of the debates of Congress, asked to be discharged from its further consideration; which was agreed to.

Mr. ANTHONY. The same committee, to whom were referred the memorial of the Medical Society of the City of New York, and memorials of the Public Health Association and Philadelphia College of Physicians, praying for the publication of the subject catalogue of the library of the Surgeon-General's Office, have instructed me to ask to be discharged from their further consideration. The committee look upon this as a very valuable contribution to medical science, but it is too late in the session to consider it at present.

The report was agreed to.

ADDRESSES ON REPRESENTATIVE HARTRIDGE.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print 20,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Julian Hartridge, late a member of the House of Representatives from the State of Georgia, have instructed me to report it with amendments. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments reported from the Committee on Printing were, in line 2, to strike out "twenty" and insert "twelve;" in line 7, to strike out "five" and insert "three;" and in line 8, to strike out "fifteen" and insert "nine;" so as to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring,) That 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the late Julian Hartridge, late a Representative from the State of Georgia, be printed: of which 3,000 copies shall be for the use of the Senate, and 9,000 for the use of the House of Representatives.

The amendments were agreed to.

The resolution, as amended, was concurred in.

ADDRESSES ON REPRESENTATIVE A. S. WILLIAMS.

Mr. ANTHONY. The same committee, to whom was referred a concurrent resolution of the House of Representatives to print 20,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Alpheus S. Williams, instruct me to report it back with similar amendments. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments reported from the Committee on Printing were, in line 2, to strike out "twenty" and insert "twelve;" in line 7, to strike out "fifteen" and insert "nine;" and in line 9, to strike out "five" and insert "three;" so as to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Alpheus S. Williams, late a Representative from the State of Michigan, of which 9,000 shall be for the use of the House, and 3,000 for the use of the Senate.

The amendments were agreed to.

The resolution, as amended, was concurred in.

MEMORIAL ADDRESSES ON REPRESENTATIVE SCHLEICHER.

Mr. ANTHONY. The same committee, to whom was referred a similar resolution for publishing the memorial addresses delivered in honor of the late Gustave Schleicher, have instructed me to report it with similar amendments. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments reported from the Committee on Printing were, in line 2, to strike out "twenty" and insert "twelve;" in line 6, to strike out "fifteen" and insert "nine;" and in line 8, to strike out "five" and insert "three;" so as to make the resolution read:

Resolved, (the Senate concurring,) That there be printed 12,000 copies of the me-

morial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Gustave Schleicher; 9,000 for the use of the House, and 3,000 for the use of the Senate.

The amendments were agreed to.

Mr. WITHERS. I move to amend the resolution by adding to it a similar provision with regard to the addresses delivered in the House of Representatives and to be delivered in the Senate on the occasion of the death of Hon. Beverly B. Douglas, of Virginia.

Mr. ANTHONY. I have no objection to such an amendment.

The VICE-PRESIDENT. That can only be done by unanimous consent.

Mr. WITHERS. I ask unanimous consent.

Mr. HOAR. I object.

The VICE-PRESIDENT. Objection is made. Under the rule the resolution which the Senator from Virginia proposes must go to the Committee on Printing.

The resolution, as amended, was concurred in.

Mr. HOAR subsequently said: I desire to withdraw my objection to the amendment proposed by the Senator from Virginia to the resolution reported by the Senator from Rhode Island from the Committee on Printing. I understand that it has been a customary mode of ordering the printing in advance.

The VICE-PRESIDENT. The Senator from Virginia [Mr. WITHERS] asks unanimous consent to amend the resolution for printing the memorial addresses on the late Mr. Schleicher. The vote by which the resolution was passed will be regarded as reconsidered for that purpose.

Mr. WITHERS. I move to amend the resolution by providing that a like number of copies be printed in the case of Hon. Beverly B. Douglas, late a Representative from the first district of Virginia.

The amendment was agreed to.

Mr. SAUNDERS. Will the Senator from Rhode Island allow me to make the same motion in relation to the memorial addresses on the late Hon. Frank Welch?

Mr. ANTHONY. Certainly.

Mr. SAUNDERS. That is exactly a similar case, and I move that the memorial addresses upon that occasion be also added.

The VICE-PRESIDENT. To this the Chair hears no objection, and the resolution will be so amended.

The resolution, as amended, was concurred in.

PRINTING OF A BILL.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print 1,000 copies of Senate bill No. 1398 and the accompanying report for the use of the two Houses of Congress, have instructed me to report back the same without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 1,000 copies of Senate bill No. 1398 and accompanying report No. 513 be printed for the use of the two Houses of Congress, the number heretofore printed being exhausted.

HAYDEN'S TENTH ANNUAL REPORT.

Mr. ANTHONY. The same committee, to whom was referred the following resolution:

Resolved by the Senate, (the House concurring,) That there be printed and bound at the Government Printing Office, for the use of the Department of the Interior, 2,000 copies of Professor Hayden's tenth annual report of the Geological and Geographical Survey of the Territories for 1876, uniform with the edition ordered by Congress—

have instructed me to ask to be discharged from its further consideration, as it has already passed in the form of a concurrent resolution of the House of Representatives.

The report was agreed to.

ARMY REGULATIONS OF 1863.

Mr. ANTHONY. The same committee, to whom was referred a resolution to print 1,500 copies of the Army Regulations of 1863, have instructed me to ask to be discharged from its further consideration, as it is provided for as an amendment in an appropriation bill.

The committee was discharged from the further consideration of the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 1,500 copies of the Army Regulations of 1863; 500 copies for the use of the Senate and 1,000 copies for the use of the House.

PROFESSOR FONTAINE'S HYDRAULIC ENGINEERING.

Mr. ANTHONY. The same committee, to whom was referred the joint resolution (S. R. No. 63) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same have instructed me to report it back with an amendment. I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Printing was to add to the joint resolution:

Resolved further, That the regular number of these maps and drawings, with the explanations, be printed in quarto form; and that 100 additional copies be printed for the use of Professor Fontaine.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

RENT OF GOVERNMENT BUILDINGS.

Mr. DAWES. I am instructed by the Committee on Public Buildings and Grounds, who were directed by a resolution of the Senate to report to the Senate concerning the number of buildings rented by the Government in the District of Columbia, amount paid for same &c., to submit a letter from the Treasury Department giving the required information. I ask that this letter be printed.

The VICE-PRESIDENT. The order to print will be entered.

Mr. DAWES. I desire to call the attention of the Senate to the fact which it discloses, that the Government is paying annually for the rental of buildings in this city alone, outside of the buildings owned by the Government, an annual rental of more than \$119,000.

Mr. BECK. I wish to ask the Senator from Massachusetts whether the account of the rents paid by the Government in this city was ordered to be printed in the RECORD. We may desire to see it before we pass upon the sundry civil appropriation bill, and there is no other way of seeing it.

Mr. DAWES. I think it would be well to have it published in the RECORD as well as published as one of the documents of the Senate.

Mr. BECK. We shall then be able to see it when we consider the sundry civil bill.

Mr. DAWES. It may be published both as a document and in the RECORD as well.

Mr. ANTHONY. What is the use of printing it in the RECORD when it is to be printed as a document?

Mr. DAWES. So that it may be here by to-morrow, if necessary to refer to it then.

Mr. BECK. We may desire to use it in the Committee on Appropriations in reference to the sundry civil bill, and we shall not be able to obtain it unless it appears in the RECORD to-morrow. We desire to report the bill back to-morrow.

Mr. DAWES. I think it is a very useful paper, and it will be of use in considering the sundry civil bill. It is not very long. I agree with the Senator from Kentucky that it should be published in the RECORD; but it should be also published as one of the documents of the Senate.

The communication was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 24, 1879.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing copy of a Senate resolution requesting information as to the number of buildings in the District of Columbia rented by the various Departments of the Government, by whom rented, and for what purposes, and the amount of rent paid for each building.

In order to enable me to comply with your request it became necessary to apply to the several Departments for information as to the buildings rented by them respectively in this District, and a response to your letter has been on that account delayed until this time. I have now the honor to inclose herewith a statement exhibiting the information called for. From this statement it will appear that the amount of rent paid for buildings and rooms rented by the several Departments in this District is as follows:

War Department, (about).....	\$48,460 52
Interior Department.....	26,800 00
Navy Department.....	3,920 00
Department of Justice.....	10,000 00
Post-Office Department.....	1,500 00
State Department.....	800 00
Treasury Department.....	27,800 00
Total.....	119,280 52

Very respectfully,

JOHN SHERMAN, Secretary.

HON. H. L. DAWES,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

Statement of buildings and rooms rented by the United States Government in the District of Columbia, with location, purpose for which used, name of lessor, and amount of rent paid.

Location.	Name of lessor.	For what purpose.	Amount.
For use of Treasury Department, (annual rent:)			
Fifteenth street, northwest, between D and E streets.....	Mrs. B. Y. Brownell.....	Bureau of Statistics.....	\$3,600 00
No. 1421 G street, northwest.....	W. S. Thompson.....	Marine Hospital.....	1,800 00
Seventeenth street, northwest, corner New York avenue.....	Mr. McKean.....	Files-room Second Auditor's Office.....	1,200 00
No. 641 Seventeenth street, northwest.....	Mr. Clark.....	Property division Second Auditor's Office.....	1,200 00
No. 205 New Jersey avenue.....	B. F. Butler.....	Coast Survey and Office of Standard Weights and Measures.....	6,000 00
No. 211 New Jersey avenue, south. }	A. and T. A. Richards.....	Coast Survey.....	14,000 00
No. 215 South Capitol street..... }			
			27,800 00
For use of Interior Department, (annual rent:)			
Corner Twelfth street and Pennsylvania avenue.....	A. D. Jessup.....	Pension Office.....	16,000 00
No. 1421 G street, northwest.....	J. W. Wright.....	Education and Patent Office.....	7,200 00
No. 509 Seventh street, (third and fourth floors).....	Second National Bank.....	United States Geological Survey of Territories.....	2,400 00
No. 201 East Capitol street.....		United States Geological Survey of Rocky Mountain Region.....	1,200 00
			26,800 00
For use of State Department, (annual rent:)			
No. 915 E street, northwest.....	John H. Clark.....	Carriage-house and wagon-shed.....	800 00
For use of Post-Office, (annual rent:)			
No. 915 E street, northwest.....	A. C. Bradley.....	Office of topographer.....	1,500 00
For use of Navy Department, (annual rent:)			
No. 174 New York avenue.....	James Towles, agent.....	Hydrographic Office.....	2,000 00
Corner Seventeenth street and Pennsylvania avenue.....	W. W. Corcoran.....	Nautical Almanac Office.....	720 00
Corner Eighteenth and G streets, northwest.....	Mrs. Mary M. Kearney.....	Dispensary and medical board.....	400 00
Corner New York avenue and Fifteenth street.....	National Savings-Bank.....	Navy Pay Office.....	720 00
			3,920 00
For use of Department of Justice, (annual rent:)			
Pennsylvania avenue, between Fifteenth and Fifteen-and-a-half streets.....	Commissioners Free-man's Savings-Bank.....	Department of Justice.....	*10,000 00
For use of War Department, (monthly rent:)			
No. 612 Seventeenth street.....	James A. Shorter.....	Adjutant-General's Office.....	100 00
No. 616 Seventeenth street.....	John H. Clark.....	do.....	83 33 1/3
No. 618 Seventeenth street.....	do.....	do.....	83 33 1/3
No. 620 Seventeenth street.....	do.....	do.....	175 00
No. 1704 G street.....	do.....	do.....	216 66 2/3
No. 720 Seventeenth street.....	W. Thompson; F. P. Stanton, attorney.....	do.....	225 00
No. 1707 and No. 1709 New York avenue.....	W. H. Philip and W. S. Cox.....	do.....	250 00
No. 1705 G street.....	Margaret Aylmer.....	Adjutant-General's Office.....	80 00
Pennsylvania avenue and Seventeenth street, (2d and 3d floors).....	do.....	do.....	90 00
No. 1719 and No. 1721 G street.....	Joseph Redfern.....	Signal Office.....	158 33 1/3
No. 1719 and 1721 Pennsylvania avenue, (second floor).....	L. M. Saunders.....	do.....	40 00
No. 1813 F street.....	William Tracy, trustee.....	Explorations West of One Hundredth Meridian.....	133 33 1/3
No. 616 Eighteenth street.....	W. L. Drury, attorney, &c.....	do.....	80 00
No. 1733 G street.....	J. H. Collins.....	Medical dispensary.....	83 33 1/3
Square No. 232.....	E. W. Young.....	Quartermaster's stables.....	125 00
Square No. 231—lots 9 and 10.....	William Pettibone, agent.....	Subsistence department.....	13 41
Part of subplot 30, in square No. 167.....	A. Hyde, agent.....	War Department stables.....	20 00
No. 1214 F street.....	M. L. Reed.....	Paymaster-General's Office.....	375 00
Southwest corner Seventeenth and F streets.....	William M. Caldwell.....	Office for State, War, and Navy Departments, Washington Monument, and Public Buildings and Grounds.....	175 00
No. 1907 Pennsylvania avenue.....	Mrs. C. R. Dulany.....	United States engineer's office, in charge of Washington, Maryland, and North Carolina river and harbor improvements.....	40 00
Southeast corner Fifteenth street and Pennsylvania avenue.....	Alexander Randall, executor.....	Quartermaster-General's Office.....	833 33 1/3
Northwest corner Fifteenth street and Pennsylvania avenue.....	W. W. Corcoran; A. Hyde, attorney.....	Surgeon-General's Office.....	266 66 2/3

* The lease is for \$17,000, but the sum paid has been the annual amount appropriated by Congress, being this fiscal year \$10,000.

Statement of buildings and rooms rented by the United States Government in the District of Columbia, &c.—Continued.

Location.	Name of lessor.	For what purpose.	Amount.
Fifteen-and-a-half street, between Pennsylvania avenue and H street.	F. D. Lewis, attorney.....	Commissary-General's Office.....	\$250 00
No. 1725 G street.....	Thomas Hyde, attorney.....	Signal Office, property division.....	100 00
No. 714 Nineteenth street.....	Samuel Statt.....	Office publication of records of rebellion.....	41 00
			4,028 41

RECAPITULATION.

Buildings.	Number rented.	Amount of annual rent paid.
Treasury Department.....	7	\$27,800 00
Interior Department.....	4	20,800 00
State Department.....	1	800 00
Post-Office.....	1	1,500 00
Navy Department.....	4	3,920 00
Department of Justice.....	1	10,000 00
War Department.....	25	*48,400 92
	43	119,220 92

* About.

NOTICES OF BUSINESS.

Mr. THURMAN. I rise to say that as soon as the morning business is disposed of I shall ask the Senate to take up a bill reported from the Committee on the Judiciary day before yesterday, dividing the State of Louisiana into two judicial districts. There is a very pressing necessity for the immediate passage of this bill, and I hope the Senate at the close of the morning business will agree to take it up and pass it.

Mr. WITHERS. I desire to give notice to the Senate to-day that I shall ask to-morrow afternoon to take up for consideration the resolution sent from the House of Representatives on the occasion of the death of Hon. Beverly B. Douglas, late a Representative from Virginia.

EVENING SESSION FOR THE CALENDAR.

Mr. VOORHEES. I rise for the purpose of moving the Senate that the Senate this afternoon will take a recess and meet at half past seven o'clock this evening, for the purpose of then proceeding with the unobjected cases on the Calendar. I make that motion.

The VICE-PRESIDENT. The Senator from Indiana moves that the Senate take a recess to-day until half past seven o'clock this evening, for the purpose of considering at the evening session unobjected cases on the Calendar of general orders. Is there objection to the suggestion? The Chair hears none, and it is agreed to.

BILLS INTRODUCED.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1859) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1860) granting the right of way to and making a grant of land in aid of the construction of the New Orleans and Colorado Railway; which was read twice by its title, and referred to the Committee on Railroads.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1861) for the relief of Elisha T. Smith; which was read twice by its title, and referred to the Committee on Finance.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMLIN, it was

Ordered, That Joseph H. Colton be authorized to withdraw from the files of the Senate such papers as were presented to the Senate in support of claims made against the government of Bolivia.

CLAIMS FOR ARMY SUPPLIES.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

Mr. McMILLAN. I ask the Senate to consider the amendments from the Committee on Claims as they are reached in their order in the reading of the bill.

The VICE-PRESIDENT. The amendments will be reported and acted upon as they are reached.

Mr. SPENCER. I suggest that only the amendments be read, and that we act on the bill as a whole. There is no use of reading those names.

Mr. COCKRELL. I see the committee omitted to note a correction in line 46, page 3, where the name is printed "Nadey K. Elkins" in place of "Nancy K. Elkins."

Mr. McMILLAN. That is a typographical error.

The VICE-PRESIDENT. The Secretary will correct it.

Mr. SPENCER. I move that only the amendments be read.

The VICE-PRESIDENT. The time within which this measure may be considered by unanimous consent has expired. Is there consent that it be further considered?

Mr. ALLISON. When does the deficiency bill come up in regular order?

The VICE-PRESIDENT. It comes up in regular order at this time.

Mr. ALLISON. Then I object to going on with anything else.

Mr. McMILLAN. This is a bill reported from the Committee on Claims and is an appropriation bill.

Mr. ALLISON. Undoubtedly, but we are considering one appropriation bill, and it is very important that we should finish one thing before we take up another.

Mr. SPENCER. I suggest that the deficiency bill does not come up in regular order until half past twelve.

The VICE-PRESIDENT. The Chair mistook the time. The call of the Calendar of general orders is now in order until half past twelve.

Mr. ALLISON. I do not desire to interfere with the regular order of business until the deficiency bill is in order.

The VICE-PRESIDENT. The deficiency bill will come up as a matter of right in half an hour.

Mr. ALLISON. Then I have no objection to going on with this bill until that time.

The VICE-PRESIDENT. Until that time the Senate will consider the pending measure.

Mr. THURMAN. What is the order of the Senate?

The VICE-PRESIDENT. Unanimous consent has been given for the consideration of the bill now pending, making an appropriation for the payment of southern claims, which has been partially considered.

Mr. HOAR. I understood the Senator from Alabama to ask unanimous consent that the amendments only might be read. This is a mere copy of the report of the southern claims commission, twice carefully examined and verified, first in the House of Representatives and next in the Senate. The reading of the bill would be merely reading forty or fifty pages of names and sums.

The VICE-PRESIDENT. Shall the amendments of the bill only be reported? The Chair hears no objection to the suggestion, and the Secretary will read the amendments in order.

The first amendment of the Committee on Claims was, in line 202 of section 1, to insert the words "daughter of John H. McGavock;" so as to read:

To Sue J. McGavock, daughter of John H. McGavock, \$1,211.12.

The amendment was agreed to.

The next amendment was, in line 251, to strike out "Louise E. Southwick, daughter of Emily Southwick," and insert "the legal representatives of Emily Southwick, deceased, late of Saint John's County, Florida;" so as to read:

To the legal representatives of Emily Southwick, deceased, late of Saint John's County, Florida, \$1,000.

The amendment was agreed to.

The next amendment was, in line 260, to strike out "Nedour" and insert "Nedorn;" so as to read:

To Nedorn L. Angier, \$2,000.

The amendment was agreed to.

The next amendment was, in line 459, after the word "said," to insert the word "heirs."

The amendment was agreed to.

The next amendment was, to strike out lines 486, 487, and 488, in the following words:

To E. T. Eggleston, executor of Sophia A. Fox, deceased, \$6,874.

Mr. LAMAR. I hope the Senate will not concur in the amendment of the committee striking out these two lines. I am not in the habit of occupying the attention of the Senate upon any of these subjects, and would not do so now but for my conviction that the committee has fallen into one of those errors which it is impossible, with the utmost vigilance, to avoid in the press of the enormous mass of matters claiming their attention.

The facts in the case are simply these: This claim was filed before the commissioners of claims in December, 1871, by Mrs. Sophia A. Fox, of Warren County, Mississippi. It was for stock and farm products taken and used by the Army during the war, valued at \$31,000. She filed her claim before the commissioners of claims, brought her proofs, and the claim was allowed by the commissioners. I simply wish to read an extract from the decisions of the commissioners, which is very short. Concerning the loyalty of Mrs. Fox, the commissioners say in their report:

She and her husband were natives of Connecticut, and she had a widespread reputation for her many virtues; she was pious, and hospitable, and was very kind to her servants, who were much attached to her in return. She swears to her loyal sentiments, to her opposition to secession and the war, and to her devotion to the Union. Several witnesses, including her own associates and officers of the Union Army, testify to her ardent expressions of loyalty; to her care of sick Union soldiers and officers, and to her general reputation for loyalty. She was not complicated with the rebellion in any manner. We find her loyal.

In 1873, after her petition was filed and after her proofs were taken, this estimable lady, Mrs. Fox, died, leaving a will in which Mr. Eggleston, the party named in this bill, was nominated executor of her estate, which estate she bequeathed and devised to certain persons living in Warren County, Mississippi. Now, sir, although the commissioners decided that this claim was well founded for \$11,748; although they found the claimant to be loyal, and actually recommended \$4,874 to be paid to one of the parties interested, they refused to award the other \$6,874 because the loyalty of the other person to whom her estate was left was not established. If this amendment of the committee is concurred in, the effect of its action will be a confiscation of the estate of a citizen adjudged to be loyal.

Now, this claim was allowed by the commissioners of claims in December, 1876, and paid in the summer of 1877; it was presented by petition to the first session of the next Congress following—the Forty-fifth—and has been before Congress ever since, following after this act.

I presume that this statement of facts ought to be sufficient to satisfy the Senate that the bill should remain as it was sent to us from the House.

Mr. McMILLAN. There is but little time to engage in discussion on this bill if we wish to pass it at all. I will, therefore, content myself by saying that the claim stricken out by the Senate Committee on Claims is a claim which was rejected by the southern claims commissioners, that the House without any decision from the commissioners inserted it in the bill, and the Senate committee in their examination of the bill struck it out as not coming within the purview of the bill. This bill as amended contains only claims reported favorably by the commission. If there is any equity in the claim suggested by the Senator from Mississippi, that would be proper to be considered in a separate bill introduced into the Senate or the House of Representatives. But this claim, however, was stricken out because it was not allowed by the commissioners; and I hope the time will not be used in discussing this matter if the whole bill is not to fail.

Mr. LAMAR. I shall not discuss it except to add one sentence, and that is that the commissioners decided that the claimant was loyal and that her claim was equitable.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Claims.

The question being put, a division was called for, and the ayes were 19.

Mr. McMILLAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 32; as follows:

YEAS—26.

Allison,	Ferry,	Matthews,	Saunders,
Anthony,	Hamlin,	Mitchell,	Spencer,
Burnside,	Hoar,	Morrill,	Teller,
Cameron of Pa.,	Howe,	Paddock,	Wadleigh,
Cameron of Wis.,	Ingalls,	Plumb,	Windom,
Dawes,	Kirkwood,	Rollins,	
Dorsey,	McMillan,	Sargent,	

NAYS—32.

Bailey,	Butler,	Dennis,	Grover,
Barnum,	Coke,	Eaton,	Harris,
Bayard,	Conover,	Enstis,	Hill,
Beck,	Davis of W. Va.,	Gordon,	Jones of Florida,

Kellogg,
Kernan,
Lamar,
McCreery,

McPherson,
Maxey,
Merrimon,
Morgan,

Randolph,
Ransom,
Shields,
Thurman,

Voerhees,
Wallace,
Whyte,
Withers.

ABSENT—18.

Blaine,
Booth,
Bruce,
Chaffee,
Chandler,

Cockrell,
Conkling,
Davis of Ill.,
Edmunds,
Garland,

Hereford,
Johnston,
Jones of Nevada,
McDonald,
Oglesby,

Patterson,
Saulsbury,
Sharon.

So the amendment was rejected.

The next amendment of the Committee on Claims was, in section 2, line 2, after the word "deceased," to insert "Mrs. Julia Elliott, widow and administratrix of Newell D. Elliott, deceased; Charles M. Holder, James Monroe, Mrs. Ellen G. Sleemaker, Alexander Davis."

Mr. HILL. I move after the name "Alexander Davis" to insert the name of "Edward Power." I will state to the Senate—

Mr. McMILLAN. The committee amendments are not through with.

Mr. HILL. I propose to add "Edward Power" to the amendment reported by the committee.

Mr. McMILLAN. I think we had better dispose of the committee amendments first.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia after the committee amendments are disposed of.

Mr. HILL. Very well.

The VICE-PRESIDENT. The question is on the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Claims was, in section 2, line 26, after the name "Armstead Burwell," to insert "and Mrs. Julia D. Elliott, widow and administratrix of Newell D. Elliott."

The amendment was agreed to.

The next amendment was, in section 2, line 31, after the word "cases," to insert "mentioned in this section."

The amendment was agreed to.

The VICE-PRESIDENT. The committee amendments are disposed of.

Mr. McMILLAN. I am instructed by the committee to move to amend the bill on page 45, line 26 of section 2, by striking out the letter "D." after "Julia," so as to read "Mrs. Julia Elliott."

The amendment was agreed to.

Mr. McMILLAN. I am also instructed by the committee to move to amend the bill by inserting on page 44, in line 2 of section 2, after the word "deceased," the words "William C. Napier, of Tennessee; J. C. Dobson, of Tennessee."

The amendment was agreed to.

Mr. McMILLAN. These are claims which have been before the commissioners, and the commissioners communicated with the committee, recommending that they be referred back. The committee in no case have inserted a claim for reference back to the commissioners unless it was inserted in the House bill or upon the recommendation of the commissioners to the committee.

Mr. HILL. I move to add the name of "Edward Power" after the name of "Robert G. Colman," on line 15, page 45, section 2. I will say to the Senate that I have a memorandum from the Representative of the first district of Georgia in the other House stating that the claim of Edward Power was rejected by the southern claims commission because of the insufficiency of proof as to his heirship, and that this gentleman now furnishes the names of the witnesses by whom the deficiency in the testimony can be supplied.

I wish also to state in explanation, that I called the attention of the honorable chairman of the committee to this subject and he suggested that I see the southern claims commission and get them to make a recommendation to this effect, but I have not been able to see them; I have not had time. This matter has just come into my possession. It seems to have been delayed by the fact of the death of Mr. Hartridge, who was the member from the Savannah district and in whose charge this matter was. His successor has only a few days ago taken his seat in the House, a very excellent gentleman, and he has called my attention to it.

I think there will be no harm in referring this case back to the southern claims commission, and if it is not meritorious they will not pass favorably upon it, but the information I have from the honorable member of the House from that district is that the only deficiency in Mr. Power's case was the failure to prove the one point which I have mentioned. I do not know anything about it myself. The gentleman who would have attended to this matter ordinarily, has departed this life, is dead, and his successor has but recently taken his seat, and that accounts for the delay. I hope the Senate will adopt the amendment.

Mr. McMILLAN. I am not authorized and do not feel at liberty to consent to the amendment offered by the Senator from Georgia. The rule of the committee has been to insert for re-examination only cases which are recommended to them by the commissioners of southern claims unless they are inserted in the bill coming from the House of Representatives, and this is not one of those cases.

Mr. HILL. I see no objection to inserting it in the bill.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Georgia.

Mr. HILL. The delay occurred in the manner suggested owing to

the unfortunate death of the Representative from the Savannah district, or I have no doubt it would have been attended to in the ordinary way.

The VICE-PRESIDENT. The question is on the amendment.

The question being put, there were on a division—ayes 10, noes 12; no quorum voting.

Mr. McMILLAN. We have had a great many requests of the same character and all have been refused.

Mr. HILL. I do not think there is any case standing upon this footing. The southern claims commission have not recommended it, and the reason why they have not, I have stated to the Senate as I understand. The gentleman who had charge of it is dead and cannot see to it, and I have not had the time. Under the peculiar circumstances of the case it cannot do any possible harm in any event and does not open a precedent. I hope the Senate will adopt it.

Mr. MORRILL. There are but five minutes more in which this bill can be considered. If Senators desire that the bill should pass, it ought to be suffered to go without further contest.

Mr. THURMAN. I ask that there may be another division. There is obviously a quorum here.

The VICE-PRESIDENT. The Chair will put the question again on the amendment of the Senator from Georgia, [Mr. HILL.]

The question being put, there were on a division—ayes 14, noes 20; no quorum voting.

Mr. McMILLAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. As the disposition of the Senate is manifestly not to receive this amendment, though I think they ought to do it as it can do no possible harm and it cannot be a precedent, I withdraw the amendment.

The VICE-PRESIDENT. The amendment may be withdrawn by unanimous consent, the yeas and nays having been ordered. The Chair hears no objection. The amendment is withdrawn.

Mr. COCKRELL. We did not have time to discuss it in committee, but I suggest an amendment in the case of Mrs. Ellen G. Sleemaker whose name is inserted on page 44, section 2, line 4, that it be stricken out there, and that at the end of line 31 in the same section in her case these words be inserted:

In the case of Mrs. Ellen G. Sleemaker the commissioners are directed to reopen and examine the same and report the amount they may find to be equitably due thereon.

Mr. McMILLAN. That matter was not fully considered in committee I think, but the effect of that amendment would be to confer on the commissioners of southern claims, as I understand, equitable powers in this particular case. As far as I am advised I cannot consent to that.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

The amendment was rejected.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. McMILLAN. I desire to reserve the question upon the amendment upon which the yeas and nays were taken in committee.

The VICE-PRESIDENT. The Senator from Minnesota demands a separate question upon the amendment on page 21.

The SECRETARY. The amendment is on page 21, line 486, to strike out:

To E. T. Eggleston, executor of Sophia A. Fox, deceased, \$6,874.

The VICE-PRESIDENT. The question is, will the Senate concur in the action of the Committee of the Whole in relation to this amendment?

Mr. McMILLAN. I do not see the Senator from Mississippi [Mr. LAMAR] in his seat.

Mr. COCKRELL. He is in the Senate Chamber.

Mr. McMILLAN. The amendment which was adopted in committee is one to which I cannot consent, and if the amendment is adopted I shall vote against the entire bill. This claim was stricken out in the Committee on Claims after full consideration of the matter.

The VICE-PRESIDENT. The time has expired, and the Senate proceeds to the consideration of its unfinished business, being the deficiency appropriation bill.

Mr. SHIELDS. Mr. President, I ask permission of the Senate to consider the bill (S. No. 1810) to ascertain the amount of the claim of Joseph R. Shannon, of Louisiana.

Mr. ALLISON. I must object and insist on the regular order.

The VICE-PRESIDENT. Objection is made.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, after line 454 of section 1, to insert:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, and for defraying the expenses which have been and may be incurred

in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto, being a deficiency for the fiscal year ending June 30, 1879, \$250,000.

Mr. THURMAN. I desire to hear some explanation of that. Here is a proposition to vote a quarter of a million dollars deficiency. I think there should be some explanation of it. There are some parts of it to which I wish to object.

Mr. BECK. If the Senator from Ohio will have the letter of the Attorney-General read which is now in the hands of the chairman of the subcommittee—and I hope it will be read—I think it will furnish the Senator from Ohio ample ground for voting against it. The whole object of this, in my judgment, is to pay men who were illegally appointed, who were conducting what they called elections, for the worst of party purposes, and it ought not to be inserted. But the letter of the Attorney-General will give the information called for. I hope it will be read.

Mr. ALLISON. The Senator from Kentucky asks that the letter of the Attorney-General be read. I send it to the Chair.

The PRESIDING OFFICER, (Mr. McCREERY in the chair.) The letter will be read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 20, 1879.

SIR: In answer to the request of the committee for the amount, if any, which will be required by the Department to complete its service for the current fiscal year, I reply that such estimate must necessarily be approximated and based upon the expenditures of the preceding years.

For the year ending June 30, 1878, an appropriation was made to this Department of \$2,630,000. A subsequent bill was passed for a deficiency of \$150,000, and a deficiency of \$110,000 has been asked for by me in addition, which will probably meet all the expenditures for that year, making in all the sum of \$2,910,000.

The current appropriation is for \$2,750,000. I should have hoped to have made the expenditures for the current year something less than for the year previous, say \$2,600,000, which would have left a deficiency of only \$50,000 to be provided for; had it not been for two classes of expenditures; one for deputy marshals appointed under section 878 of the Revised Statutes, to attend elections, (the expenses of supervisors not being paid through the judiciary fund,) and the other for carrying on prosecutions necessarily caused by violations of the election laws. These two items will, in my opinion, amount to \$200,000, of which \$75,000 will be for the expenses of the deputy marshals, and \$125,000 for the expense attending the prosecutions. These latter expenses will necessarily be large, especially in the States of Louisiana, Alabama, and South Carolina; but the means of estimating them precisely I do not possess.

Under section 878 large expenditures are made on behalf of the defendants in many cases by direction of the presiding judges.

I respectfully suggest, therefore, that if it is thought advisable to cover the anticipated deficiency for the current fiscal year by an appropriation, the sum appropriated should be \$250,000.

I inclose a draught of an amendment to the deficiency bill, as suggested by you, which follows substantially the language of former appropriations.

I ought to add in this connection that a considerable portion of the expenses caused by prosecutions for violation of the election laws will come under the appropriation for the fiscal year ending June 30, 1880, which of course are not taken into consideration in connection with what I have said as to such expenditures for the current fiscal year. Many continuances are granted by the presiding judges, and the cases cannot be concluded during the present fiscal year, although I endeavor to press them to a speedy determination.

Very respectfully, your obedient servant,

CHARLES DEVENS,
Attorney-General.

Hon. WILLIAM WINDOM,
Chairman Appropriation Committee, United States Senate.

Mr. THURMAN. Mr. President, I am opposed to concurring in this amendment of the Committee on Appropriations. This letter which has just been read I have heard for the first time. I believe it is still in manuscript, and I would thank the Clerk to send it to me.

Now, Mr. President, it strikes me as a very extraordinary thing that the Attorney-General should ask us to appropriate no less than one quarter of a million of dollars for defraying expenses in the payment of salaries and in the prosecution of criminals. What kind of a case does this very extraordinary letter present? We have been accustomed to make appropriations for the Department of Justice on a scale that was liberal in the extreme. What new circumstances have arisen that have caused the Department of Justice to exceed the appropriations one quarter of a million dollars, and by what authority of law have those obligations thus been incurred? How comes it, I should like to know, that the Department of Justice, that was inaugurated and ordained to compel obedience to law, has itself transgressed the law so far as to expend one quarter of a million of the people's money without an appropriation to cover it, or to incur obligations to that amount?

Mr. President, as I have said that I have not had time to look at this letter, and with twenty Senators talking around me I could scarcely hear a word of it as it was read. I shall take occasion to read it before this debate gets through, and see what it is and what explanation can be made of this most astonishing fact that we are asked to appropriate a quarter of a million dollars as a deficiency for the Department of Justice. If I am correctly informed, this is to be done in order to pay a set of men who have been engaged ostensibly in preserving the purity of elections, but really in corrupting the purity of elections; really in intimidating voters, and in bribing voters. Sir, I may be mistaken about this, and I cannot tell exactly until I read this letter carefully by myself to see whether this deficit is occasioned entirely by expenses in the courts, or whether it covers the pay of supervisors of election and deputy marshals, who were, as we are told, as thick as blackberries last year, and who were more corrupt than

any bulldozer or repeater that ever stained this land with his footsteps.

A word or two on this subject while I am up. I am only sorry that I am so unwell to-day that I cannot do the subject the justice I hope to do it before this session is at an end. Sir, we expended last year, according to the reports already in, \$202,000 to preserve the purity of elections; that much expended, or that much was incurred, or estimated to be incurred, under the provisions of the election law; no, sir; I will not say under the provisions of the election law, but in despite of that law, (for that law limits the power to appoint these deputy marshals to cities having a population of twenty thousand and upward,) under an interpretation of the general law the marshals have appointed just as many deputies as they pleased, and charged them with the duty which this special act charged upon them in cities of twenty thousand and upward. The general law for the appointment of deputies of United States marshals relates simply to the appointment of deputies to execute judicial process under the judicial laws of the Union; and yet there has been an interpretation, as I am told, placed on those laws which completely overrides the act of Congress limiting the appointment of deputy marshals for election purposes to cities having a population of twenty thousand and upward.

Now, sir, under what pretense is this money expended and have these men been appointed? It has been heralded forth that it was to protect the poor negro down South in the exercise of the elective franchise. We have had bloody shirts waved over us. We have been told of negroes being slaughtered in order to prevent their exercise of the elective franchise. We have been told that these election laws are necessary to protect the poor freedmen down South in the exercise of the elective franchise. Now, sir, where is the money spent? Two hundred and two thousand dollars was spent last year, and all the accounts are not in yet. Where was that money spent? One hundred and ten thousand dollars of it in the State of New York; \$40,000 of it in the State of Pennsylvania; \$8,000 in the State of New Jersey; \$5,000 or \$6,000 in one single county in the State of Ohio; and pray, sir, what was the result? A gain to the republican party of fourteen or fifteen members of the House of Representatives.

What was the way that money was spent? Look at the reign of terror created by Davenport in the city of New York, where men were dragged by scores, if not by hundreds, and put in a cage in his office on the day of election in violation of the law, as the court has since decided, for it has discharged every one of them that it could lay its hands upon. In view of the intimidation, and in view of the testimony that has been taken in one of the contested elections in the House of Representatives showing how this money was used under pretense of appointing deputy marshals, there is no difficulty in understanding how, with this machinery, men are bribed and elections carried. I hold in my hand the testimony taken in one of the contested-election cases in the House of Representatives, and by that it appears, if my hasty reading of it is right, that twelve hundred and odd deputy marshals were appointed in the city of Saint Louis alone. What were they appointed for? Their testimony shows you how they were appointed and why they were appointed. Witness after witness comes up and testifies that he was sent for by the man who "ran the machine," not the marshal himself, for he devolved it upon another man, and when he came to that man he was inquired of, "Are you a democrat?" "Yes." "If I will appoint you deputy marshal at \$3 or \$5 a day"—I do not remember which it was—"will you agree to vote and work for the republican candidate?" If he said "no" he was turned off; if he said "yes" he was appointed; and all that he had to do was, not to keep the peace, not to preserve the purity of elections for which he nominally took the bribe, but to work for and vote for the republican candidate. Ay, sir, and they carried three democratic districts in that city by this means. This was in 1876.

Mr. BECK. Will the Senator from Ohio allow me to interrupt him a moment? I wish to read a question and answer from the testimony bearing on the precise point.

Mr. THURMAN. I shall be obliged to the Senator if he will do so; in fact I shall be very much obliged to him if he will take the floor. I will cheerfully give it to him.

Mr. BECK. Oh, no, I do not wish the Senator to do that. W. D. W. Bernard, chief marshal of Saint Louis, at the election of 1876, was asked the question how many marshals were put there and what was the use of them. He answered:

I think about 1,028, sir.

The question was put and the answer given as follows:

Question. In order to be precise, I will say independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?

Answer. Oh, well; you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the co-ordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with to gain control of the House of Representatives.

Q. That party was the republican party, was it not?

A. The republican party, sir.

Mr. ALLISON. May I ask the Senator from Kentucky to state what election that was?

Mr. BECK. This is the testimony of the marshal at the election of 1876, two years ago. I merely wanted the Senator from Ohio to have his attention called to the admission of this marshal that there was

no other use of the deputies except for party purposes, and all the money was spent for those purposes.

Mr. THURMAN. It does not matter whether that was in 1876 or 1878, or when it was; it shows the way in which this law is executed. That is the point. It shows that this money, instead of being used to preserve the purity of elections, is simply a bribery fund. It shows that the money of the people of the United States is used to the extent of hundreds of thousands of dollars to corrupt the voters of the United States. That is what it shows. It shows that instead of this law being a law to preserve the purity of elections, it is a wholesale bribery law, the money with which the votes are bought coming out of the Treasury of the United States.

Mr. President, I hope that, come what may, that law under which this thing is authorized will be stricken out of the statute-book. I, for one, am willing to stand here from this time until this day next year before I will ever agree that this law shall remain on the statute-book.

Now, Mr. President, let us see how it was last year. I said that this fund is not used for the purpose of protecting the poor freedman. Let us see just how it was in 1876. In 1876 the amount paid was \$220,515.64, of which but \$54,777.96 were expended in the South, and all the remainder of that sum, being four-fifths of the whole sum, was expended in the North. It was still worse last year. Last year the amount expended in the South was \$24,636.74, to protect the poor helpless freedman, while in the North there was expended \$177,654.35, being more than seven-eighths of the whole sum, and all of Johnny Davenport's bills are not in yet.

Talk about preserving the purity of elections; talk about protecting the poor, helpless, and defenseless freedmen! Why, the fact is as apparent, Mr. President, as your face in that chair, that the system under this law, executed as it has been and executed as it yet is, is a wholesale and stupendous system of bribery, the bribery fund coming out of the Treasury of the United States, and the men engaged in the bribery being officers of the United States.

I will not vote for one single dollar of this appropriation unless I am far better advised of the honesty of those who claim this pay than I am and convinced of the necessity for the payment being made. I think altogether, for I have no idea they can show a clean bill of health, I shall for the present vote against concurring in this amendment which is put in by our committee and is not in the bill as it came from the House, and I now move to strike out a portion of the text if that is in order. I think it is in order to move to strike out part of the amendment. I think that was done the other day. It has occurred to me that perhaps the proper way would be to ask for a division of the question, so that the question would be upon concurring first in one part and then concurring in the other part; but the other day I believe a motion to strike out was sustained, and if that motion is in order I move to strike out all after the word "prisoners," in line 460, page 20, down to and including the word "dollars" in line 470. I know that will strike out the appropriation; but if that motion prevails, then the Senator who has charge of the bill or anybody else can move to put in a sufficient sum to pay for the expenses provided for in the first branch of the section. If that motion is in order I submit it; if not I shall demand a division of the question on agreeing to the different branches of the amendment of the committee.

Mr. ALLISON. Mr. President, in reply to what has been said by the Senator from Ohio I desire to say a word or two. This amendment, as will be observed, is in the very language of the statute of last year appropriating in all \$2,750,000 for expenses of United States courts, and therefore this deficiency covers every item of expense included within that appropriation—

Mr. BAYARD. I ask the Senator to yield to allow me to make a conference report.

Mr. ALLISON. I yield.

INTERNAL-REVENUE LAWS.

Mr. BAYARD. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. ALLISON. Will it lead to debate?

Mr. BAYARD. I think not.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4414) to amend the laws relating to internal revenue, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from that portion of its amendment numbered 16 striking out all of line 1 and down to and including the words "and provided," in line 6, on page 10.

That the House recede from its disagreement to the remainder of said amendment 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same, amended to read as follows:

SEC. 22. That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors, and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors.

That in making further collections of internal-revenue taxes on bank deposits, no savings-bank, recognized as such by the laws of its State, and having no capital stock, shall, on account of mercantile or business deposits heretofore received, upon which no interest has been allowed to the parties making such deposits, be denied the exemptions allowed to savings-banks having no capital stock, and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the banks, if such bank has paid the lawful tax upon the entire average amount of such business or mercantile deposits; but nothing in this section shall be construed to extend said exemptions to deposits hereafter made, or in any way to affect the liability of such deposits to taxation.

That section 3408 of the Revised Statutes be amended by striking out all after the thirtieth line, and inserting the following:

"Associations or companies known as provident institutions, savings-banks, savings funds, or savings institutions, doing no other business than receiving and loaning or investing savings deposits, shall be exempt from tax on so much of such deposits as they have invested in securities of the United States, and on \$2,000 of savings deposits, and nothing in excess thereof, made in the name of and belonging to any one person. That all laws and parts of laws inconsistent with the provisions of this section be, and the same are hereby, repealed."

And the Senate agree to the same.

T. F. BAYARD,
FRANCIS KERNAN,
Managers on the part of the Senate.

J. R. TUCKER,
WM. M. ROBBINS,
HORATIO C. BURCHARD,
Managers on the part of the House.

Mr. BAYARD rose.

Mr. CONKLING. I was about to ask a question, but if the Senator from Delaware is going to make a statement I would rather hear him.

Mr. BAYARD. There were three amendments made by the Senate from which the House disagreed. The first numbered 16, the second 70, and the third 81. The first amendment was the disagreement of the Senate to the proposition of the House to diminish the license fee to persons who rectify, purify or manufacture less than five hundred barrels of distilled spirits, that is the smaller distillers or manufacturers and refiners. The Senate struck out that provision. The House insisted upon the amendment, and the Senate conferees receded, so that by the law as it now stands in the report of the conferees it will make the license fee \$100 for the smaller rectifiers and purifiers and manufacturers of distilled spirits who manufacture less than five hundred barrels annually, a special tax of \$200 for all over that. That is the effect of the first amendment of the House in which the Senate has now concurred.

The second is to be found on page 93 of the bill. The House abolished the stamp tax upon lucifer matches. The Senate have insisted upon the amendment restoring the tax, and the House conferees concurred in the Senate amendment, so that by this report the stamp tax upon lucifer matches is retained.

Mr. CONKLING. As it is now?

Mr. BAYARD. As it is now.

The third amendment is the last in the bill, and the first part I read from page 99:

The Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors.

The effect of that is that the release cannot exceed six months of tax, and it may be of six weeks. If the bank becomes insolvent, and that fact is established to the satisfaction of the Department, and is being wound up and in the course of liquidation by the Comptroller, and the deposits insufficient to reimburse the depositors, the tax of the Government is not subtracted from the fund. That is the Senate amendment and the House concur in that.

The next feature is the extension of the exemption from tax given by existing law to savings-banks proper upon their deposits. By section 3408 of the Revised Statutes amended by the act of 1874 savings-banks, whether they have a reserved fund of deposits upon which interest is paid to their depositors, or whether they have it reserved in the shape of capital stock and profits in the shape of dividends are paid to depositors, are alike exempted from the tax on deposits imposed on other banking institutions. This amendment was so fully explained by the Senator from New Hampshire [Mr. ROLLINS] in the Senate that it is not necessary for me again to repeat it to the Senate inasmuch as the House has concurred in the action of the Senate on that subject.

The last portion of the amendment, to be found on page 100, is in the following words:

The deposits in associations or companies known as provident institutions, savings-banks, savings funds, or savings institutions, recognized solely as such by the laws of their respective States, shall be exempt from tax on so much of their deposits as they have invested in securities of the United States, and on \$2,000 of each deposit made in the name of any one person, firm, or corporation.

Mr. CONKLING. That is the language of the conference report.

Mr. BAYARD. That is the language of the conference report. A further amendment of the Senate is to be found on lines 33, 34, and 35, adopted on motion of the honorable Senator from Kansas, [Mr. PLUMB,] in which this exemption from tax on deposits is extended to any legally organized banks whatever. To that there was a strong expression of disagreement by the House conferees, and from that the Senate conferees have receded.

It appeared to the committee that the effect of the amendment would be to lessen very materially the revenues of the Government upon deposits, under the broad provision of the amendment of the Senator from Kansas. From that the House dissented most positively, and the Senate have receded and stricken out the amendment of the

honorable Senator from Kansas. This is the substance of the amendment. The last section has been very carefully considered on the part of the Senate and upon which the action has taken place between the two Houses that the present law, exempting deposits in savings-banks from the tax on deposits, shall not be enlarged further to savings-banks, and when the investment is not for the use or profit of the individual who makes the deposit they are to pay a tax. That is the principle which is fixed upon by existing law and it is that simply and in substance.

Mr. KIRKWOOD. Mr. President, an effort was made in this body to so shape the bill that has been under consideration by the committee of conference as to do something like what some others and myself conceive to be justice and fair play to the section of the country in which I live. Through the action of the committee of conference that effort has failed. While savings invested in certain portions of the country are allowed to escape taxation wholly because they are invested, under the laws of the State where invested, in a particular way, savings invested in the State where I live under the laws of that State are not exempted. I suppose of course it is of no use at this stage of the session to attempt to effect anything in opposition to this conference report, but I wish to say that if it should be my fortune to return to this body hereafter I shall give some industry and exertion and whatever of ability I may have to have this thing equalized, and either to have savings deposits in all sections of the country exempted from taxation or have them all taxed.

Mr. FERRY. As a member of the committee of conference on the part of the Senate I will say that while I agree with the report on the first and third items of disagreement between the two Houses I could not agree to the second, which involves the continuance of the tax upon lucifer matches. It will be recollected that the Senate Finance Committee disagreed to the section passed by the House repealing the tax upon matches. The Senate upon a direct vote non-concurred in the recommendation of the committee, but finally, after it had been amended, changed the vote and non-concurred in the House provision. I have not been able to bring my judgment to assent to the continuance of the tax upon matches, especially when the bill reduces the tax upon luxuries and continues it upon this prime necessity so generally consumed by the people of the country. Therefore, failing to change the judgment of my associates on the conference, I felt it my duty to withhold my name from the report and shall vote against concurrence in the report of the committee of conference.

The PRESIDING OFFICER (Mr. McCREERY in the chair.) Will the Senate agree to the report of the conference committee?

Mr. KIRKWOOD. Before the vote is taken I wish to say that the Senator from Illinois [Mr. DAVIS] is out of his seat.

Mr. DAVIS, of Illinois. Here I am.

Mr. KIRKWOOD. Ah! That Senator has shown some interest in this matter, and I was desiring to have the report delayed until he could be here. Whether he desires to say anything in regard to it I do not know.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4126) for the relief of Paulina Jones, widow of Alexander Jones, deceased, Company E, Second North Carolina Infantry;

A bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York;

A bill (H. R. No. 3155) to authorize the Secretary of War to deliver to A. B. Rhett, T. Pinckney Lowndes, and others four Napoleon guns, with caissons and harness, now at Greensborough, North Carolina, for use of the Marion Artillery, Charleston, South Carolina;

A bill (H. R. No. 3171) to relieve Solomon Robinalt, late private Company G, Forty-ninth Regiment Ohio Volunteer Infantry, from the charge of desertion;

A bill (H. R. No. 3635) for the relief of John Becker;

A bill (H. R. No. 4872) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

A bill (H. R. No. 6508) for the relief of A. B. Rowden;

A bill (H. R. No. 6509) for the relief of Dr. John Blankenship;

A bill (H. R. No. 6510) for the relief of the widow of Colonel Lyman M. Kellogg;

A bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes; and

A joint resolution (H. R. No. 15) authorizing the Secretary of War to issue to the governor of the State of Texas certain arms for the use of the Galveston Artillery.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 36) to create an additional associate justice of the supreme court of the District of Columbia, and for the better administration of justice in said District;

An act (S. No. 658) to authorize the restoration of Michael O'Brien to the rank of first lieutenant in the Army; and

An act (S. No. 1307) directing the Secretary of War to purchase a lot of ground situated near the city of Columbus, Ohio, now used by the United States as a cemetery.

HOUSE BILL REFERRED.

On motion of Mr. ALLISON, the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a letter of the Treasurer of the United States transmitting, in obedience to law, copies of accounts rendered to and settled with the First Comptroller for the fiscal year which ended June 30, 1878, asked to be discharged from its further consideration; which was agreed to.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (S. No. 1359) granting pensions to the widow and minor children of Michael Meenan, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

AMENDMENTS TO BILLS.

Mr. MAXEY. I offer an amendment intended to be proposed by me to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, for the purpose of paying the expenses of the northern judicial district of Texas, created by the act of Congress approved February 24, 1879. I move its reference to the Committee on Appropriations, and that it be printed.

The motion was agreed to.

Mr. DAWES, from the Committee on Public Buildings and Grounds, reported an amendment to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, to provide for a pedestal for the statue of General Greene; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PADDOCK. I offer an amendment to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes. As it relates to printing, I move that it be referred to the Committee on Printing without being printed.

The motion was agreed to.

Mr. MORGAN. Yesterday I offered an amendment to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, in reference to the police of the city of Washington. I move that it be printed.

The motion was agreed to.

Mr. COCKRELL, Mr. WITHERS, Mr. MERRIMON, Mr. HILL, Mr. BECK, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5215) to establish post-routes in the several States herein named; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WITHERS and Mr. MAXEY submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BARNUM. I am directed by the Committee on the District of Columbia, to whom was referred a letter from the commissioners of the District of Columbia, transmitting plans and estimates for an additional supply of water for Washington and Georgetown, to ask that it be printed and referred to the Committee on Appropriations, as an amendment to the sundry civil bill. I ask also that the communication be printed in the RECORD.

Mr. ANTHONY. What is that to be printed in the RECORD?

Mr. BARNUM. A communication from the commissioners of the District of Columbia and a detailed statement in regard to the water supply of the city.

Mr. ANTHONY. I will not object, but it is cumbering the RECORD up.

The communication is as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 25, 1879.

SIR: In answer to the request of the Senate committee, the commissioners of the District of Columbia have the honor to present herewith estimates for the completion of an aqueduct from the present distributing reservoir to a point in the vicinity of the city of Washington, for the construction of a distributing reservoir of a capacity of two hundred and thirty-five million gallons, the connection of the reservoir with the present distributing mains, and for the completion of the dam at the Great Falls of the Potomac. These plans contemplate the completion of the water-works and the development of their full capacity of supply.

Tracings showing the line selected and a profile of the country are also forwarded. The time allowed has been too short to admit of preparing plans for many of the minor details of the conduit, but the general plan has been sufficiently studied to determine within a narrow limit the ultimate cost of the entire work.

The principal work to be done consists in the construction of a conduit nine feet in diameter, mostly in tunnel, for a distance of 21,400 feet. This tunnel will be driven for about two-fifths of its length through a hard blue gneiss, and for the remaining three-fifths through clay and sand. Its level will be that of the bottom of the present reservoir. The conduit will, therefore, be run under a pressure very much less than that employed in other works which have been constructed in this country.

It is assumed that at various times the water must be turned off from the conduit for some days for purposes of repair, and an estimate is added for the cost of a reservoir sufficient to supply the city during such an interval. This involves, in addition to the expense of construction, a large item for the condemnation of land in addition to the right of way and condemnation along the line of the conduit. The depth of the reservoir has been taken at thirty feet. The cost may be reduced, at the expense of the storage capacity, by a reduction of this depth.

The point selected for re-enforcing the present distributing mains is that from which they radiate to South Washington and Capitol Hill. The mains in the extreme northwestern sections of the city may be re-enforced at their highest points by short connections with the conduit, as may become necessary. The principal connection, and the only one that will be necessary for many years, will be by a four-foot main eight thousand two hundred feet in length from the reservoir and down New Jersey avenue.

The estimate of \$200,000 for the completion of the dam at the Great Falls has been taken from the previous estimates by others, that part of the work not being under the charge of the commissioners, and the amount may be larger than will be found necessary at the present time.

The total estimate for conduit, reservoir, mains, gate-house, and land condemnation is \$1,108,541.91; to which must be added whatever amount may prove necessary for the completion of the dam.

By order of the board.

S. L. PHELPS,
President.

Hon. S. W. DORSEY,

Chairman Senate Committee on the District of Columbia.

ENGINEER DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, February 25, 1879.

MAJOR: I have the honor to transmit herewith plans and estimates for an additional supply of water for Washington and Georgetown.

It is proposed to bring in this supply by means of a nine-foot conduit from the distributing reservoir to an available site for another reservoir east of Seventh street west, thence, for the present, by a four-foot cast-iron main along New Jersey avenue to the principal mains which now radiate from the vicinity of L and G streets to all parts of Washington and to Georgetown. The twelve-inch main along Boundary street is also to be connected with this new main.

The accompanying plan and profile gives the location of the conduit, reservoir, and four-foot main. The line of the conduit is carried close to the northern boundary of the city, and will be provided with outlets for tapping at intervals with other mains as the future supply may require.

In order to retain the services of the present distributing reservoir the conduit is made to tap it at the bottom. The shortest practicable line is taken, and to avoid land condemnation this follows as much as possible existing streets and county roads.

Rock Creek may be crossed either by a gang of large cast-iron mains laid as siphons through the bed of the creek or by a tunnel through the compact rock which underlies this stream. If borings in this rock are satisfactory the latter method is, I believe, the best and cheapest. The former has the advantage of requiring for the present only as many mains as are necessary to bring the requisite supply of water, with provision for adding others when needed. It is, however, a perishable construction while the former method is for all practical purposes eternal.

The line is so located that the conduit rests throughout on the natural ground where not in tunnel, and is protected, where covered by embankment, by side walls computed to resist independently the entire water pressure.

Assuming that the reference of one hundred and forty-five feet above tide for the water-surface of the distributing reservoir is maintained, this conduit will bring to the city, at the site of the new reservoir, the following quantities of water, in round numbers, per diem, viz:

At 144 feet above tide, 48,000,000 gallons.
At 143 feet above tide, 69,000,000 gallons.
At 142.50 feet above tide, 80,000,000 gallons.
At 141.25 feet above tide, 99,000,000 gallons.
At 140.94 feet above tide, 111,000,000 gallons.
At 139.91 feet above tide, 137,000,000 gallons.
At 138.88 feet above tide, 159,000,000 gallons.
At 134.85 feet above tide, 178,000,000 gallons.

The latter quantity is a little beyond the safe limit for constant service, giving a velocity of about 4.3 feet per second, but the conduit will be capable of delivering for a limited time, at 122.50 feet above tide, 265,000,000 gallons in twenty-four hours, the velocity in this case being 6.45 feet per second.

The amount which may be taken from the distributing reservoir at one hundred and forty-five feet will depend upon the height of the dam to be constructed across the Potomac at Great Falls and the safe limit of head under which the upper conduit may be run. The capacity of the new conduit will, of course, be much greater than that of the present conduit from the Great Falls on account of greater head available.

I do not think it advisable to disturb the existing system of mains leading from the distributing reservoir, and now supplying Washington and Georgetown, at least until the new conduit shall have been for some time in successful operation, and even then it may perhaps be considered advisable to retain them as a reserve source of supply in case of accident to the lower conduit.

Over the whole line of the conduit it is proposed to condemn a roadway sixty feet wide wherever the line leaves existing roads and streets, and this object has been kept in view in selecting the route.

The site selected for a new reservoir is central, and gives the greatest storage capacity nearest the city, and at the least expense. The ground for this site should be condemned and purchased at once, together with a sixty-foot roadway running south to Boundary street.

The flow-line of the reservoir is proposed for a reference of one hundred and forty feet—depth of water, thirty feet—giving a storage capacity of (approximately) two hundred and thirty-five million gallons.

The following estimates are necessarily approximate, but will cover reasonable contingencies:

Estimate for the construction of the conduit reservoir and four-foot main.

	DAMAGES.
Condemnation of land:	
40 acres for reservoir, at \$500	\$20,000 00
24.4 acres around reservoir, at \$500	12,045 00
54 acres between gate-house and Fourteenth street, at \$500	2,750 00
3 acres between Fourteenth and Nineteenth streets, at \$400	1,200 00

5 acres between Nineteenth street and Rock Creek, at \$300	\$1,500 00	
1.7 acres between Road and High streets, at \$500	850 00	
2 acres between Ridge and Conduit Roads, at \$200	400 00	
Improved property on conduit	3,000 00	
Improved property on reservoir	37,000 00	
	78,745 00	
EXCAVATION.		
24,940 cubic yards rock on conduit, at \$6	149,640 00	
4,930 cubic yards rock on conduit, at \$8	39,440 00	
1,564 cubic yards rock on conduit, at \$3	4,692 00	
42,847 cubic yards of earth, at \$3	128,541 00	
	322,313 00	
MASONRY.		
1,225 cubic yards of coursed, at \$5, G. A.	6,125 00	
400 cubic yards of coursed, at \$5.50, C. A.	2,200 00	
6,492,207 brick, including packing, at \$30	194,946 21	
	203,371 21	
EMBANKMENT.		
162,500 cubic yards of earth at reservoir, at 40 cents	65,000 00	
7,530 square yards of paving for slope, at \$2.25	16,987 50	
45,300 square feet of lining, at \$1	45,300 00	
	130,287 50	
EXCAVATION.		
1,138,900 cubic yards of earth at reservoir, at 20 cents	226,780 00	
TIMBER.		
4,380 pieces 12"×10"×10" for conduit, b. m.	438,000	
26,136 pieces 10"×2"×12" lagging, b. m.	522,720	
60 pieces 15"×8"×8" shafts, b. m.	4,800	
90 pieces 6"×6"×8" shafts, b. m.	2,880	
396 pieces 10"×1"×12" lining of shaft, b. m.	3,960	
	972,360, at \$20,	19,447 20
MAIN.		
8,200 lineal feet 4-foot main, 1½", 725 pounds per foot, 2,659 tons, at \$22	58,498 00	
Laying 8,200 lineal feet, at \$4	32,800 00	
	91,298 00	
GATES.		
1 36-inch	800 00	
1 30-inch	600 00	
	1,400 00	
GATE-HOUSE.		
Built of granite and brick, with influent and effluent gates	35,000 00	
SUMMARY.		
Conduit	545,031 41	
Mains with gates	92,698 00	
Land damages	78,745 00	
Work on reservoir	357,067 50	
Gate-house	35,000 00	
	1,108,541 91	
Completion of dam at Great Falls	200,000 00	
	1,308,541 91	

Contingent expenses are included in the items estimated.
Very respectfully,

R. L. HOXIE,
Lieutenant Engineers.

Major WILLIAM P. TWining,
Corps of Engineers, U. S. A.,
Engineer Commissioner District of Columbia.

Mr. FERRY, Mr. CAMERON of Wisconsin, (by request,) Mr. ALLISON, Mr. PADDOCK, Mr. VOORHEES, Mr. GARLAND, Mr. KELLOGG, Mr. KIRKWOOD, Mr. KERNAN, Mr. SPENCER, Mr. GARLAND, Mr. GROVER, Mr. BURNSIDE, Mr. LAMAR, Mr. SPENCER, Mr. HAMLIN, Mr. PLUMB, Mr. FERRY, Mr. OGLESBY, Mr. COCKRELL, and Mr. GORDON submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, with the accompanying papers, and ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, submitted an amendment intended to be proposed to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and prior years, and for those heretofore treated as permanent, and for other purposes.

Mr. ALLISON. This amendment is for a deficiency covering, as I said before, precisely the same class of expenses as were included to be provided for in the original appropriation for the expenses of United States courts. The argument of the Senator from Ohio [Mr. THURMAN] might be one of force if applied to a bill now pending in the Senate or in one of the committees of the Senate providing for the repeal of certain sections of the election laws, so called; but I cannot see under what rule we can refuse to make these appropriations for the expenses which are necessary to carry out and compel the enforcement of existing laws. The expenses of supervisors of election

are not included at all in this deficiency appropriation bill, allow me to say to the Senator from Ohio.

Mr. THURMAN. What is that?

Mr. ALLISON. The expenses of the supervisors of election are not included in this appropriation.

Mr. THURMAN. Then let me ask the Senator what is?

Mr. ALLISON. The language of the amendment clearly indicates what is, namely, all the expenses of United States courts, and all the expenses of marshals and their deputies are included. Of course so far as deputy marshals are appointed under the election law, they will be paid out of this appropriation; but the Attorney-General, in his letter read at the Secretary's desk, says that only \$75,000 of this appropriation will be required to pay deputy marshals. The Attorney-General can use, if he chooses to use, any portion of the \$2,750,000 appropriated for the current year for this purpose, even though this amendment should not be adopted and become a law. The appropriation for the current year is a general appropriation including all these items, and he may use that appropriation for any one of them, so that whether this deficiency shall pass or not, the deputy marshals at elections can be paid. But this class of expenses, it seems to me, ought to be paid as well as any other expenses included in this general appropriation. The Attorney-General is not responsible for these expenses. Under the election law it is made the duty of the marshals to appoint deputy marshals in cities of twenty thousand inhabitants.

Mr. THURMAN. The Senator certainly does not mean to be understood that appointments have only been made in cities of twenty thousand inhabitants.

Mr. ALLISON. I do.

Mr. THURMAN. Of these deputy marshals? The Senator must be aware that under the general power to appoint deputy marshals a great many more have been appointed, and they have discharged duties which only properly belong to deputy marshals appointed under the election law. That is one of the unlawful things which have been done and of which I complain.

Mr. ALLISON. If unlawful things have been done, that is another and a very different question. If a marshal of the United States in violation of law appointed deputy marshals, then that marshal of the United States ought to be removed, or impeached, if the impeaching power is adequate.

Mr. THURMAN. We cannot do it because the Attorney-General has so construed the law. He is the man who ought to be impeached, if anybody.

Mr. ALLISON. Do I understand the Senator from Ohio to claim that the Attorney-General has construed that this is a law to authorize a marshal to appoint as many deputies as he may choose to appoint to keep the peace at elections?

Mr. THURMAN. I have seen it so stated, and I have never seen it contradicted, and I believe that is the fact. I believe that a grosser misinterpretation of the law never took place in the world. I can only say in justice to the present Attorney-General that I understand the same thing was done by his predecessor, and I find in the reports that they appointed 11,615 deputies in 1876.

Mr. ALLISON. In 1876! That was three years ago, and every dollar of that expenditure has been paid already and by appropriations made by Congress.

Mr. WITHERS. I would call the attention of my friend from Iowa to the fact that in a previous deficiency bill the provision for the payment of \$250,000 as a deficiency to pay United States marshals was stricken from that bill. They may have been paid, but they were not paid under the operation of the law. The House of Representatives in this very bill appropriates \$110,000 for deficiencies in the Department of Justice for the year 1878.

Mr. GARLAND. I wish to ask the Senator from Iowa one question on the point he is now on. The appropriation of \$110,000 is for general expenses of the United States courts, I take it. I wish to know if this \$250,000 deficit accrues entirely under the effort to enforce the act of May 31, 1870.

Mr. ALLISON. I will answer the Senator. That is a very pertinent question. Fifty thousand dollars of this sum, as the Attorney-General tells us in his letter, will be required for the current fiscal year to carry on the ordinary operations of the United States courts; \$75,000 of this appropriation will be required to pay deputy marshals appointed under the election law of 1870, as suggested by the Senator from Arkansas; and \$125,000 of this sum, the Attorney-General tells us, will be required, or about that sum, to carry on prosecutions for criminal offenses under the election and other laws of the United States.

Mr. GARLAND. Now, I would suggest that the amendment be corrected in such a way as to indicate the different items and purposes for which the different sums are to be used. If there are \$50,000 needed to be appropriated for general expenses of the courts, I should not object to that; but I feel compelled to object to appropriating \$250,000 for a deficit caused by the efforts to enforce the act of May 31, 1870.

Mr. ALLISON. But if the Senator from Arkansas will turn to the statutes of last session he will see that these appropriations are made in the aggregate and the committee have followed the language of the last law. But of course the appropriations could be segregated and made specific if any Senator would offer an amendment of that kind. I want to call the attention of the Senator from Arkansas to

the fact that \$125,000 of this sum, the Attorney-General says, will be necessary to conduct prosecutions for criminal offenses under the laws of the United States.

Mr. GARLAND. Under the general laws?

Mr. ALLISON. Under the general laws, and he gives the sections of the Revised Statutes, and he not only says this will be necessary but he gives the reason why it will be necessary. He says that under section 828 of the Revised Statutes the courts order witnesses to be summoned at the expense of the United States on behalf of the defendants because they are unable to summon witnesses at their own expense.

Mr. GARLAND. Then I think the Senator from Iowa makes it imperatively necessary that this provision should be so amended as to specify the various items and where the moneys are to be used, and for what purposes. I should feel some embarrassment on voting for this \$250,000 as a general appropriation as it is here, and yet, according to the statement of the Senator from Iowa, there are items covered by it that I would vote for very cheerfully.

Mr. ALLISON. I cannot see how the Senator from Arkansas can be embarrassed in voting for this appropriation, because the Attorney-General shows that each and every item is essential, \$50,000 for the ordinary expenses of the courts, \$75,000 to pay deputy marshals for services they have already performed, and \$125,000 for the purpose of prosecuting criminals under the laws of the United States. If these laws ought to be repealed, repeal the laws; but as they stand upon the statute-book, I cannot see how any Senator can say that it is not the duty of the Government of the United States to prosecute offenders under those laws. The Attorney-General is not responsible for these prosecutions, nor for many of these expenses. The courts themselves order and direct these expenses in the different States of the Union, and the bills come for adjudication to the Attorney-General's Office and to the accounting officers of the Treasury, and they have very little, if any, discretion with reference to them. They are expenditures under the statutes of the United States, and the Attorney-General has no more control over them than any one of us here. So, whatever may be the opinion of Senators with reference to the propriety or impropriety of the election laws of 1870 and 1871, I do not see how any Senator can vote against the necessary appropriation to carry on the operations under these laws, unless it is proposed by indirection and now after the expenditures have been incurred to nullify these laws. That is all there is of this case.

These sums are necessary to carry on the courts of the United States for the remainder of this fiscal year, and it seems to me that the argument of the Senator from Ohio and all kindred arguments should be directed toward the repeal of these laws if they are unjust to any class of our people, and not to defeat the necessary appropriations to carry them out while they are on the statute-book.

Mr. BECK. Mr. President—

Mr. THURMAN. Before the Senator from Kentucky proceeds, I wish to say that I am not well satisfied with the course taken the other day in regard to a motion to strike out. I will not say it is not right; but at all events I think it is best to divide the amendment and take the question first upon the first branch and then upon concurring in the second branch of the committee's amendment. I withdraw my motion, in order that that course may be taken and that the amendment may be divided. I hope the Senate will not concur in any part of the amendment, for a fact shown to me by the Senator from Kentucky, which he will explain to the Senate, has satisfied me that no part of it ought to be adopted.

Mr. BECK. Mr. President, when this amendment was before the Committee on Appropriations I was one of those who objected to the appropriations. I did so for various reasons, some of which I will state.

All the expenses for the fiscal year that closed June 30, 1878, have been provided for, even according to the statement of the Attorney-General himself, and the deficiency now asked for is for the current fiscal year when two-thirds of the year have not yet run. The items asked for need not be provided and ought not to be provided for till after they are stated in detail and the amount to be paid to each marshal ascertained, instead of being anticipated now. The absence of any detailed information on that subject makes this amendment improper and wholly unnecessary, because it is for the current fiscal year, the year ending June 30, 1879, and we can provide for all just claims next year.

Mr. ALLISON. That is what this bill is for.

Mr. BECK. It is so only in part.

Mr. ALLISON. The whole bill?

Mr. BECK. I beg pardon. The clause immediately preceding this reads:

For expenses of United States courts for the year 1878, \$110,000.

Mr. ALLISON. The theory of the bill is for deficiencies during this year, but of course it includes previous years also.

Mr. BECK. The theory of nearly every deficiency bill we pass is that it is to cover deficiencies for prior years. For the year ending June 30, 1878, and prior years many of the items in this bill are proposed. The deficiencies generally come in after the fiscal year has expired; that is, after all the expenditures have been ascertained to be legitimate and a deficiency is found to exist. When it is ascertained that enough money has not been appropriated for a given fiscal

year to carry on the operations of the Government after it is closed, then it is for Congress to say whether or not it will make the legitimate deficit good by a deficiency appropriation.

Congress, as Senators will observe by looking at the letter of the Attorney-General, made for the fiscal year which closed on the 30th of June last a general appropriation of \$2,650,000. A deficiency of \$150,000 was afterward added to that. Now the House of Representatives, the Senate concurring, have granted \$110,000 in this bill, making a total of \$2,910,000. The letter of the Attorney-General, if carefully looked at, shows that this is sufficient for the service of the year. The Senator from Iowa does not make it as clear as I think he could have made it if he had simply read to the Senate the lines which I now propose to read. The Attorney-General says:

For the year ending June 30, 1878, an appropriation was made to this Department of \$2,650,000. A subsequent bill was passed for a deficiency of \$150,000, and a deficiency of \$110,000 has been asked for by me in addition, which will probably meet all the expenditures for that year, making in all the sum of \$2,910,000.

He adds:

The current appropriation for this year is \$2,750,000.

That is, he has already received for the current fiscal year by regular appropriation that sum.

The Attorney-General continues:

I should have hoped to have made the expenditures for the current year somewhat less than for the year previous, say \$2,800,000, which would have left a deficiency of only \$50,000 to be provided for had it not been for two classes of expenditures.

The Senator from Arkansas will please notice what they are. He will observe that the Attorney-General admits that an appropriation of \$2,750,000 has already been made for him, and in his own opinion not over \$2,800,000 would have been necessary for the entire service of the current fiscal year, and he would not have to ask for more than \$50,000 as a deficiency but for two things, which are as follows. I quote from his letter:

Two classes of expenditures, one for deputy marshals appointed under section 878 of the Revised Statutes to attend elections, (the expenses of supervisors not being paid through the judiciary fund,) and the other for carrying on prosecutions necessarily caused by violations of the election laws. These two items will, in my opinion, amount to \$200,000, of which \$75,000 will be for the expenses of the deputy marshals and \$125,000 for the expense attending the prosecutions.

So that out of the \$250,000 now asked it is specifically stated and admitted by the Attorney-General in this letter that he only desires and only needs \$50,000 for any purpose except for the purpose of paying deputy marshals for manipulating elections, and \$125,000 to carry on prosecutions that these (so-called) deputy marshals have instigated. Two hundred thousand dollars of the \$250,000 asked are for political purposes only, and these expenses are created under a law which I suppose no man, at least on this side of the Chamber, has any doubt is unconstitutional, and which no man on either side of the Chamber will venture to assert has been carried on legally, either according to its letter or spirit, bad as both are, if it were constitutional.

A year or so ago, on the motion of the Senator from Delaware, [Mr. BAYARD,] the Attorney-General made a report, being Senate Executive Document No. 6, part 2, of the Forty-fourth Congress, second session, in which he showed how the \$275,000 which he expended for supervisors and deputy marshals during the election of 1876 was expended. That report is a clear admission on its face that the action of those men was illegal and purely partisan from beginning to end, and renders it clear that no Representative of this people ought to vote away the money of the people to pay for such conduct. The report shows in detail in what States the money was expended, and how many supervisors and deputy marshals there were. He shows that there were twenty-seven hundred and thirty-seven voting places attended by 11,615 deputy marshals reported, and he states, as I understand it, that there would have been more voting places and more deputy marshals disclosed but for the fact that certain States and precincts had failed to make reports. He begins with Arkansas, and shows that 785 special deputy marshals were appointed in that State on the 7th day of November, 1876. They attended 3-1 voting places, and they were distributed, as set forth in this report, at 206 precincts, 1 deputy each; at 139 precincts, 2 deputies each; at 9 precincts, 4 deputies each; at 13 precincts, 5 deputies each; at 8 precincts, 10 deputies each; at 6 precincts, 20 deputies each, making in all 785 special deputies in the State of Arkansas.

The law says deputy marshals shall be appointed only in towns having twenty thousand inhabitants, but there is but one town in Arkansas with twenty thousand inhabitants that I am aware of. Is there any except perhaps Little Rock? I doubt whether Little Rock has twenty thousand. The time during which these men were allowed to serve was limited to ten days by the law, and yet it is shown by the report that in the State of California this state of facts existed:

Two hundred and forty-four deputies were employed on the 7th of November, 1876. The time of their service paid for was eight hundred and ninety-one days. "Many were employed actively for periods in excess of ten days, varying from fifteen to thirty-five days."

In the northern district of Mississippi a large number were paid where there was no law authorizing them.

In the eastern district of Missouri I read a portion of the testimony awhile ago showing that over a thousand deputies were appointed in Saint Louis, and no man can read the testimony taken in the case

from which I read, without seeing that they were appointed for no other purpose except to elect republicans to office. They performed no legitimate duty, the State officers being able and willing to perform all the duties pertaining to the election.

These persons when sworn had to admit that unless a man agreed to vote and work for the republican candidate he could not be appointed and could not get the money; the officials did not care whether he was a democrat or a republican, or what he was, so he would agree to cheat, vote, and do dirty work to elect republicans to office; the chief marshal himself avowed that was what he was appointed to do, and he worked and drew his money for that purpose; they did succeed in electing the men they were employed to elect. The money they drew from the Treasury was simply as payment for bribery and corruption, and we are required to foot the bills.

Mr. VOORHEES. Allow me to make a suggestion to the Senator from Kentucky. I think he does not give the law on the subject of elections, which I regard as unconstitutional, its full scope which the text justifies in the appointment of supervisors. Section 2011 of the Revised Statutes reads as follows:

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States, for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

Section 2012 provides:

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. (See sections 5521 and 5522.)

The provision of this section is not only that supervisors may be appointed in towns of over twenty thousand people upon the application of two citizens thereof, but it applies to any county or parish without regard to population or numbers where ten persons can be found to ask for the appointment of supervisors. When ten persons apply, then, in the extraordinary and odious language of this section, supervisors are to be appointed to guard and scrutinize elections.

I beg pardon of the Senator from Kentucky, but this law does not limit supervisors to cities or towns of twenty thousand people. They come under this law like a cloud, or like the lice and frogs of Egypt.

Mr. BECK. That may be the correct construction of the law. My attention has not been called to it carefully since it was passed in the House seven or eight years ago. I know twenty thousand inhabitants was the limit when the law was originally passed; I took part in that debate. Perhaps the Senator from Indiana may be correct.

Mr. ALLISON. I think the Senator from Kentucky does not appreciate the distinction of the honorable Senator from Indiana. He is speaking of supervisors of election, and I understand the Senator from Kentucky to be speaking of deputy marshals.

Mr. BECK. I am.

Mr. VOORHEES. One word on the subject of deputy marshals. I am very glad the Senator from Iowa recalls my attention to that point, because in a colloquial debate between the Senator from Ohio [Mr. THURMAN] and the Senator from Iowa [Mr. ALLISON] a few minutes ago I understood the Senator from Iowa to fall into the error that there was some limitation on the number of deputy marshals that could be appointed. There is none except this. It is true that the appointment of deputy marshals is confined to towns or cities having over twenty thousand inhabitants, but the number of deputy marshals that a United States marshal may appoint has no limitation whatever. He may appoint an army if he desires to. The section on that subject is this:

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

And there is no limitation in the number which the United States marshal may appoint. I will not trespass on the Senator from Kentucky at this time further in discussing the duties which this act devolves on the marshal and his deputies. Perhaps if the discussion continues I may take some time on that point.

Mr. BECK. The section last read by the Senator from Indiana was the provision I was commenting upon. It shows, as I stated, that deputy marshals were limited to cities of twenty thousand inhabit-

ants; and as we are on this subject it may be well, as an additional reason why I shall not vote for this provision, to read section 2022:

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration. (See sections 5521, 5522.)

These are the unconstitutional powers given to these marshals. They have a right, wherever they see, or think they see, any man committing any offense against any law of the United States, to arrest him without process; in short, to do pretty much what they please; and it was under that no doubt that a man by the name of Davenport, who, by the way, has not fully settled his accounts yet—we do not know how much he will set up in claim—issued thirty-one hundred warrants on the day of the election in the city of New York, arrested seven hundred people on that day, whose deputies, according to the statement in the RECORD I hold before me, were guilty of such conduct as no man pretending to be a United States officer ever before ventured upon. He issued thirty-one hundred warrants and seven hundred people were placed under arrest. He dismissed whom he pleased and held whom he pleased, and prostituted the office he held in every possible manner for the basest of purposes in that great city; and this is the money we are told we must vote because he and the miscreants whom he saw fit to employ have expended it to destroy and subvert liberty, and the Attorney-General has paid it.

This Congress should take care that the money of the people is not expended for illegal purposes; every part of this document from which I quote goes to show that in New York, in Philadelphia, in Cincinnati, in Louisville, in Saint Louis, everywhere, the whole supervisor and marshal system was nothing but a political machine whereby men were made deputy marshals in secret, often with no badges of authority displayed, so that no man could tell who was an officer and who was not. They were kept in public employment for five or ten, and in some instances as long as thirty days at \$5 a day. It was simply a corruption fund, paid to the meanest class of republicans and democrats as a means of buying their vote and influence for republican candidates at the elections. And now, forsooth, we are told that we are untrue to the honor of the country, and are not acting in good faith, if we do not vote all the money that the Department requires us to pay to the men who did this dirty work.

The Attorney-General the other day furnished to a leading member of the House of Representatives a list of supervisors, marshals, and deputy marshals, employed to run the elections of 1878, except the chief supervisors in Northern and Southern New York, which have not been sent to the Department. The accounts for Eastern New York, New Jersey, and Pennsylvania, he said, were not fully adjusted. He gives the total amount paid to chief supervisors \$33,000, and the number of supervisors, 1,500; the amount paid supervisors other than chief supervisors, \$101,000; the number of deputy marshals, 4,467, and the amount paid to them \$65,202, making a total of \$202,291, which he says he has paid out to these men; and he has not yet heard from the northern and southern districts of New York nor from Mr. Davenport, and the districts of New Jersey, Eastern New York, and Pennsylvania are not fully adjusted, yet he says \$202,000 have gone. In the letter that he now sends to the Senate he tells us that we have given him all he needed for last year, that we have given him for this year already \$2,750,000, and all he desired was \$2,800,000 for all the legitimate expenses of his Department, so that he cannot have a legitimate deficiency of over \$50,000. He seems to have taken care not to go to the people's representatives, at the other end of this Capitol, but he comes to the Senate supposing, I presume, that if he does not get it through now he never will, and admitting that out of \$250,000, which he asks for in this amendment, \$75,000 will go to pay deputy marshals, and \$125,000 to pay for the prosecutions that those marshals have inaugurated in the States of the South in election cases, \$200,000 are to be used up with the accounts of Davenport unadjusted, Northern and Southern New York unheard from, and a portion of Pennsylvania and New Jersey yet to come in. I will hand this table and the one for 1886 to the Reporter so that gentlemen may see them in the RECORD in the morning.

Senators will observe when they come to analyze and scrutinize this testimony that this law was not resorted to and enforced in the States of the South to anything like the extent it was in the great cities of the North. Is the State of New York unable to protect her own people at the polls? Is not the great State of Pennsylvania under republican rule, with Governor Hartranft and all his men, not able to protect the republican voters of the city of Philadelphia? Was it necessary to send to the city of Cincinnati republican marshals and deputy marshals, and hire the lowest order of bad men of both parties at \$5 a day to protect the citizens of Cincinnati? Was such conduct necessary in New York or Cincinnati or Philadelphia for the purpose

of aiding the authorities of those great States and cities to hold and enforce fair elections? No man will venture to say so. Yet nine-tenths of the money that has been expended by the Department of Justice has been expended in the great cities of the North as a corruption fund, and nothing but a corruption fund. That Department is thus creating deficiencies for base purposes after we have given them within \$50,000 of what they asked. We first gave \$2,750,000, when they only wanted \$2,800,000; and they tell us now that for all the legitimate expenditures of the Department \$50,000 would be all that they would need except for these two outrageous items.

The Attorney-General creates a deficiency in carrying on the legitimate work of that department of the Government to pay spies, informers, deputy marshals who are employed to corrupt elections in the great cities of the North and the West, and then tells the Congress of the United States that he cannot carry on the other branches of his Department unless we give him more money. If he had not expended that \$200,000 in the way he has done, but allowed it to remain in the Treasury to go in the direction indicated by Congress, then we could see whether these men were honestly employed and did honest duty in Cincinnati, in New York, in Philadelphia. Then we could see how Johnny Davenport and his men with their thirty-one hundred warrants and seven hundred citizens arrested and imprisoned came to do it; I would let them wait until the accounts can be investigated. If the Attorney-General had pursued that course and had confined his payment to legitimate expenditures, he would not need one dollar of this money to-day. The very fact that he did not venture to go to the House of Representatives and in the expiring hours of this Congress seeks the Senate committee to put it through in hot haste or defeat the whole deficiency bill—for that will be the result—is conclusive against this amendment. I say he can wait, and should be required to wait until a full investigation can be had.

I believe in the first place that the enforcement law is unconstitutional, null, and void. I believe that every provision of it has been violated for the foulest and most revolutionary purposes, even admitting that it is constitutional, that the purity of the ballot-box has been invaded; the rights of the States, especially of the North and West, have been overthrown by Federal interference and by the connivance of the Attorney-General and his emissaries, marshals, and supervisors, by the use of a fund to corrupt voters, and by the payment out of the public Treasury to the vilest set of men ever employed by any government, men who would sell their own consciences, if they ever had any, for pay; and then we have to supply out of the public Treasury the means necessary to carry on this villainy. I would let the deficiency bill go, and every item of it fail, before I would vote a dollar for any such purpose.

Let the Attorney-General wait until he can show us how he has legitimately expended the money he is asking for; let him go to the representatives of the people and tell how much Mr. Davenport expended, and for what purposes; how much was expended in Philadelphia, how much in Cincinnati, and who the men were whom he employed and paid. He dare not do it, in my opinion. He comes here under pretense that there are many legitimate expenditures necessary; therefore he puts in a lumping sum of \$250,000, and has to admit that only \$50,000 of it is necessary for any legitimate purpose.

I thought at first that the Senator from Ohio [Mr. THURMAN] was wrong in wishing to divide the amendment, but I am not now sure about that. Probably I would agree to retain the words from line 455 down to the end of line 460, the provision—

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses and expenses of suits in which the United States are concerned, or prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners.

And then insert there \$50,000, and strike out, as suggested by the Senator from Ohio, that part of the amendment providing for the expenses of these political officers, and to strike out "\$200,000," that makes up the item of \$250,000.

That is all I care to say. I desired to state the reasons why in committee I voted, and why in the Senate I shall vote, against this appropriation except to the extent indicated.

Mr. GARLAND. Mr. President, on page 19, line 453, I move to strike out the word "ten" and insert "sixty," so as to make that item read:

For expenses of United States courts, for the year 1878, \$160,000.

The purpose of that amendment is to put in force actually and in good faith the question that I submitted to the Senator from Iowa [Mr. ALLISON] who has the bill in charge a few moments ago; for as anxious as I am to purge this appropriation bill of all the items that come under the act that is named in the clause now under consideration, yet I am equally as anxious to vote all proper, legitimate, and necessary appropriations required for the purpose of carrying on the courts, and enforcing the laws of the United States by and through those courts.

Now I will recur to the letter of the Attorney-General on this point:

The current appropriation is for \$2,750,000. I should have hoped to have made the expenditures for the current year something less than for the year previous—say \$2,800,000—which would have left a deficiency of only \$50,000 to be provided for—

In the clause preceding the one under discussion there is an appropriation of \$110,000 for the general purposes of the courts to meet this requirement.

Mr. BECK. That is for 1878.

Mr. GARLAND. The Senator from Kentucky suggests that possibly I have got the amendment in the wrong place, but that can be placed. I propose to give the \$50,000 that the Attorney-General shows is necessary for the general purposes of the judiciary. Now he proceeds. He had hoped this would be sufficient and would leave only \$50,000 to be provided for—

had it not been for two classes of expenditure: one for deputy marshals appointed under section 878 of the Revised Statutes, to attend elections, (the expenses of supervisors not being paid through the judiciary fund,) and the other for carrying on prosecutions necessarily caused by violations of the election laws. These two items will, in my opinion, amount to \$200,000—

But he claims \$250,000 in this provision—

of which \$75,000 will be for the expenses of the deputy marshals, and \$125,000 for the expense attending the prosecutions.

Making a cool sum of \$200,000 to enforce the law of 1870 relative to elections. I have no compunction at all in withholding my support from a law that I conscientiously believe to be unconstitutional; and when the Attorney-General suggests that these items are necessary, by virtue of this law he is in the attitude of a person who creates a dust and complains that he cannot see.

The Senator from Iowa has kindly invited us to a repeal of this law. An unconstitutional law, Mr. President, needs no repeal in one sense. He who believes it unconstitutional need not vote money to carry it out. But if it is upon the statute-book, and the Senator from Iowa, co-operating with a majority of the Senate, will not permit us to repeal it, we will try at least to take all the active and positive vitality out of it by withholding the means of enforcing it; and if we cannot slay the serpent, we will at least try to draw his fangs and still his rattle.

Mr. VOORHEES. Mr. President, a few days ago there was an extraordinary vote cast by this body. The bill making appropriations for the support of the Army came here from the House with a provision making it an offense for any officer of the Army to carry troops to a place of voting in time of peace.

Sir, this is a republican form of government, and yet I doubt if any gentleman will for a moment pretend that a government is republican in spirit as well as in form which permits the Army to interfere with its popular elections. The proposition is astounding; yet the laws of the United States at this time allow it to be done. We are appropriating the people's money, raised by the overworked taxpayers of the country, to execute these laws. A distinct proposition to prohibit the use of troops at elections was deliberately voted down by a majority of this body. Is not this a most significant notice, not merely to this side of the Chamber but to the country and to the world, of the purposes that lie behind? We go so fast in these times that we often overlook legislation occurring not very long ago. In section 1989 of the Revised Statutes I find the following extraordinary provision:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

The provisions of this title relate to elections, and here is a broad, sweeping enactment that the President of the United States or anybody that he may authorize for that purpose may order such portion of the land or naval forces as he may see fit to surround the ballot-box, take possession of the polls, and, in the language of another section upon this subject, "guard and scrutinize" the American people while they are voting! Will any Senator here pretend that such a provision is consistent with a republican form of government? Need I stand here and rehearse the lessons of history? Does not every Senator know that laws of this kind are the forerunners of usurpation and tyranny, and that they have heralded the downfall of every free government in the past?

Clothe the executive of a government with the power to invade the precincts of an election with the army, and the days of liberty are numbered. This is the solemn verdict of universal history. And yet we have been for the last eight or nine years administering this Government under laws by which the President of the United States may at his own discretion hurl the Army, with fixed bayonets and with shotted cannon, against the voting precincts of the American people.

There are nearly one hundred sections of the Revised Statutes of the United States on the subject of elections, every one of which clothes the Federal Government with supervising authority over the people, not merely supervising authority, but inquisitorial authority—nearly one hundred sections of the Revised Statutes, and the Army standing by to enforce them! Supervisors are provided for in all the towns, the parishes, and the counties of the United States, with authority to go into the room where voting is going on, in express words empowered to stand before or behind the voting place, inside or outside of the room, to challenge voters, and to stop the voting whenever they please; have the ballot-box opened in order to scrutinize and inspect and supervise the same; and if anybody menaces one of them, threatens one of them, obstructs one of them, does anything which one of these superserviceable, servile, abject creatures of party spirit may construe to be a menace or a threat or an obstruction, the law says that he may have such person arrested at once and without process. He may

arrest either the judge of the election, or any member of the board, or anybody else. One of these creatures of party, without process, without delay, may arrest any American citizen and take him to the nearest commissioner for commitment to prison if he cannot give bail. How like a mockery of American institutions all this seems!

Sir, I am told that there are at this hour between forty and fifty reputable citizens of Baltimore languishing in prisons under sentences of Judge Bond, men who were officers of elections and in some way did something that was construed by these Federal supervisors as a menace, a threat, or an obstruction in the discharge of their duties. These gentlemen have been convicted and sentenced to terms of one or more years' imprisonment in the penitentiary, men of character, men who are pure and patriotic in their intentions, who never contemplated the violation of the laws of their country. They are in prison simply because some person selected on account of his intense party spirit has construed their conduct to be an obstruction to the discharge of the duties devolved on him by this law. I am told that in one case a gentleman has been convicted who in some sort of mild degree protested against one of these Federal spies upon the people's right to vote going in and sitting behind the poll, opening the ballot-box, stopping the voting, and seeing what was in the box; and for that protest this gentleman is separated from his wife and children, bearing the stigma of a convict, and herding with felons.

If anybody here or elsewhere expects me to vote one dollar or the smallest possible fraction of a dollar to uphold a law that works such an outrage as this, he is entirely mistaken in my action as a Senator. I would not tax the people whom I have the honor to represent for such a purpose as this to save my own life.

When this law was originally enacted I was a member of the other branch of Congress. I discussed and denounced it then. It is the worst law ever put upon the statute-book of a free country. It is the herald of advancing despotism. It sounds the knell of free government. Free institutions cannot live under the blight and shadow of such legislation. I care not in what form this question arises, whether in an appropriation to supply a deficiency for executing these measures, or as an amendment to any other appropriation bill. I am ready to meet it. If an extra session is involved in it I cannot help it. I can afford to do what I conceive to be right, and trust the consequences to the future.

When Senators say that it is revolutionary to attach measures of liberty, justice, and right to appropriation bills, I answer them that before the people's money shall be taken for the support of the Government let them be assured of free elections and fair trials by jury. On that issue I stand. If the dominant party justify themselves in revolutionary measures against liberty and justice, against impartial trials by jury, against free elections, I am ready to embrace revolution in favor of them. If revolution comes to destroy free government, it ought to be met by revolution in behalf of those eternal principles for which our fathers died. If Senators on the other side can afford to be responsible for revolution in behalf of the doctrines of despotism, of coerced and duressed elections, of tyranny and injustice, of jury trials which do not answer the provisions of the Constitution, certainly we on this side need not shrink from the responsibility of revolution in the opposite direction.

I have estimated my own responsibility on this question, and it gives me no trouble.

Mr. KIRKWOOD. Will the Senator be kind enough to inform the Senate what he means by allusion to jury trials? I do not understand what it is he means. We have, I suppose, the same system of jury trials we have had for many years.

Mr. VOORHEES. How well the Senator from Iowa knows what I mean! How well the Senator from Iowa knows that by law we have ostracized from the jury-box nearly the entire intelligence and a large proportion of the virtue of all the Southern States! How well the Senator from Iowa knows that by existing law a citizen anywhere throughout the United States, in order to be qualified in the Federal courts either as a grand or traverse juror, has to hold up his hand and swear that he has never directly or indirectly given aid or comfort to the late rebellion! Is that kind of ostracism and proscription to last forever? Does not the Senator from Iowa know that that provision was put there for the purpose of enabling the Federal courts in the South to pack juries, whether of white men or black men, in the interest of the republican party? It is useless to try to deceive ourselves or deceive the country. I ask but for a fair jury. I ask for the abrogation of a law which excludes from the jury-box nearly every gentleman sitting near me on this floor. I ask for the repeal of a law which says to the Senators here from the South, "You are not qualified to act as jurors; you are unfit to try the commonest and plainest questions that arise in courts of justice, because you cannot take this miserable test oath." In a cause like this I am willing to stay here until this great wrong is wiped out. I am willing to stay here until we have the further guarantee that the Army shall not surround the polls.

Sir, what can be more important than the questions on which I am addressing the Senate? Are there any in the whole range of human affairs that lie closer to the foundation of liberty? Free elections and impartial trial by jury! Secure these and all is safe; without them the Government is not fit for freemen, but rather for a race of slaves.

I am not to be deterred by the argument that this is an aggressive

policy. I am not to be deterred by the plea of conservatism. Justice and right are never timid. If those who in my judgment are sapping the foundations of free government can afford to be aggressive, so can we. Whether it is right to be aggressive or not does not depend upon a mere analysis of the word; it depends upon its application. If aggression is applied to a wrong cause, then aggression is wrong. If aggression is applied to a just cause, then God will bless the aggressor. If the policy which I advocate is to be denominated as an aggressive one, and therefore denounced, I rely for my vindication on the purpose we have in view. That purpose is to wipe out the deepest stain that has ever been inflicted upon a republican government; to remove offensive, obstructive, and oppressive legislation upon the subject of elections and jury trials.

Sir, there was a time in this country when the idea of the Federal Government sending its officials to the villages, the hamlets, the towns, to all the voting precincts of this broad land, to supervise elections, to invade the polls and the ballot-boxes, would have startled the community like the ringing of a fire-bell in the night. An emissary of the Federal Government on such a mission would have been regarded in years past like some wild and curious beast bent on mischief and improperly at large. Yet now it appears to be a debatable point whether we shall withhold supplies to a Government administered by such emissaries, and which systematically violates the fundamental principles of liberty and justice.

Mr. President, I did not expect to detain the Senate as long as I have. I will detain it no longer at this time.

Mr. KIRKWOOD. Mr. President, I do not propose to go into a general discussion of the election laws on our statute-books. I called the attention of the Senator from Indiana while he was speaking to what he had said in regard to juries organized in the United States courts. He indulged somewhat in denunciation, and said that under the present law the intelligence, worth, &c., of our people, especially in the Southern States, could not be represented upon our grand or petit juries in the courts of the United States. I have recently had occasion to look into that matter somewhat, and I find that there is a great deal of loose and violent and, as I think, most unjust denunciation in that regard. I think I have evidence that will tend to show that even in the Southern States fair juries are had. Recently I found in a Mississippi newspaper, called the Brandon Republican, this language:

North Mississippi exchanges are showing rascality practiced by the Federal officials in selecting grand and petit jurors for the present term of court at Oxford. Both juries are composed of white and black radicals of the most malignant type, and selected expressly to find bills against and convict democrats, whether guilty or not. Green Chandler is the district attorney, and Vasser, of Aberdeen, the foreman of the grand jury. Judge Hill—

That is the judge of the district court—

is also a republican, but we look upon him as an honest man, and he will see that honest men are protected in their rights.

Remarking upon that and comments in the Okolona Messenger, the Memphis Avalanche has this to say:

The Okolona Messenger outstrips its Brandon contemporary by mildly and gently alluding to the jurors as "radicals, soreheads, ballot-box stuffers, murderers, and vindictive rascals, whose chief desire seems to be to avenge themselves upon their personal and political enemies."

That, of course, is said out of the United States Senate, or it would not be said in that way. The Memphis Avalanche proceeds to remark further:

If those charges be true, the journals alluded to have done a public service by exposing the vindictive rascals. But the Oxford Eagle—

I have the paper here—

whose Bourbon democracy cannot be questioned, shows quite clearly that the allegations are not founded on any facts known to the acquaintances of the gentlemen selected as jurors.

Now I will read briefly from the Oxford Eagle upon that point:

We do not doubt the honesty and sincerity of our old friend, Colonel Frantz—

That is the editor of the Brandon Republican—

in the utterance of the above. He is full of enthusiasm—

As my friend from Indiana is—

and overflowing with love and devotion to the democratic organization—

And that my friend from Indiana is—

and strikes with all his might at anything and everything that smacks of radicalism.

As my friend from Indiana does.

But in this instance he is totally ignorant of the facts, and does not only officials of the Federal courts but members of the juries gross injustice. We do not know personally but few of the grand jurors, but assure our esteemed contemporary that some of its members are gentlemen of honor and integrity, and democrats whose loyalty to the party has never been questioned.

I see both the Senators from Mississippi in their seats, and I will read in their presence the names:

As to the petit jury, it is only necessary to say that such men as H. P. Burney, son of Rev. S. G. Burney, one of the pillars of the Cumberland Presbyterian church; J. L. Boone, a prominent citizen, and all his life a democrat; J. T. Short, an esteemed citizen of this county, and a democrat; S. T. King, one of the oldest, purest, and best citizens of Oxford; Richard Swain, a citizen of La Fayette, against whose character and honor there has never been a whisper; J. F. Brown, another citizen of our county, whose loyalty to his party and love for the white people of his section has never been questioned; T. A. Hutchinson, a merchant of Oxford, and a man of unimpeachable character; A. P. Webster, of Toccapola, recently elected mayor of that place by white votes, and a man of standing in the community in which he lives; C. W. Harris, a citizen of Oxford, and a man respected

and esteemed by our entire community, and other gentlemen of equal character and standing are members of this jury. If this jury is packed, it is evident that it is packed with true and uncompromising democrats. This much we are constrained to say in behalf of our much abused, misrepresented, and slandered fellow-citizens.

Mr. President, I do not know any of the gentlemen whose names I have read; I hope they are just such gentlemen as they are said to be; and if that be so, it shows to some extent at least that the Senator from Indiana is mistaken in supposing that the wealth and intelligence of the State of Mississippi, at least, cannot be represented on juries in the United States courts in that State. One other brief extract in regard to the effects of the election law from the same paper I will read. It is an editorial, as follows:

Some of our contemporaries have, no doubt innocently, exaggerated the number of election indictments returned by the late grand jury.

The date of this paper is January 23, 1879.

Mr. LAMAR. Will the Senator yield to me for a moment?

Mr. KIRKWOOD. Certainly.

Mr. LAMAR. Perhaps it is proper to state here that the judge of the district court is a very estimable and intelligent gentleman; that he has on all occasions, so far as I am aware, enforced harsh and oppressive laws in a benignant spirit, and within my recollection he has not required the iron-clad oath of persons sitting as jurors. In the exercise of discretion that judge has not required that oath.

Mr. KIRKWOOD. I trust, Mr. President, that all our district and circuit judges are estimable and intelligent gentlemen, and that they will not apply the requirements of that statute unless in cases where in their judgment and belief, as intelligent and estimable men and sound lawyers, they judge that the interests of the country require that it should be done.

But let me read further touching the operations of this election law. This same paper, the Oxford Eagle, of date January 23, 1879, as I have said, contains this editorial:

Some of our contemporaries have, no doubt innocently, exaggerated the number of indictments returned by the late grand jury. There are eleven now pending against twenty-two different persons, and several of these are included in two indictments.

Now mark:

Three defendants plead guilty of ballot-box stuffing—

The sympathies of the Senator from Indiana certainly do not go out to them; they certainly were not convicted by a packed jury, but were found guilty upon their own plea, upon confession in court of the stuffing of ballot-boxes—

and one of these also for failing to do his duty in preserving order at the polls.

That is no crime, is it?

Mr. VOORHEES. Was that any reason for loading this man with fines?

Mr. KIRKWOOD. Will the Senator let me read this short extract through so that it will be in the RECORD in connection?

Mr. VOORHEES. I thought the Senator stopped for an answer.

Mr. KIRKWOOD. No.

and one of these, also, for failing to do his duty in preserving order at the polls—

If he failed to do his duty in that regard, guarding the ballot-box, which is the safety for all our institutions, he ought to have been punished, ought he not?

and one inspector was tried and convicted of negligently permitting his box to be stuffed.

Is it an outrage upon the rights of American citizens that such a man should be punished under this law?

This is the whole of it. We are told that the grand jury very properly refused to indict except where the proof showed some wrong done, or a willful neglect of duty.

As I said, I do not intend, at this time at least, to go into the discussion of the general question of the United States election laws and their effect, but I have endeavored to show that in the State of Mississippi, certainly a State in which there is as much danger to be apprehended as in any other in the Union if wrong was to be done under these laws, that wrong has not been done and that confessed crime, and crime in regard to our elections that I think no man will stand here to defend, has been punished.

A single word more and I have done. The Senator from Indiana tells us that he will stand here until the end of time, or his time at least, until these laws be repealed. That is his privilege, and it may be the privilege of some of us to stay here with him to prevent them being repealed.

Mr. VOORHEES. Mr. President, it is not my purpose to protract or broaden the discussion of this question at this time. "Sufficient unto the day is the evil thereof." But inasmuch as the Senator from Iowa has dwelt upon the jury law and its administration especially in Mississippi, I may be pardoned a few words in reply.

It so happens that since the war closed I have spent a considerable time in the Federal courts in Mississippi, and it happens, as one of the compensations the people of Mississippi have for the many curses that have been inflicted upon them, their United States district judge, Judge Hill, is a benign, liberal, and kind judge, and if he should die to-morrow justice perhaps would not be administered by his successor in the same temper and spirit. The inference from the Senator's remarks is that we had better depend upon the frail tenure of human life, better depend upon an individual for the administration of jus-

tice than depend on the law. Is it an answer to the statutes on this subject, that here and there a man is found with a superior sense of justice to those who enacted the law under which he holds his courts? Is it an answer to these bad laws that here and there is found a man who in the administration of them takes off the merciless edge which was put to them by the legislators who enacted them? In answer to what the Senator from Iowa said as to Judge Hill's administration of his court, let me show you what the law is. The law is what I complain of. Judge Hill is one of many judges, he may die to-morrow, and if he be succeeded by a man like Judge Bond of Maryland, who is sending men to the penitentiary for what another judge, Judge Hughes, in Virginia, says is no offense at all, what may be expected? What can be said in favor of a law that allows such a liberty of discretion on the part of the Federal judiciary? The qualification of jurors in the Federal courts is thus prescribed; in section 812 of the Revised Statutes we find the following:

SEC. 812. No person shall be summoned as a juror in any circuit or district court more than once in two years; and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within two years prior to the time of such challenge.

Then turning over to section 820 we find:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812—

Which I have just read—

namely: without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever—

The giving a cup of cold water or a crust of bread to a son, a brother, or a comrade would disqualify a person living in the South, a man of the purest virtue and highest character from going into the jury box—or anything whatever to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join—

How inquisitorial, and I say respectfully, how infernal in inquisitorial power these laws of prescription always are, whether prescribing test oaths or anything else—

or about to join any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

If an aged father had reason to believe that his young, impulsive, and ardent son, with the sympathies of his own people, not capable of resisting the impulses of humanity to which we are all subject in communities in which we live—if the aged father had reason to suspect his son was about to join, or had in contemplation to join, the confederate forces in the rebellion, which is now fading away into the shade of history, which is growing dimmer each year, and that father gave his son a horse, or a pair of boots, or a pair of spurs to ride with, or a lunch to eat on the way, the district attorney of this great Government may challenge him from the jury-box and replace him with somebody else of a very different character. I am informed by my gifted and excellent friend from Louisiana [Mr. FUSTIS] of a case where a Federal officer who had fought under the old flag was excluded from the jury-box under the provision of this law because he had assisted a confederate officer who was wounded, and, sir, the law justifies such a construction, the law justifies the district attorney of the United States in challenging the officer in blue, the Federal soldier, if he gave a cup of cold water to alleviate the suffering thirst of a confederate after the battle was over.

Mr. KERNAN. If my friend will allow me, he may do it although the district attorney served himself in the confederate army.

Mr. WITHERS. Or the judge on the bench.

Mr. KERNAN. That can be done although the judge who sits on the bench and the district attorney who makes the challenge had both served in the confederate army.

Mr. VOORHEES. That is true; that is a good speech. Section 821 reads as follows:

SEC. 821. At every term of any court of the United States the district attorney or other person acting on behalf of the United States in said court may move, and the court in their discretion may require, the clerk to tender to every person summoned to serve as a grand or petit juror or venireman or talesman in said court the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not without duress and constraint taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not directly or indirectly given any assistance in money or any other thing to any person or persons whom you knew or had good ground to believe to have joined or to be about to join said insurrection or rebellion or to have resisted or to be about to resist with force of arms the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against or to resist with force of arms the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury or venire to which he may have been summoned.

A repentant rebel may go upon the bench; a repentant rebel may be in the district-attorney's office; a gallant Federal soldier may present himself in the jury-box and because he may have assisted a friend, a relative, or a class-mate in time of distress after the battle was over on the stricken field, he can be challenged and set aside because he cannot take that oath!

Sir, am I drawing a fancy picture? Is this overwrought? It is best to avoid all personality in a discussion of this kind, but it is not difficult for me to understand how the enforcement of a law like this might give rise to harsh feelings against those who are regarded by their fellow-citizens as men who abandoned their principles for place and pelf. I do not believe the southern people are required to be crushed by such legislation as this. I believe the southern men who were in the confederate army would make as fair jurors as anybody else in the world. This test oath rises as an abomination to me as I enter a court of justice in the South.

Whatever the merits or demerits of the late unhappy and bloody controversy which was submitted to the dreadful arbitrament of arms, no man pretends that participation in it stains individual or personal character; nobody pretends that it destroys the manhood, the American fiber that is in the southern people, but this test oath assails not only men who bore arms but men who assisted those who did. Are these men to be stigmatized as unfit to assist in the administration of justice? It is monstrous; it is an abomination. I have no hesitation in saying what perhaps it is not necessary at all for me to say, that the history of mankind does not furnish an instance where a people, overrun by victorious armies, shattered and broken as they were, have born themselves so well, with such dignity, such integrity of purpose, and such powers of recuperation as the people of the Southern States. Loaded down with the worst legislation I ever knew, invaded by hordes and packs of hungry adventurers like jackals following in the wake of armies, they have not lost their dignity as American citizens, and for them as well as for myself, as an American claiming to know no geographical section, loving one section as well as another, believing in the people of one section as much as another, I do not intend to vote money to execute such provisions of law as these.

It may be premature to bring this feature into debate at this time; but if it is, the Senator from Iowa is perhaps more responsible for it than I. At any rate, I will leave the question at this point for the present.

Mr. ALLISON. Mr. President, I move that the five-minute rule be applied to this paragraph of this bill.

The PRESIDING OFFICER. (Mr. McCREERY.) Is there objection to the five-minute rule being applied?

Mr. SAULSBURY and others objected.

Mr. ALLISON. I move that the five-minute rule be applied to this paragraph.

Mr. SAULSBURY. I hope that motion will not prevail. This is a subject of very great importance which the Senators desire to discuss.

Mr. EDMUNDS and Mr. ALLISON. It is not debatable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. SAULSBURY. Several gentlemen desire to give the reasons why they will vote against this appropriation. They want an opportunity to give the reasons why they will vote against the appropriation which seems to be required by the head of a Department. I hope, therefore, the motion will not prevail.

Mr. ALLISON. I submit it for the Senate to decide.

Mr. BAYARD. I hope the Senator will withdraw the motion for the present.

Mr. ALLISON. I will withdraw the motion for the present to accommodate the Senator from Delaware, but will renew it in a very few minutes as soon as I have an opportunity.

Mr. BAYARD. Mr. President, the question before the Senate is upon striking out, on page 29 of House bill 6436, an appropriation of \$250,000. This is an amendment of the Senate committee; it did not come from the House of Representatives but has been added by the Committee on Appropriations of the Senate. It proposes to expend \$250,000, or, as is explained verbally by the honorable Senator in charge of the bill, about four-fifths of that sum, in defraying the expenses which "have been and may be incurred" in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, and certain amendments thereto." Questions have been raised as to the regularity of the amendment, and subjects have been brought into this debate than which none are, or can be, more interesting and vital to the American people. I do not think it will be questioned that the men who founded this Government loved liberty. They sought peace with the sword and to establish liberty under law. They knew well its value, and they did all that men could do to obtain and secure it. They sought to secure liberty under a government of laws; they transmitted it to us as our best inheritance; and, so far as in me lies, recognizing the great principle, I propose to secure liberty only under law, and I believe that man best serves his country and the cause of liberty who insists upon a constant observance of laws as the only means by which, and under which, liberty shall be maintained.

So it was in 1870 and 1871, when on the floor of this Chamber there stood with me a scanty handful of men, among whom, ever conspicuous, was my honored friend from Ohio, [Mr. THURMAN,] that we steadfastly opposed the enactment of the so-called enforcement laws, and stood here, by day and by night, endeavoring, by strenuous debate to awaken the American people to a sense of the dangers contained in such legislation, and to make some attempt, vain though it should be, to dissuade the great party majority that enacted these laws. I believed then that these laws were arbitrary, that they violated the spirit of justice which laws must contain in order to be useful and respected,

that they were violative of those limitations upon Federal power which the Constitution had imposed. I then endeavored to point out their capability for gross abuse and injustice; and all the dangers that I then apprehended, and the injustice and the mischief which such laws would necessarily cause, have been more than fulfilled in what we have witnessed in the last four years.

For what purpose and in what name and in what cause were these laws enacted? They were professed to be in the interest of peace and purity of elections. Have they been productive of peace? Have they been productive of purity? Have the agencies which the Administration have employed to carry out these laws been such as can, with common honesty, be claimed to be in the interest of peace, good order, and purity in elections? Have they not rather been proven to be agencies for corruption and for the grossest intimidation? I ask, plainly, all over this country have these laws been administered in the cause of public justice, or have they been administered in the cause of one political party? In all the millions of money that have been appropriated and spent, has one dollar, one farthing of that money, ever reached any but a partisan's hand? Has any man, but the members of one of the great political parties, ever felt the adverse power of this legislation? Has any man but a member of one political party felt his dishonest or improper action restrained by this legislation? Can the records of any Federal court show any indictment found or prosecuted against any but the members of one of the political parties of this Union? Can any Senator suggest the record of a single case in which this unjust and partisan discrimination has failed to be made?

I said I intended to walk in the path of law and the spirit of law, and to find, under law, remedies for all injustice, for, in my belief, one danger of our time is the confusion in the public mind and in the minds of honest men of the spirit and meaning of the laws which should protect our liberty. Sir, there can be nothing more insidiously dangerous than to accomplish injustice under the pretended forms of justice, nothing more dangerous than to overthrow law under pretense of enforcing law. Laws perverted from their meaning, laws in which the letter is followed and the spirit is killed are the most essential frauds upon a free government. By all the decisions of the courts, by the decision of every parliamentary body in a free country, the presence of armed forces at the polls of popular elections *ipso facto* avoids the result of that election at the demand of the defeated party. To my sorrow, as an American be it said, I witnessed the other day the array of the united majority of Senators on the other side of this Chamber in favor of the doctrine, that in time of profound peace it should be lawful to bring a standing army to the peaceful polls of election—not one voice of all, not one man in that array of intelligence and ability, was found to be willing to raise his voice in favor of a principle so plain and essential that I had not believed there could be a difference about it among those who intended to preserve a government of laws.

But, sir, if the presence of well drilled, and disciplined armed forces at an election shall, of itself, be sufficient to avoid that election, how much greater is the danger, how much more excessive is the terrorism and intimidation which follow unlimited arrest without warrant, of trial before packed juries, of fine and long imprisonment, punishment so excessive in proportion to the offense that is to be punished as dwarfs into insignificance the sentences which have been imposed by State laws for like offenses.

I said the juries were packed; I said it in the face of laws which stand on our statute-book which have just now been read by the honorable Senator from Indiana, [Mr. VOORHEES,] to show that to-day scarcely a fraction, scarcely one man out of one thousand in fifteen States of this Union, can sit upon juries if it pleases the district attorney or the judge to purge him with such an oath as necessarily disqualifies him. To-day we see members of the Cabinet, we see Senators to-day, and Representatives in Congress, men of both parties in each House to-day, district attorneys who are to present men for prosecution, nay the very judges, from whose lips sentence of condemnation is to proceed, are themselves disqualified by this law from sitting upon the panel of the jury which they are to instruct and whose findings they are to set aside or maintain in their discretion! Why, sir, the very statement of the case is sufficient to shock every sense of justice; and I do not believe, and I cannot believe, in the face of the intelligence and good feeling of the American people, that this Congress is to adjourn until that stain, at least, is removed from the statute-book of their Government.

But, Mr. President, this is not the case of an appropriation added irregularly. It professes to be an appropriation to carry into effect existing law. If so, it is lawful and unobjectionable. Is it an appropriation to carry into effect an existing law? Is it in truth and in fact an expenditure of money in the past or in the future authorized by law? Standing here in face of the facts, I deliberately deny it. This money was spent in violation of law, this money was spent in perversion of law, not merely of its spirit, but its letter. Its expenditure was without warrant, and there is no just reason why it should be paid.

Large amounts lavishly paid to these countless deputy marshals for doing that which they could have no right to do, interfering with free elections in the States. Paid to men who under the color of existing statutes were not warranted in being near the polls. Taking this law as it stands upon the statute-book, that, in cities

having over twenty thousand people, deputies *ad libitum* may be appointed, how many of such deputies, how much money for such purposes, is comprised within this quarter of a million which we are asked to vote? Who has segregated this? Who shall tell us that when the first law officer of the Government, the Attorney-General of the United States, has broken the law, when he has undertaken to recommend to us the payment of money for which no existing law gives authority, what should be our answer to him? What is our answer to any administrative officer of the Government who, without law to warrant it, makes a contract or incurs an expense?

Mr. ALLISON. I wish the Senator from Delaware would state to us wherein this appropriation is intended to be applied in violation of law.

Mr. BAYARD. It is intended to be applied in violation of law in paying men for doing that which no law warranted their doing, for acts in which they were trespassers, and for which they should have been, and I hope at some day will be, punished by the laws of the States for their invasion of the rights of their fellow-citizens. There cannot be a more flagrant and a more dangerous doctrine than that an administrative officer of the Government can bind the people to pay money to do that which there was no law to authorize him to order. That is what has been done in the case now before the Senate, and that is a large part of the money which the honorable Senator has recommended the Senate now to vote an appropriation for.

Mr. ALLISON. Now, I want the Senator from Delaware to tell us wherein the Attorney-General of the United States has authorized the expenditure of money or directed the expenditure of money not expressly authorized by law?

Mr. BAYARD. I take it for granted that the Attorney-General of the United States has recommended this appropriation.

Mr. ALLISON. He has.

Mr. BAYARD. What is the appropriation he recommends? Two hundred and fifty thousand dollars, of which \$200,000 are for defraying expenses which have been incurred in the enforcement of the acts approved February 23, 1871, and May 31, 1870. Now, it is well known to every member of the Senate, it is well known, or can be well known, to my honorable friend from Iowa, that perhaps thousands of men were employed at \$5 per day for such number of days as marshals saw fit to employ them to attend the polls and supervise elections. I mean now deputy marshals electioneering—I do not stop with the word supervising—and interfering in elections when the law of the United States forbids their presence or employment except in cities of a certain population.

Mr. ALLISON. Now, this appropriation is intended to cover the present fiscal year. Do I understand the Senator from Delaware to maintain that during the elections in 1878, last year, deputy marshals were employed and used in violation of law; and, if he so charges, I want him to state to us in what States this employment was conducted.

Mr. BAYARD. Well, Mr. President, I think it is rather cool in the honorable Senator from Iowa, who comes into the Senate and asks us to appropriate \$250,000, to ask me for the items which are within and those which are without the law. He has come here and asked us for a sum in gross. Senators on this floor, from Louisiana in one case—for one case is as good as a thousand—tell you that that State was deluged with deputy marshals at polls where they had no right under the law to go; that is to say, they did go to towns having less than twenty thousand inhabitants. The same thing was true of the State of Arkansas. The Senators are here to speak for themselves.

Mr. ALLISON. But that was in the year 1876, two years ago, appropriations for which were made in 1877.

Mr. BAYARD. I do not mean to say how far back you may go, to 1876 or 1878.

Mr. WITHERS. This bill is for 1878 and prior years.

Mr. McDONALD. In answer to the Senator from Iowa, I wish to say that in South Carolina, outside of cities of twenty thousand inhabitants, there were numbers of deputy marshals.

Mr. ALLISON. Undoubtedly the marshals of the United States have authority to appoint deputy marshals.

Mr. BAYARD. To supervise elections at cities of less than twenty thousand?

Mr. ALLISON. They have authority to appoint deputy marshals to preserve the peace, as the States have authority to appoint deputy sheriffs to preserve the peace of the county; and that is all, as I understand it, that has been done in the State of South Carolina.

Mr. BAYARD. I state in the presence of the Senators from Louisiana and Arkansas, and on what I understand to be their authority, that in towns containing less than twenty thousand people, under this enforcement law, the Administration assumed to send, and did send, deputy marshals.

Mr. EUSTIS. Any number of them.

Mr. BAYARD. Yes, any number of them. I therefore say, Mr. President, that even were I in favor of the method in which this law has been administered, I should feel myself bound to object to this appropriation. How much more is my disposition to resist this amendment increased when I see the claim of power with which this law has been administered at the last election in 1878, as well as in 1876? I see in it almost an abnegation, almost a denial, of the principle of free election by the people, which it is necessary that we should maintain if we ever expect under the forms of law to redress abuses or to reform systems and change our rulers.

Mr. President, I believe that all over this country, outside of those heated partisans who make up the rank and file of the two great parties, there stands an authoritative mass of intelligent, independent, upright, liberty-loving, American citizens, who will never consent that the principle of free election, that great safety-valve, that great American substitute for revolution, shall be invaded or overthrown, directly or indirectly. When the American people, having the facts and the issue broadly, fairly, and openly presented to them, shall say that it is lawful for the executive branch of the Government to have unlimited power to take possession of all the police powers of any State, to place at the polls an authority paramount to any which the State could place there, officials without number, beyond the power of arrest, officials paramount to any State authority, and so go through the form of an election, or allow the people to go through it, in the grasp of such a mighty power as I have described, I say when the American people shall look on and decide in favor of that, then my hope of republican government in this country will have died within me. I do not believe they will ever so decide. I do not believe that they are prepared to part with their liberties; I do not believe that when fairly and honestly and straightforwardly this issue is presented to them, there will be a doubtful voice or a doubtful expression of that voice. I do not believe that they are prepared to bid farewell to this grand system of republican government which has so dignified humanity, which has been so fair, and so just, so glorious, and so noble, which has given the plain poor man in this country the status of his manhood, and recognized the true dignity of humanity; I do not believe they will part with all this at the bidding of any political party for the sake of continuing itself in power. And, sir, I can only say that whether it be with the great majority which I think I shall find with me in that issue, or whether it be in the feeblest minority, that, mindful of the Constitution of our fathers, mindful of the liberty for which they struggled, mindful of the principle of laws under which they endeavored to establish this Government, I shall ever be found steadfast; for I know that it involves the vital spirit of republicanism, without which our system would become a despotism or sink into anarchy.

Mr. ALLISON. I move now, Mr. President, to apply the five-minute rule to this debate.

The PRESIDING OFFICER. It is moved that the five-minute rule be applied to this discussion.

The question being put, the yeas were 14.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WITHERS. On this question I am paired with the Senator from Arkansas, [Mr. DORSEY.] He would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 32, nays 31; as follows:

YEAS—32.			
Allison,	Conover,	Ingalls,	Patterson,
Anthony,	Davis of Illinois,	Jones of Nevada,	Plumb,
Blaine,	Dawes,	Kellogg,	Rollins,
Booth,	Edmunds,	Kirkwood,	Sargent,
Burnside,	Ferry,	Matthews,	Saunders,
Cameron of Pa.,	Hamlin,	Mitchell,	Spencer,
Cameron of Wis.,	Hoar,	Morrill,	Teller,
Chandler,	Howe,	Oglesby,	Wadleigh,
NAYS—31.			
Bailey,	Eaton,	Jones of Florida,	Morgan,
Barnum,	Eustis,	Kernan,	Ransom,
Bayard,	Garland,	Lamar,	Saulsbury,
Beck,	Gordon,	McCreery,	Shields,
Butler,	Grover,	McDonald,	Thurman,
Cockrell,	Harris,	McPherson,	Voorhees,
Coke,	Hereford,	Moxey,	Wallace,
Conkling,	Hill,	Merrimon,	
ABSENT—13.			
Bruce,	Dorsey,	Randolph,	Withers.
Chaffee,	Johnston,	Sharon,	
Davis of W. Va.,	McMillan,	Whyte,	
Dennis,	Paddock,	Windom,	

The PRESIDING OFFICER. The five-minute rule is applied to this question.

Mr. WALLACE. Mr. President, this appropriation does not stand on the footing of ordinary appropriations. It stands solely upon the letter of the Attorney-General. We have under date of the 16th of January a printed document, known as House Executive Document No. 13, giving in detail the deficiencies in the several Departments of the Government for the fiscal year 1879. In this is found reported a deficiency for the Department of Justice, but there is no word or letter about the deficiency named in this amendment. On the contrary, the \$250,000 now claimed as a deficiency is not found in the document. The House of Representatives has had no information in regard to the subject of a deficiency in the Department of Justice as found in this amendment. The item that is now proposed is not in the House bill which comes to us under date of the 15th of February, and the letter of the Attorney-General, which is dated the 20th of February, gives us the first information on the subject. It provides for a deficiency of \$250,000 for past expenses and future expenses during the current year; but \$75,000 thereof are to be expended in the payment of marshals' expenses created during the past portion of this fiscal year. There are no details given in this demand of the Attorney-General, and there ought to be. We want to know who the

men are, who were employed, in what cities, by what authority, what are their names, and the amount paid to each.

Who were these deputy marshals? Are they the refuse of the slums of the cities of Philadelphia, New York and Cincinnati, or are they men of character and position upon whom the insignia of the Government of the United States has been placed? We have tried again and again in Philadelphia to get the names of the deputy marshals employed there, and we have failed. The press has sought it at the hands of the marshal, and he refuses to give their names. We have demanded their names again and again and failed to get them or a detail of their pay, and now the Attorney-General, without giving us the name of a man, without giving us a single item of detailed statement as to where this deficiency occurs, whether in Philadelphia, New Jersey, South Carolina, Louisiana, or Ohio, asks us to give him \$75,000 for the payment of marshals and \$125,000 for expenses to be incurred in the prosecution of causes in the courts in the South.

This is a subject that affects not alone the southern people but it affects the northern people as well who are to be wronged by this appropriation of their money. If we examine the appropriations made prior to the enactment of the law of 1871 for the Department of Justice, they are but about one million and a half annually by the regular appropriation bills, but immediately after this enactment, commencing in 1872, the appropriations for the Department of Justice swell to the enormous sum of \$3,300,000; and until the democracy came into power in the other branch of Congress there was no reduction in these enormous sums. The appropriations now are over \$2,800,000 annually. From \$1,200,000 in 1871 they have swollen to two million and three-quarters annually. Is there any other cause for it than the provisions of the act of 1871? Dates and figures seem to charge this result to the cause I have named; the act of 1871. What we want of the Committee on Appropriations is details and figures, and not the mere statement of the Attorney-General that there is and will be a deficiency. He says there is a deficiency. In what? For what? To whom paid? What amount? In what cities? In what States? Let us have this information, and then we can vote intelligently.

MR. SAULSBURY. Mr. President, I regret that the majority of the Senate has limited debate upon this amendment to five minutes. The law is one odious in its character. It was passed by the majority of the Senate, and it has been a subject of dissatisfaction to the people of the country. Under its operation there has been great injustice and great oppression exercised toward the freemen of this land. Now when a question comes up upon which legitimate discussion upon the character of the laws of 1870 and 1871 can be had, the majority of the Senate limits debate to five minutes, so that a full exposure of the pernicious consequences which have resulted from these laws cannot be had. It is true that in debate which has already proceeded there has been demonstrated the iniquities that have been practiced under the operation of this law. But in a question affecting the liberties and rights of the people there should be the most enlarged freedom of discussion.

Yet when this question, involving the principle of free elections, is brought to the attention of the Senate and the attention of the country, the honorable Senator from Iowa moves in his place that debate upon the subject shall be limited to five minutes. Sir, there are greater rights than that of appropriating the public money. There is the right, the inalienable right, of freemen involved in this discussion.

I again repeat my regret that the Senator from Iowa should have felt impelled to move that the five-minute rule be now adopted in this discussion. But sufficient time has elapsed, and will still elapse, in the discussion to call the attention of the country fully to the wrongs that have been practiced by our republican friends under the law of 1870 and 1871.

The Attorney-General asks us to give him an appropriation of \$250,000 for what? The language of the amendment, which I understand was prepared by the Attorney-General, or in his office, is to pay expenses that have occurred and that may hereafter occur in enforcing these laws. How have the laws been enforced? If I were to assign but one reason why I should withhold my vote from this amendment I could find ample reason and justification for my vote in the manner in which the law has been in the past enforced.

We have heard to-day that in the city of New York alone thirty-one hundred warrants were issued by the supervisors of elections. I see from published statements that there have been a very large number of deputy marshals in that city and in other cities. Some twelve hundred were appointed in the city of Saint Louis, and for what purpose? Every man who applies common sense to the inquiry as to the purpose and object of the appointment of such a number in Saint Louis will find it in the fact that there were three close election districts in that city which by the oppressive operations of this law were carried by the republicans. Three districts which had heretofore by small majorities returned democratic members to the other House, under the operations of this law, by the aid of these deputy marshals, were carried for the republicans. How was it in Cincinnati? Where two districts in that city had heretofore given small democratic majorities this law was put in operation and the vote of the democratic majority overborne by the interference of these deputy marshals. For the purpose of aiding the republican party the law was inaugurated, and it is to continue the operations of this law in that regard that the Attorney-General now asks that he may have this appropriation of \$250,000

granted to him. I hope we shall not do it. I do not believe the law is constitutional, and it ought to be repealed. I do not believe it has been executed in the spirit of fairness and justice, and I believe that it strikes down the right of free elections which the people of this country have ever desired.

MR. KERNAN. Of course I do not intend to make any speech, but as we are appropriating money for a deficiency under the act of 1871, affecting the elections, I want to call the attention of the Senate to one or two facts that appear in sworn evidence on a report made to Congress, to show that we should have a detailed statement of how this money is to be spent before we vote it very liberally. I hold in my hand Report No. 800, Forty-fourth Congress, first session, containing the evidence that was taken in New York in reference to expenditures under this law, in reference to the election prior to 1876. You will find on pages 20 and 21 the testimony of Mr. Gibney, who says that he was employed under Mr. Davenport in supervising the election. He was paid \$5 a day for ten days. He then says he drew \$33 more, and I want to show you how he drew it. He says he made out a "bill for carriage hire by instructions of the president of the district."

Question. Although you had never paid a dollar?

Answer. No, sir.

But he made out a bill which he receipted, which was paid, for expenses incurred as "aid to chief supervisor in fourteenth assembly district," as follows:

October 25, carriage hire, \$15.

October 26, carriage hire, \$15.

October 26, stationery, \$3.

He swears he never paid a dollar for carriage hire, nor a dollar for stationery, and yet these sums were paid to him.

Take another witness, named Cunz, whose evidence is on page 25. He testifies that he was connected with the secret service department, and that he belonged to a political club. There were expenses which were paid out of this fund for preserving the purity of elections, which, in this testimony, they call the kuklux fund. This witness is asked the following question:

By Mr. CAULFIELD:

Question. I ask you on the whole if you have any hesitation in saying that portions of this kuklux fund were used for political purposes?

Answer. I have no hesitation whatever.

By Mr. JOYCE:

Q. Explain what you mean by political purposes.

A. Such as employing men as stump-speakers, and traveling around the country and paying expenses of political clubs.

This witness who was then employed is compelled so to swear, as you will find by examining the evidence. One would suppose they were investigating a commission formed for political purposes, who were spending money raised by voluntary subscription or in some other way. The witness says all this came out of the kuklux fund, as he understands.

I submit we ought not to vote a deficiency when we look at what was done in the past under this law, by some one, who was to blame, without scrutinizing the past appropriation and seeing that at least it was used for the real purposes for which it was intended.

MR. TELLER. Mr. President, allusion has been made in this debate to the number of deputy marshals appointed in South Carolina. The number appointed in the whole State was sixty-one, forty-six of them in the county of Charleston, substantially in the city of Charleston, and fifteen in the counties outside. These fifteen were not specially appointed for elections, but were deputy marshals, expected to do the general duty of deputy marshals and also to attend to election duties. Of the forty-six in the county of Charleston eighteen were appointed on the recommendation and at the request of the democratic candidate for Congress, who I understand has now the certificate of election. Nearly one-third, then, of all in that county were democrats and appointed at the request of a democrat.

THE PRESIDING OFFICER. The question is on the first branch of the amendment of the committee, divided at the request of the Senator from Ohio, [Mr. THURMAN.]

MR. ALLISON. I think the Senator from Ohio withdrew the proposition for a division.

THE PRESIDING OFFICER. He withdrew his proposition to strike out, but he did not withdraw the proposition to divide the amendment of the Committee on Appropriations, as the Chair understood.

MR. ALLISON. Yes, and the Senator from Arkansas [Mr. GARLAND] offered some amendment to this amendment.

MR. BECK. I propose, if the proposition to strike out is withdrawn—

THE PRESIDING OFFICER. The proposition to strike out was withdrawn and a proposition made to divide the question.

MR. BECK. I propose to modify the amendment thus—

MR. WHYTE. The Senator from Ohio is seated in the Chamber. I think he withdrew his proposition entirely.

THE PRESIDING OFFICER. He withdrew his proposition to strike out and proposed to divide the question.

MR. WHYTE. How can he divide the question?

MR. CCKRELL. I suggest that the Senator from Ohio is in the Chamber, and probably knows what motion he made in regard to the matter.

THE PRESIDING OFFICER. The Chair is of opinion that he knows

himself. The question on the amendment from line 455 to the word "prisoners" in line 460 will be taken first.

Mr. CONKLING. Where does the division occur?

The PRESIDING OFFICER. After the word "prisoners," in line 460.

Mr. THURMAN. I withdrew my amendment, suggesting that I would ask for a division, but I did not ask for it. Therefore it is perfectly in order for the Senator from Kentucky [Mr. BECK] to move any amendment that he sees fit. I wish to say further that after reflecting on the subject I am perfectly satisfied that it is in order to move to strike out any part of an amendment adopted by the Senate as in Committee of the Whole.

The PRESIDING OFFICER. The Chair did not decide that it was out of order.

Mr. CONKLING. The bill is still in Committee of the Whole.

Mr. THURMAN. I thought we were in the Senate.

Mr. ALLISON. The bill is not out of committee yet.

Mr. THURMAN. I suppose the amendment is capable of amendment just as if it had been offered by any Senator whatsoever.

Mr. EDMUNDS. I think so. I think that is the law.

Mr. BECK. If I have the right, I will move an amendment. The Senator from Arkansas [Mr. GARLAND] has withdrawn his amendment because his proposition was to amend the clause in lines 453 and 454 applying to the last fiscal year. There is no deficiency for that which is questioned. He intended to apply it to the current fiscal year, and upon reflection the amendment was withdrawn. I propose to strike out after the word "prisoners" in line 460 down to and including line 470, in the following words:

For defraying the expenses which have been and may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" or any acts amendatory thereof or supplementary thereto, being a deficiency for the fiscal year ending June 30, 1879, \$250,000.

And in lieu thereof to insert

Being a deficiency for the fiscal year ending June 30, 1879, \$50,000;

So that the amendment proposed by the Senate Committee on Appropriations will read:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, being a deficiency for the fiscal year ending June 30, 1879, \$50,000.

Thus leaving out all that appertains to the enforcement of the election laws and to the payment of marshals and the prosecution under the election laws.

Mr. EATON. I should like to ask my honorable friend from Kentucky if he is able, being a member of the Committee on Appropriations, from the information before him, to say that he knows there is any deficiency like \$50,000 for the objects which he has mentioned?

Mr. BECK. The Attorney-General, in a letter sent to us, which has been read and very much commented on, shows that we have furnished him with all that is required for the fiscal year ending June 30, 1878, first by giving him \$2,650,000, then \$150,000, and the House in this bill have given him \$110,000, making a total of \$2,910,000 applicable to the last year.

The Attorney-General then proceeds to say:

The current appropriation is for \$2,750,000.

That has already been given for the current fiscal year.

I should have hoped to have made the expenditures for the current year something less than for the year previous, say \$2,800,000, which would have left a deficiency of only \$50,000 to be provided for, had it not been for two classes of expenditures, one for deputy marshals appointed under section 579 of the Revised Statutes to attend elections, (the expenses of supervisors not being paid through the judiciary fund), and the other for carrying on prosecutions necessarily caused by violations of the election laws. These two items will in my opinion amount to \$200,000, of which \$75,000 will be for the expenses of the deputy marshals, and \$125,000 for the expense attending the prosecutions.

I therefore propose to amend the committee's amendment so as to allow him \$50,000 in addition to the \$2,750,000 which we have already given him, and bring it up to the \$2,800,000 which he says will be ample for all the legitimate expenses of the Department except to pay the deputy marshals and the expenses of the political transactions, which I do not propose to allow. That is the object of my amendment. I hope the Senator from Connecticut understands me.

Mr. EATON. I do, and I am much obliged to my friend from Kentucky. I shall support his amendment on the ground that the Attorney-General has said that \$50,000 will pay all that I regard as the legitimate expenses of this Department. That is his official report. He may take care of his illegitimate expenditures himself. It will be sufficient for us if we appropriate money for the legitimate expenditures of the Department of Public Justice. Three million dollars in round numbers, more than it cost to pay all the expenses of the Government of the United States during the administration of Washington or the elder Adams, is expended by this one Department of Justice or injustice. I hardly feel disposed to pay the \$50,000; but as my friend from Kentucky, who watches this thing very closely, says he is willing to do it, I will tie my belief to him this time and vote for his amendment; and in a time to come and upon another occasion, when the five-minute rule is not in the way, upon some other bill, I propose to be heard at length upon this enormity of this Department of Injustice.

Mr. ALLISON. I do not want to occupy time, but I do not under-

stand the Attorney-General to draw any distinction whatever in reference to these expenditures in his letter. We allowed him by the appropriations last year \$2,750,000 for all purposes of courts, including expenses under the election laws. Of course when that appropriation bill passed we could not anticipate that any causes would arise in any of the States of this Union requiring extraordinary expenditures, and it is because of these that this deficiency appropriation is made necessary. If there had been no difficulties in the Southern States, or in the Northern States, if you please, at the last election, these expenditures would not be required.

It is said that there were frauds committed at the elections last year. I do not know whether they were committed or not, but I know that the Attorney-General is prosecuting these frauds, and he asks the necessary money to aid him to do it. Senators on one side of the Chamber say that the Attorney-General shall be stopped in his effort in these criminal prosecutions because they will not vote the necessary funds. The Attorney-General draws no distinction in this appropriation.

I warn gentlemen of the fact that they cannot save these expenditures by the amendment proposed by the Senator from Kentucky. The Attorney-General has \$2,750,000 now at his disposal, or the balance of it yet unexpended, and he can use just such portion of it as he chooses to pay these deputy marshals, because the appropriation proposed in this deficiency is in the exact language of the law of 1878. Therefore, if Senators desire to prevent these prosecutions, they must prohibit the Attorney-General from using the \$2,750,000 that he is now authorized to use by the act of 1878. They cannot accomplish their purpose by limiting this deficiency, because all the funds are as applicable to these election laws as they are to any other law on the statute-book.

Mr. BECK. Mr. President, when the Attorney-General tells the Congress of the United States that \$2,750,000, which Congress has seen fit to give him to carry on his Department for this year, lacks only \$50,000 of enabling him to carry on the Department of Justice, all the courts, and attend to all legitimate prosecutions and everything else, I propose, whether it is right or wrong, to give him \$50,000 for that purpose; and I propose that this Congress shall refuse to give him \$250,000 to pay Johnny Davenport, and I do not know whom else, who made the thirty-one hundred arrests.

Mr. ALLISON. This appropriation has no relation to Johnny Davenport or any other supervisor. It only relates to marshals.

Mr. BECK. I said that, and by the time I get through the Senator will see I am right. But I give him the \$50,000 he asks, and if his friends come here and say that under the general powers we have given him, by the \$2,750,000 to carry on the legitimate expenses of the Government, he can pay Johnny Davenport and he can pay the deputy marshals and he can pay the men that the republican party saw fit to try to buy to elect republican members of Congress, and that he can use it to overthrow the rights of the States of New York, and Pennsylvania, and Ohio, and Missouri by those election laws, and can carry it on for the purposes of fraud, if when he comes to make his report next year there is any deficiency beyond that, and if the \$2,800,000 we shall have given him for the legitimate purposes of Government have been diverted by him to carry on fraudulent elections, and to pay marshals and deputy marshals who are appointed clandestinely for clandestine purposes, then Congress will find some way to reach that Attorney-General and all the men who aided him in carrying on that fraud.

I desire by this amendment to give the Attorney-General all that he even claims is necessary for the legitimate purposes of the Government, but to strike out all those provisions that authorize him to pay those marshals and deputy marshals and those political thieves that he has seen fit to maintain in the great cities of the North and West, and give him warning now in advance that if when we meet here next December the Attorney-General says in spite of the letter that I read to you, saying that only \$50,000 are required to carry on the legitimate business of the Department by your own law, he has diverted it from that use and has paid Mr. Davenport and paid the men who went to Cincinnati and Saint Louis and Philadelphia and New York and sought to control the elections of those States and to supersede the laws of those States and to buy up political emissaries and pay them for the frauds they committed, we will see whether Mr. Devens and his administration can stand before Congress and give an account for what they have done under circumstances like these.

Therefore it is that I propose to allow him every cent necessary for legitimate purposes, but deny him the right to pay those fraudulent marshals and deputy marshals, until we have been advised who they are, what they did, what was paid them, what they were paid for, and let it pass under our scrutiny before he shall take the money out of the people that is withheld from him, to pay them right or wrong.

Mr. McDONALD. Mr. President, as I understand what we are doing, so far as the appropriation is concerned—and the inquiry has been made several times about the supervisors of election and about Supervisor Davenport, of New York—we have nothing to do with paying them. That is out of our power as long as the law stands as it now does. In 1871, at the time these supervisors' places were created, the payment of the expenses of the supervisors and their fees was put into the form of a perpetual and continuing appropriation, and they are continued from year to year without any agency of ours, and will be so until we repeal the law. That is the reason why Johnny

Davenport does not appear here as to these other expenses, and it is a very good reason; he draws his money regularly out of the Treasury, as long as there is any in it, under the provisions of the act of 1871.

Mr. DAWES. Mr. President, I have been listening for some time here to the very free charges against the Attorney-General for paying fraudulent officials and using the money appropriated by the Government for a corruption fund, and grave charges against him for doing what the Senator from Indiana [Mr. McDONALD] says the law authorizes him to do. I should like to know whether if the Attorney-General has not done what the law authorizes him to do he would not be subject to impeachment for it? If the law authorizes him to do just what he has done in this particular, I fail to see upon what ground my distinguished friend from Kentucky will be able to find any way to reach him with the impeachment which he suggested or any other artillery which shall be in the power of that Senator and those operating with him when their numbers count more than those who are now engaged in upholding the law as it is.

I have listened to the debate all day thus far, and I have failed to hear a single scintilla of evidence disclosed here in it that the Attorney-General has departed the width of a hair from his duty as laid down in the statutes which the Congress of the United States have enacted; and until some evidence of his having done that shall be brought forward here, it strikes me as gratuitous, to say the least, to accuse him of using the funds of the Government in a corrupt manner, and in an attempt to carry elections, and to elect republican members of Congress.

I do not know of anything that the Attorney-General has done that the law not only does not sanction but requires him to do. I had supposed it was a part of the function of the Department of Justice to prosecute to a conclusion such arraignments of individual members of society as are charged with the violation of the laws of Congress. I may be mistaken about that. I expect to hear much teaching of a different kind very soon; but as at present advised my opinion—it is not worth much I know—is, that it is a part of his duty when grand juries that he does not create, assembled under existing laws, return indictments into court charging men with offenses against the law, to see to it that these indictments are prosecuted to a conclusion, not responsible himself for the result, of course only responsible for administering the law as he finds it upon the statute-book.

The law may be a very wicked law; I have no doubt it is a troublesome law; I have no doubt it interferes largely with plans and operations; but nevertheless it is a law that stands upon the statute-book, and is one of those laws that some people, having taken an oath to execute, feel some sort of obligation to see that it is executed. Not till there is some evidence besides the impression which seems to have been somehow made upon the mind of the Senator from Kentucky and those who come to the same conclusion with him that the Attorney-General has violated the law, it occurs to me that that presumption of the faithful discharge of duty, which is a principle of law, which any man, even the Attorney-General, has a right, in the absence of all evidence to the contrary, to have it presumed that he is doing his duty, should have arrested or rather given a different direction to this debate. This debate seems to have been turned into a channel of vituperation of an executive officer of this Government called to put in force the laws as he finds them. I do not recollect of any suggestion of the Attorney-General that he wants this power, or that he wants more of this power, or that he has any particular relish for the execution of these laws; but they are laws not made by him, not made by the administration of which he forms a part, but simply laws to be executed.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMAN. Mr. President, I do not know whether any of the remarks of the Senator from Massachusetts had reference to anything that I said. I did speak of the interpretation of the laws by the Attorney-General by which he held that it was in the power of a marshal to appoint any number of deputies under the general marshals act which was antecedent to the election law, and to charge them with the duty of interfering in elections, as an erroneous decision; but I did him the justice to say that if he had made such a decision, and of that I had no information except from newspapers, his predecessor had made a like decision.

While I have no disposition in the world to speak unkindly of the Attorney-General, who certainly in his intercourse with me has always been a gentleman, I do wish to say that there are some things connected with this prosecution of offenses in the South that do not meet my approbation. Who is the district attorney of the State of Louisiana? If I am correctly informed, he is a man named Leonard. If I am correctly informed, he is a man who openly in a Shreveport newspaper not a long time ago advocated the policy of killing every man who dared to set himself up as a republican candidate in the State of Louisiana. If I am correctly informed, he is a man who when examined before a committee of Congress admitted that he advocated that policy and defended it as a necessary means of protecting the people of Louisiana against scalawags, carpet-baggers, and thieves. Yet, Mr. President, that man who proposed the extreme policy of killing every man who dared to set himself up as a republican candidate in the State of Louisiana is now the district attorney of that State to prosecute these people who he says have violated the elec-

tion laws. Who is the marshal of that State who arrests these men designated by the district attorney and drags them seven hundred miles by the ordinary course of travel to New Orleans to be tried? Who is that man? He is the man who led forty or fifty or sixty armed men across the river at Shreveport, according to his own testimony, to do what? As he said, to preserve the peace between the colored people there and a set of marauders from the State of Arkansas, but who preserved the peace by killing between fifty and sixty negro men. Ah, he was a most effectual preserver of the peace, and yet this Administration, and I must say this Attorney-General, because I understand that according to the usages of the executive department the President always has a report from the Attorney-General upon the appointment of district attorneys and marshals—this man has the imprimatur of the President of the United States, and yet we are asked to appropriate a quarter of a million dollars to put down violence in the South, to put down interference with the free exercise of the ballot at the South by the freed people of the South; and in order to do that, in order to secure the rights of the freedmen of the South and to put down violence in the South we appoint a district attorney who openly advocated the murder of every man who dared to set himself up as a republican candidate in the State of Louisiana. And who is placed in the position of marshal of that State? A man who led a band that slaughtered fifty or sixty colored people, according to the report of the republican members of this Congress!

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. BECK. Let us have the yeas and nays. That is the only way to decide it.

The yeas and nays were ordered.

Mr. BECK. Now let the Secretary read the amendment, so that we can all understand it.

The amendment was read.

The Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On political questions I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. SARGENT, (after having voted "nay.") I desire to withdraw my vote. I voted by inadvertency. I am paired on this and on all political questions with the Senator from Virginia, [Mr. JOHNSTON.]

The roll-call having been concluded, the result was announced—yeas 34, nays 35, as follows:

YEAS—34.

Bailey,	Eaton,	Lamar,	Saulsbury,
Barnum,	Garland,	McCreery,	Shields,
Bayard,	Gordon,	McDonald,	Thurman,
Beck,	Grover,	McPherson,	Voorhees,
Butler,	Harris,	Maxcy,	Wallace,
Coke,	Hereford,	Merrimon,	Whyte,
Davis of Illinois,	Hill,	Morgan,	Withers,
Davis of W. Va.,	Jones of Florida,	Randolph,	
Dennis,	Kernan,	Ransom,	

NAYS—35.

Allison,	Conkling,	Ingalls,	Patterson,
Anthony,	Conover,	Jones of Nevada,	Plumb,
Blaine,	Dawes,	Kirkwood,	Rollins,
Booth,	Dorsey,	McMillan,	Saunders,
Bruce,	Edmunds,	Matthews,	Spencer,
Burnside,	Ferry,	Mitchell,	Teller,
Cameron of Pa.,	Hamlin,	Morrill,	Wadleigh,
Cameron of Wis.,	Hoar,	Oglesby,	Windom,
Chandler,	Howe,	Paddock,	

ABSENT—7.

Chaffee,	Eustis,	Kellogg,	Sharon,
Cockrell,	Johnston,	Sargent,	

So the amendment was rejected.

Mr. SARGENT. Mr. President, though it is not entirely pertinent to the question under consideration, except to a certain extent, I desire to refer to a short extract from the New York Tribune, and to make a statement in regard to it. I announced a moment or two ago that I was paired with the Senator from Virginia [Mr. JOHNSTON] upon this and all political questions. Early in the session the Senator from Virginia and myself were both too sick to remain in our seats, and we then paired for the session, or until we got well, on all political questions. In the Tribune I see it stated as the reason why I did not vote on the Corbin case that it was probably the same reason that actuated my course upon the tobacco tax; that is to say, that I sold out in order to get votes on the Chinese bill. That is the statement made in this paper; and now see how plain a tale puts it down! This is the third repetition of that statement.

I voted against the reduction of the tobacco tax, and when the revenue bill finally passed with that provision in it I voted against the bill. I should like to know how I sold out on that proposition. The Senator from South Carolina [Mr. BUTLER] voted against the Chinese bill. I was paired on all political questions with the Senator from Virginia, [Mr. JOHNSTON], and consequently could not vote upon the question of taking up the Corbin case, which was strictly a political question.

I do not know that it is worth while to make this statement.

Mr. WITHERS. In the same connection I will state that perhaps I was as active in the reduction of the tobacco tax as any man on the floor, and I voted against the Chinese bill.

Mr. SARGENT. Exactly. And that is true of very many prominent Senators from the South. I simply say that the statement is without foundation. And after the statement has been made by this paper that such a bargain had been made, and my name was used in it subsequently when I voted and spoke against the reduction of the tobacco tax, and antagonized the bill in every form, it looks to me as though it were a willful perversion of the truth.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations.

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "nay."

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada [Mr. SHABON] on all political questions. I should vote "nay" and he would vote "yea" if he were present.

The roll-call having been concluded, the result was announced—yeas 36, nays 34; as follows:

YEAS—36.

Allison,	Conkling,	Ingalls,	Paddock,
Anthony,	Conover,	Jones of Nevada,	Patterson,
Blaine,	Dawes,	Kellogg,	Plumb,
Booth,	Dorsey,	Kirkwood,	Rollins,
Bruce,	Edmunds,	McMillan,	Saunders,
Burnside,	Ferry,	Matthews,	Spencer,
Cameron of Pa.,	Hamlin,	Mitchell,	Teller,
Cameron of Wis.,	Hoar,	Morrill,	Wadleigh,
Chandler,	Howe,	Oglesby,	Windom,

NAYS—34.

Bailey,	Dennis,	Kernan,	Ransom,
Barnum,	Eaton,	Lamar,	Saulsbury,
Bayard,	Garland,	McCreery,	Thurman,
Beck,	Gordon,	McDonald,	Voorhees,
Butler,	Grover,	McPherson,	Wallace,
Cockrell,	Harris,	Maxey,	Whyte,
Coke,	Hereford,	Merrimon,	Withers,
Davis of Illinois,	Hill,	Morgan,	
Davis of W. Va.,	Jones of Florida,	Mordolph,	

ABSENT—6.

Chaffee,	Johnston,	Sharon,
Eustis,	Sargent,	Shields,

So the amendment was agreed to.

Mr. ALLISON. I offer the following amendment, to come in after the words "seventy-nine," on page 24, line 573 of section 1:

And all said appropriations shall be expended in accordance with the estimates of the commissioners of said District approved by the Secretary of the Treasury.

It relates to the appropriations for the District of Columbia.

The amendment was agreed to.

Mr. ALLISON. I have two or three small amendments relating to employees of the Senate, which I ask may be inserted after line 730 of section 1.

The VICE-PRESIDENT. The amendments will be reported.

The SECRETARY. It is proposed to insert after line 730 the following items:

To enable the Secretary of the Senate to pay Henry Cook, a skilled laborer, acting as a messenger of the Senate, from July 1, 1878, to June 30, 1879, the difference between the salary of the former and that of the latter, \$440.

To enable the Secretary of the Senate to pay to the messenger of the Committee on Private Land Claims the difference between his pay as a mail-carrier and that of a messenger of the Senate of the United States, from July 1, 1878, to June 30, 1879, \$240.

To enable the Secretary of the Senate to pay R. A. Birchett for services as a special messenger of the Senate during the fiscal year ending June 30, 1879, the sum of \$915, the same being the salary of a messenger less the amount already received by him on account of said service.

To enable the Secretary of the Senate to pay George A. Clarke for his services as a messenger in the office of the Official Reporter of the Senate during the fiscal year ending June 30, 1879, the sum of \$1,123.30, the same being the salary of a mail-carrier of the Senate, less the amount already received by him on account of said service.

The VICE-PRESIDENT. Is there objection to these several amendments proposed by the Committee on Appropriations? The Chair hears none, and they are agreed to.

Mr. SAUNDERS. I move to insert the names of Benjamin J. Thorn and George W. Smith, as they were acting in a similar capacity.

The VICE-PRESIDENT. Will the Senator send up his amendment?

Mr. SARGENT. With the leave of the Senator from Nebraska, I will send up the amendment in due form.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed to insert after the amendment just agreed to the following:

To enable the Secretary of the Senate to pay to Benjamin J. Thorn and George W. Smith the difference between their pay as mail-carriers and that of a messenger of the Senate of the United States, from July 1, 1878, to June 30, 1879, \$240 each, \$480.

The amendment was agreed to.

Mr. ALLISON. In line 434, section 1, in the items for the office of the surveyor-general of California, after the word "seventy-nine," I move to insert:

And to be available until the work is completed.

The amendment was agreed to.

Mr. ALLISON. I have one other amendment. I ask to change the amount in line 777 of \$224,799.05, and to insert in lieu thereof

\$298,288.55. That is the amount, as I understand it, that should be inserted.

Mr. BECK. I should like to hear the amendment.

Mr. ALLISON. The amendment simply changes the footing of the appropriation.

Mr. ROLLINS. I desire to move to amend the figures and add to the amount the sum of \$15,452.65.

Mr. KERNAN. Is not that included in the amount the chairman just specified?

Mr. ROLLINS. This is an additional sum that has already been audited and passed upon. I have a note here from the Postmaster-General stating that this amount has not been included.

Mr. KERNAN. Does he recommend it?

Mr. ROLLINS. He recommends it.

Mr. BECK. Was it sent to the Committee on Appropriations, allow me to ask?

Mr. ROLLINS. It was shown to the chairman of the committee.

Mr. ALLISON. These items are all for audited accounts in the Post-Office Department. The amount estimated by the Postmaster-General was three hundred and some thousand dollars, but the committee only put in what we could ascertain at the time had been audited and allowed by the accounting officers of the Treasury. Now the Senator from Pennsylvania shows me an additional allowance, and it seems the Senator from New Hampshire has another allowance that has been audited. I accept them and will include them all in the footing.

The amendment was agreed to.

Mr. KIRKWOOD. I offer the following amendment, to come in as an additional section to the bill:

SEC. —. That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1860, who made direct official application or sworn returns of receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, such readjustments to be made in accordance with the mode presented in section 8 of the act of June 12, 1860, and to date from the beginning of the quarter succeeding that in which such application or sworn returns of receipts and business was made; and any sums which may be ascertained to be due shall be reported to the next Congress by the Postmaster-General.

Mr. BECK. I make the point of order that that is new legislation. It would be in order on the sundry civil appropriation bill, if presented, if in order at all.

The VICE-PRESIDENT. The Chair thinks the point of order is well taken.

Mr. BECK. The sundry civil bill is now being considered, and it can be looked at there.

Mr. KIRKWOOD. Would it be in order on that bill?

Mr. BECK. I think so.

Mr. GARLAND. I suggest to the Senator from Iowa to have his amendment referred to the Committee on Appropriations as an amendment to the sundry civil bill, introducing it as an amendment to that bill.

Mr. KIRKWOOD. Will it be any more in order then than it is now?

Mr. KERNAN. If reported, it will.

Mr. CONKLING. It has been reported once by a committee.

Mr. KIRKWOOD. This proposition comes from the Post-Office Committee. It is recommended by them, and has been sent to the Committee on Appropriations as an amendment to the bill under consideration, but they have not reported it.

The VICE-PRESIDENT. The report of all the committees of the Senate would not cure the objection that it is legislation. The Chair will submit the question to the Senate, if the Senator desires.

Mr. KIRKWOOD. I desire the Chair to submit the question of order to the Senate.

Mr. BECK. Having heard from divers members of the Post-Office Committee that they regard the amendment as being right, although I regard it as new legislation, I withdraw the point of order.

Mr. EDMUNDS. I will renew it, Mr. President.

Mr. KIRKWOOD. Will the Senator allow me to make a brief statement? Various postmasters were appointed in different parts of the country upon an arbitrary salary fixed by the Postmaster-General, varying from three to six and eight dollars per quarter. Their post-offices grew rapidly as railroads were extended, and in many instances the postmasters put in their post-offices, at their own expense, boxes, the income of which would be one, two, and three hundred dollars a year to the Post-Office Department. Yet, although these boxes were placed in those offices at their own expense, their salary arbitrarily fixed by the Post-Office Department at from three to six dollars a quarter was continued to them, and the Post-Office Department, because it had not money to pay, because the appropriations had not been made sufficiently large, declined to readjust their salaries under the law. This amendment appropriates no money whatever to authorize a portion of those postmasters, and only a portion of them, not to be paid, but to have their accounts readjusted, and the readjustment to be reported to Congress at its next session.

Mr. FERRY. If I understand my colleague on the committee, it applies only to those who made application at the time for an increase of their pay.

Mr. EDMUNDS. Let us devote ourselves to settling the question of order first.

Mr. KIRKWOOD. Then I ask to have the question of order submitted to the Senate. The thing is so eminently just and fair that I think it ought to go in.

The VICE-PRESIDENT. Shall the matter just reported by the Secretary be regarded as a pending amendment under the twenty-ninth rule of the Senate?

Mr. EDMUNDS. I should be glad to have the Chair state the question as provided in Rule 29, whether this amendment is in order under that rule. I should like to have the Senate vote upon that question definitively as to that branch of the rule which excludes legislation.

The VICE-PRESIDENT. The Chair will put the question in that way, whether the amendment shall be admitted under the twenty-ninth rule.

Mr. EDMUNDS. I should like to have the Chair put in whether it is in order.

The VICE-PRESIDENT. Is the matter just read by the Secretary in order as an amendment under the twenty-ninth rule of the Senate?

Mr. BAILEY. I ask that the twenty-ninth rule be read. I do not profess to be an adept in parliamentary law or to understand the rules of the Senate as some other Senators may; but I cannot comprehend why this amendment is not in order. It is offered by a committee of the Senate, and was referred to the Committee on Appropriations as an amendment to the bill now under consideration by the Senate; the amendment has not been acted on by the Committee on Appropriations, and it is now offered by the Senator from Iowa, as a representative of the Post-Office Committee. I do not understand why it is not in order, and for that reason I ask that the twenty-ninth rule of the Senate be read.

The VICE-PRESIDENT. The twenty-ninth rule of the Senate will be read.

The Secretary read as follows:

29. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. BAILEY. I ask, and I ask respectfully, why this amendment is not in order under that rule?

The VICE-PRESIDENT. Because, in the opinion of the Chair, it embraces new and general legislation.

Mr. BAILEY. I submit, if the Chair and the Senate will indulge me for one moment, that this amendment is not legislation at all. It makes no appropriation of money. It is not new legislation, for it simply directs that under existing law, under the laws that have been enacted by the Congress of the United States, the Postmaster-General shall execute a duty which he was required by law, and by the law now upon the statute-book, to perform. It requires of him no new duty, but the performance of a duty that already is binding upon him, and which should be executed.

If the Chair will only look at the amendment he will find that the Postmaster-General is required simply to readjust the salaries of those postmasters as is required to be done by the act of 1866. Therefore I submit it is not new legislation at all. It is simply an injunction upon an officer of the Government to perform a duty which the Congress of the United States has required that he shall perform.

The VICE-PRESIDENT. The Chair has already submitted the question to the Senate.

Mr. CONKLING. Mr. President, but one consideration embarrasses me about this amendment, and to that I have heard no allusion. A few days ago this same amendment, if I mistake not, was offered to another bill. It was withdrawn by a very general request, with something like an assurance—I should like to know how much of an assurance it was; I remember it came from several Senators, some of whom were members of the Committee on Appropriations, that if the Senator who then moved the amendment would offer it on the deficiency bill there would be no objection to it. How far anybody, who was present particularly, is constrained by that, I am a little at a loss to know. But Senators around me I think will remember that the Senator from Tennessee [Mr. BAILEY] was induced to withdraw this amendment to save time on that bill and hasten a conclusion upon some sort of understanding, or promise, that on the deficiency bill it would be in order, and that no objection to it would be made. I should like to know if anything is obligatory upon me in that regard; otherwise I feel very clear about my vote.

Mr. KIRKWOOD. The Senator from New York states precisely the fact. At the time we were considering the Post-Office appropriation bill we spent a large portion of the night upon it—the Senate was tired and weary and anxious to get away. The Senator from Tennessee, [Mr. BAILEY], who had special charge of this measure in connection with myself, offered it as an amendment to that bill, and he was applied to from all parts of the Chamber to withdraw it, with the statement that it could be offered and would be unobjectioned to upon this bill. I cannot say that there was a general understanding of the Senate that that should be so, but the statement was made by many Senators in their places, and no objection was made to the proposition.

Mr. EDMUNDS. I should not have said a word about this question but for what the Senator from New York and the Senator from Iowa have said, and would leave the Senate to decide this point of order without anything from me. I believe I was not present when the Post-Office appropriation bill was passed. I certainly was never present when there was any assurance or understanding given to my knowledge of the character to which the Senator from New York has referred. I read, I think two or three days ago, the CONGRESSIONAL RECORD of what took place on an evening when I was not here, on the Post-Office appropriation bill, and saw that this amendment had been offered and withdrawn, some Senators saying that it would be just as much in place on the deficiency bill if anywhere, and it could be tried there, and it was withdrawn; but I fail to see anything in the RECORD which implied in the remotest degree that any question of order or of propriety was to be waived in respect of the amendment.

Mr. BAILEY. I must express my obligation to the Senator from New York for recalling the attention of the Senate to what occurred the other night. There was no assurance given, no general consent, that this amendment should be offered as an amendment to the deficiency bill, but certainly it was suggested by a number of Senators at a late hour of the night that it would be proper to offer it as an amendment to this bill. Although no agreement was made to that effect, certainly it was understood that it would be proper to offer it as an amendment to the bill now under consideration.

The VICE-PRESIDENT. Is the proposed amendment in order under the twenty-ninth rule of the Senate?

The question being put, there were on a division—ayes 33, noes 12. Mr. EDMUNDS. I guess we had better have the yeas and nays on that, Mr. President. ["Oh, no!"] Senators say "Oh, no!" It is so very clearly in order that I think I shall not ask for the yeas and nays.

The VICE-PRESIDENT. The amendment is admitted, and will be again reported.

The Secretary read the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Is a separate vote demanded on any amendment agreed to in Committee of the Whole.

Mr. BECK. Yes, sir.

The VICE-PRESIDENT. Will the Senator indicate it?

Mr. CONKLING. While the Senator is looking for the amendment he wishes voted on, I beg to make an inquiry of the Chair, if he will permit me. I am told that while some of us were detained in committees this morning an order was made in the Senate about a recess and a session afterward; may I inquire what that order was?

The VICE-PRESIDENT. It was agreed that when the Senate took a recess it should be until half-past seven this evening.

Mr. CONKLING. And then that any particular business should be in order this evening?

The VICE-PRESIDENT. The call of the Calendar for private bills.

Mr. CONKLING. Unobjectioned private bills?

The VICE-PRESIDENT. Unobjectioned private bills.

Mr. VOORHEES. The motion I made this morning was that when we adjourn this afternoon we shall adjourn to meet at half past seven to consider the Calendar and take up unobjectioned bills on the Calendar.

The VICE-PRESIDENT. The Senator is right as to the last proposition. The motion was to take a recess.

Mr. VOORHEES. I stand corrected by the superior knowledge of the Chair.

Mr. FERRY. Is any other business to be transacted besides that?

The VICE-PRESIDENT. That was the only motion.

Mr. VOORHEES. That was the only motion. The motion was that when we adjourn this evening we would take a recess to half past seven and then take up the Calendar and consider unobjectioned bills on the Calendar.

Mr. MORRILL. And no others.

Mr. FERRY. I want to know of the Senator from Indiana if any other business is to be transacted?

Mr. VOORHEES. No, sir.

Mr. ALLISON. I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. CONKLING. This is the regular order.

Mr. KERNAN. I merely want to express a desire that as the session to-night is to consider unobjectioned bills Senators will come here, so that those who do come will not be without a quorum.

The VICE-PRESIDENT. Will the Senator from Kentucky indicate the amendments he desires to reserve?

Mr. BECK. I desire the Senate to vote on three amendments separately. The first is on page 8, line 186 to line 191, inclusive.

The VICE-PRESIDENT. The amendment will be reported.

Mr. MITCHELL. Mr. President—

The VICE-PRESIDENT. The regular order has been demanded, and the Chair cannot recognize the Senator.

Mr. MITCHELL. I rise to the regular order.

The VICE-PRESIDENT. The regular order is whether the Senate will concur with the action of the Committee of the Whole.

Mr. MITCHELL. I endeavored to get the attention of the Chair

before the bill was reported to the Senate. I desire to offer an amendment.

The VICE-PRESIDENT. Amendments will be received after the amendments made as in Committee of the Whole shall be disposed of in the Senate. The first business in order is to concur or non-concur with the amendments made as in Committee of the Whole. After that the Chair will recognize the Senator from Oregon. The amendment reserved by the Senator from Kentucky will be reported.

The SECRETARY. After line 185, the Senate, as in Committee of the Whole, inserted the following clause:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, \$24,130.20, being a deficiency for 1878 and prior years.

Mr. BECK. I will state in one word my objection to the amendment. The House appropriated in lines 182 to 185 \$25,000 for the same purpose, and the Senate increased the appropriation from \$25,000 to \$50,000, which I think covered everything, but then added an additional \$25,000 in the clause I have reserved, after giving \$25,000 more than the House allowed in the preceding item.

Mr. ALLISON. I think the Senator from Kentucky is laboring under a misapprehension. Those two items are for totally different purposes. The one is for collectors of internal revenues and their deputies, and the other relates to special agents and their employes, who are engaged in detecting frauds.

Mr. BECK. Now, one word. We struck out of the House provision the words which the House inserted, "for additional amount to be used in suppressing illicit distilling," and retained the words "salaries and expenses of collectors of internal revenue," believing the word "expenses" was a less offensive word than to use "detections;" but we doubled the amount and put in \$50,000 instead of \$25,000, believing the expenses of collectors covered it all. Some of us very much opposed putting any special clause in simply for detecting, and if I had time, and it was proper to do so, I think I could show very clearly that it is a very proper thing for us to put it under the head of collectors of internal revenue instead of providing for a very bad class of men who are used for a very bad purpose. I have nothing further to say.

The VICE-PRESIDENT. The Senate as in Committee of the Whole by its action adopted the amendment just reported. The question is, Will the Senate concur in that action?

The question being put, there were on a division—ayes 27, noes 27.

The VICE-PRESIDENT. Upon this question, the vote of the Senate being equally divided, the Chair votes in the affirmative and the amendment is concurred in.

Mr. BECK. The next amendment on which I desire a separate vote is the amendment I proposed, to strike out on line 460, page 20, all after the word "prisoners" and insert "for the fiscal year ending June 30, 1879, \$50,000," striking out all the words in that clause after the word "prisoners" to the end of line 470.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. It is proposed after the word "prisoners," in line 460, to strike out:

And for defraying the expenses which have been and may be incurred in the enforcement of the act approved February 25, 1871, entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,' or any acts amendatory thereof or supplementary thereto, being a deficiency for the fiscal year ending June 30, 1879, \$250,000.

And insert:

Being a deficiency for the fiscal year ending June 30, 1879, \$50,000.

So as to read:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, being a deficiency for the fiscal year ending June 30, 1879, \$50,000.

The VICE-PRESIDENT. By the action of the Committee of the Whole this amendment was adopted.

Mr. ALLISON. No, Mr. President, this amendment was rejected in Committee of the Whole, and the amendment of the Committee on Appropriations was concurred in.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky, [Mr. BECK.]

The question being put, there were on a division—ayes 30, noes 23.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.]

Mr. MCCREERY, (when his name was called.) I am paired on all questions until twelve o'clock to-morrow with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. SARGENT, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.]

Mr. SPENCER, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.]

The roll-call having been concluded, the result was announced—yeas 31, nays 33; as follows:

YEAS—31.

Bailey,	Dennis,	Jones of Florida,	Ransom,
Barnum,	Eaton,	Kernan,	Saulsbury,
Bayard,	Garland,	Lamar,	Thurman,
Beck,	Gordon,	McDonald,	Voorhees,
Butler,	Grover,	McPherson,	Wallace,
Cockrell,	Harris,	Maxey,	Whyte,
Coke,	Hereford,	Merrimon,	Withers,
Davis of W. Va.,	Hill,	Morgan,	

NAYS—33.

Allison,	Conkling,	Kellogg,	Plumb,
Anthony,	Conover,	Kirkwood,	Rollins,
Blaine,	Dawes,	McMillan,	Saunders,
Booth,	Dorsey,	Matthews,	Teller,
Bruce,	Ferry,	Mitchell,	Wadleigh,
Burnside,	Hamlin,	Morrill,	Windom,
Cameron of Pa.,	Hoar,	Oglesby,	
Cameron of Wis.,	Ingalls,	Paddock,	
Chandler,	Jones of Nevada,	Patterson,	

ABSENT—12.

Chaffee,	Eustis,	McCreery,	Sharon,
Davis of Illinois,	Howe,	Randolph,	Shields,
Edmunds,	Johnston,	Sargent,	Spencer,

So the amendment of Mr. BECK was rejected.

Mr. BECK. The only other amendment on which I ask a separate vote is on page 37, line 45 to line 50 of section 2.

The VICE-PRESIDENT. The Secretary will report the amendment.

The Secretary read as follows:

For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, including payments for information and detection of such violations, \$24,130.20, being a deficiency for 1878 and prior years.

Mr. BECK. The objection I have to that is, that it is seeking to bring up old arrears of payments made to men under all sorts of fraudulent contracts. The Sanborn contracts are well known to the Senate, and well known to the other House, under which over \$160,000 was taken. And what will we get out of this \$24,000? Look at House Executive Document No. 30, third session Forty-fifth Congress, and you will see on page 4 John D. Sanborn gets \$1,000 for 1876; lower down, in 1877, John D. Sanborn again, \$439.07; John D. Sanborn again, in 1877, \$74.08; in 1877, John D. Sanborn again, \$126.77; again, in 1877, John D. Sanborn in partnership with Frank M. Green and James A. Briggs, \$1,022.95; again, in 1878, John D. Sanborn, \$25.24; John D. Sanborn, \$1,656.62; John D. Sanborn again, \$517.78, in 1878; again, John D. Sanborn, \$280.58. Over \$5,000 of this sum, nearly one-fourth of the whole, is given to a man proved before both branches of Congress to have taken from the Treasury of this country over \$100,000 illegally.

Mr. ALLISON. I might add that he is a democratic member of the Massachusetts State Legislature.

Mr. BECK. If he is a democratic member of the Massachusetts Legislature, we have got one member in that Legislature who ought not to be there. But all this matter relative to arrangements that expired in former years, and of which John D. Sanborn was chief, well known to all of us, ought not to be in this bill, and here are claims that Congress ought not to provide for. I move to strike it out.

The VICE-PRESIDENT. By the action of the Committee of the Whole this amendment was inserted. Will the Senate concur in the action of the Committee of the Whole?

The question being put, there were on a division—ayes 27, noes 31.

Mr. FERRY. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.]

Mr. SPENCER, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. RANDOLPH.]

Mr. SARGENT, (when his name was called.) Not deeming this a political question, I vote "yea."

The roll-call having been concluded, the result was announced—yeas 26, nays 35; as follows:

YEAS—26.

Allison,	Cameron of Wis.,	Kellogg,	Plumb,
Anthony,	Chandler,	Kirkwood,	Rollins,
Blaine,	Conover,	Matthews,	Sargent,
Booth,	Dawes,	Mitchell,	Saunders,
Bruce,	Ferry,	Morrill,	Teller,
Burnside,	Hamlin,	Oglesby,	
Cameron of Pa.,	Ingalls,	Patterson,	

NAYS—35.

Bailey,	Dennis,	Hoar,	Ransom,
Barnum,	Eaton,	Jones of Florida,	Saulsbury,
Bayard,	Eustis,	Kernan,	Thurman,
Beck,	Garland,	Lamar,	Voorhees,
Butler,	Gordon,	McDonald,	Wadleigh,
Cockrell,	Grover,	McPherson,	Wallace,
Coke,	Harris,	Maxey,	Whyte,
Davis of Illinois,	Hereford,	Merrimon,	Withers,
Davis of W. Va.,	Hill,	Morgan,	

ABSENT—15.

Chaffee,	Howe,	McMillan,	Shields,
Conkling,	Johnson,	Paddock,	Spencer,
Dorsey,	Jones of Nevada,	Randolph,	Windom,
Edmunds,	McCreery,	Sharon,	

So the amendment was non-concurred in.

The VICE-PRESIDENT. Will the Senate concur in the remaining amendments made as in Committee of the Whole?

The amendments were concurred in.

Mr. ANTHONY. I offer the following amendment, to come in on page 25, after line 599, section 1:

And hereafter the Public Printer is hereby authorized to print and bind, on requisition of the heads of Departments, books and documents in the same style as now authorized to be done for Congress; and the books required for the libraries of Departments may be bound in a style uniform with the volumes heretofore bound.

Mr. ALLISON. That is legislation, Mr. President.

The VICE-PRESIDENT. The point of order is well taken, in the opinion of the Chair. Shall it be submitted to the Senate?

Mr. ANTHONY. No, sir; I will not contest about it.

Mr. MITCHELL. I propose to submit an amendment, and after it is read, if the Senate thinks it is not in order, I shall submit—

The VICE-PRESIDENT. The Secretary will read the amendment of the Senator from Oregon.

The SECRETARY. On page 43, after line 189 of section 2, it is proposed to insert:

To reimburse William Beantor, of Oregon, the sum of \$992.57, moneys taken from him under the rules of the military prison at Fort Alcatraz, in 1877, by First Lieutenant William W. Fleming, Fourteenth Infantry, and then treasurer of said military prison, and which amount was subsequently embezzled by said Fleming.

Mr. MITCHELL. I desire to submit a remark in relation to this matter. The history of it is simply this—

Mr. KERNAN. Does that come from a committee?

Mr. MITCHELL. It does not; but it was referred to the Committee on Appropriations.

Mr. KERNAN. I raise the question of order; it is new legislation.

The VICE-PRESIDENT. The point of order is well taken.

Mr. MITCHELL. I submit that the amendment was referred to the Committee on Appropriations, and therefore is in order.

The VICE-PRESIDENT. It embraces new legislation. The Chair thinks Senators mistake the rule. He does not think that the mere reference of any of these amendments obviates the objection which may be made under the twenty-ninth rule of the Senate, that they embrace new legislation, which the rule prohibits.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLISON. I ask an order of the Senate that this bill may be printed with the amendments of the Senate to facilitate its consideration in the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ABRAM S. HEWITT, of New York, Mr. WILLIAM A. J. SPARKS, of Illinois, and Mr. CHARLES FOSTER, of Ohio, managers at the conference on its part.

The message also announced that the House had passed the following bills:

A bill (S. No. 19) for the relief of Captain James M. Beeber;

A bill (S. No. 333) for the relief of Thomas J. Choate, Erastus Foster, Milton Ladd, Clarence E. Haney, William A. Hill, Kneeland F. Huckaby, and William Blackburn, late privates in Company F, Third Regiment Arkansas Cavalry Volunteers;

A bill (S. No. 401) for the relief of Charles H. Mosely;

A bill (S. No. 713) for the relief of Martin Clark;

A bill (S. No. 793) for the relief of Edwin R. Clarke;

A bill (S. No. 837) for the relief of the officers and privates of the New Mexico Mounted Volunteers;

A bill (S. No. 1268) to authorize the Secretary of War to convey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac;

A bill (S. No. 1365) to place Lewis Leffman, ordnance-sergeant United States Army, on the retired list; and

A bill (S. No. 1475) for the relief of the sureties, &c., of Samuel M. Reynolds, late additional paymaster of United States volunteers.

The message also announced that the House had passed a bill (H. R. No. 4408) authorizing the Secretary of War to restore the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army; in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 4126) for the relief of Paulina Jones, widow of

Alexander Jones, deceased, Company E, Second North Carolina Infantry;

A bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York;

A bill (H. R. No. 3155) to authorize the Secretary of War to deliver to A. B. Rhett, T. Pinckney Lowndes, and others, four Napoleon guns with caissons and harness, now at Greensborough, North Carolina, for use of the Marion Artillery, Charleston, South Carolina;

A bill (H. R. No. 3171) to relieve Solomon Robinalt, late a private in Company G, Forty-ninth Regiment Ohio Volunteer Infantry, from the charge of desertion;

A bill (H. R. No. 3635) for the relief of John Becker;

A bill (H. R. No. 4872) granting a right of way across Water Shops Pond in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

A bill (H. R. No. 6508) for the relief of A. B. Rowden;

A bill (H. R. No. 6509) for the relief of Dr. John Blankenship;

A bill (H. R. No. 4408) authorizing the Secretary of War to restore the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army;

A bill (H. R. No. 5510) for the relief of the widow of Colonel Lyman M. Kellogg; and

A joint resolution (H. R. No. 15) authorizing the Secretary of War to issue to the governor of the State of Texas certain arms for the use of the Galveston Artillery.

COMMITTEE ON ORDNANCE.

Mr. BURNSIDE. I offer the following resolution and ask for its present consideration:

Resolved, That a committee of five Senators be appointed by the Chair to examine into and report upon the whole subject of ordnance as it relates to the Army, Navy, and militia; and that said committee shall have authority to examine departmental books and papers and to employ a clerk. The expenses of said committee shall be paid out of the contingent fund of the Senate. The Secretaries of War and Navy are each directed to detail an officer as secretaries of said committee.

Mr. SAULSBURY. Let it go over. I do not see any necessity for it.

The VICE-PRESIDENT. Objection being made, the resolution lies over.

WITHDRAWAL OF PAPERS.

On motion of Mr. BECK, it was

Ordered, That leave be given to withdraw from the files of the Senate the papers in the case of John Adams, &c., being House bill No. 4143, for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased; Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrators of the estate of Patrick Gorman, deceased, in accordance with the rules of the Senate.

RECOMMITTAL OF A BILL.

Mr. BURNSIDE. I move that the vote by which the bill (H. R. No. 635) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, was indefinitely postponed be reconsidered and that it be recommitted to the Committee on Military Affairs.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Postmaster-General, recommending an appropriation for the employment of two additional clerks in the free-delivery division of the Post-Office Department; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Education recommending an appropriation to defray certain expenses connected with his department; which was referred to the Committee on Appropriations.

ARMY APPROPRIATION BILL.

The Senate proceeded to consider its amendments disagreed to by the House of Representatives to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

On motion of Mr. BLAINE, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS.

AMENDMENTS TO BILLS.

Mr. HARRIS, Mr. MITCHELL, Mr. PADDOCK, Mr. PLUMB, Mr. ALLISON, and Mr. SPENCER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. BRUCE, from the Committee on Pensions, to whom was re-

ferred the bill (H. R. No. 2975) granting a pension to William Reynolds, late a private in Company G, Thirtieth Regiment Indiana Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3925) granting a pension to James H. Hayes, private in Company B, Thirty-ninth Regiment Illinois Volunteers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 4701) granting a pension to George W. Staplin, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES. I report from the Committee on Pensions the bill (S. No. 1051) for the relief of Hardie Hogan Helper without recommendation and ask that it be placed on the Calendar at the request of the Senator from Rhode Island [Mr. BURNside] and the Senator from North Carolina, [Mr. MERRIMON.]

The PRESIDING OFFICER. (Mr. McCREERY in the chair.) The bill will be placed on the Calendar.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 15) authorizing the Secretary of War to issue to the governor of the State of Texas certain arms for the use of the Galveston Artillery, reported it without amendment.

ORDER OF BUSINESS.

Mr. HAMLIN. I now move to postpone all prior orders and proceed to the consideration of the Geneva award bill. I hope the Senate will allow that bill to be taken up to be informally laid aside for the evening session.

Mr. GARLAND. I move that the Senate take a recess.

Mr. BLAINE. One moment. I hope the Senator from Arkansas will let us have a vote on this first. It will not interfere with the recess.

Mr. GARLAND. If it is simply for the purpose of getting the measure in, I have no objection.

Mr. BLAINE. That is all.

Mr. HAMLIN. It is to have it left as the unfinished business.

The VICE-PRESIDENT. Is there unanimous consent that the bill referred to by the Senator from Maine be taken up for consideration? ["No." "No."] Then the question is, will the Senate postpone all pending orders for the purpose of proceeding to the consideration of the bill (H. R. No. 4553) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award?

Mr. BLAINE. Not to interfere with appropriation bills.

Mr. HAMLIN. Not to interfere with the appropriation bills.

Mr. INGALLS. There is another appropriation bill on the table.

Mr. BLAINE. What appropriation bill?

Mr. MERRIMON. I move to take a recess until half past seven.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas, [Mr. GARLAND,] which is privileged.

Mr. ALLISON. I suggest eight o'clock in view of the lateness of the hour now.

Several SENATORS. Eight o'clock.

Other SENATORS. Say half past seven o'clock.

Mr. HAMLIN. If the Senate shall take a recess, will my motion be first in order on its reassembling?

The VICE-PRESIDENT. The Chair thinks it will fall with the day.

Mr. BLAINE. Not with a recess. It falls with the day, but not with the recess.

The VICE-PRESIDENT. The Senator is correct; the motion would not fall with a recess.

Mr. BLAINE. It will be the first thing in order after the recess.

Mr. GARLAND. There is a special order for the evening session.

Mr. VOORHEES. An order was made to-day about one o'clock, by unanimous consent, that when the Senate rose this evening it would be to take a recess till half past seven o'clock, thereupon to consider the unobjected cases upon the Calendar as a special order. Now I shall have to insist upon that.

Mr. GARLAND. I must urge the motion that we take a recess.

Mr. ALLISON. Say till eight o'clock.

Mr. VOORHEES. No, half past seven. Do not fix it any later.

Mr. HAMLIN. If the Senator from Indiana will listen to me, I only ask that the Senate shall take up this bill, and when the time for the special order comes it can be laid aside informally. I do not want to interfere with the special order, but I want to have it taken up so as to be before this body when the special order shall have been executed.

Mr. GARLAND. I insist on my motion for a recess.

The VICE-PRESIDENT. The motion is not debatable. Will the Senate agree to the proposition of the Senator from Arkansas that it now take a recess until half past seven o'clock?

Mr. BLAINE. I call for the yeas and nays.

Mr. ANTHONY. Is it in order to move to amend the proposition for a recess? If so, I move that the recess be till eight o'clock.

Mr. ALLISON. We cannot get back at half past seven.

Mr. BLAINE. Let us agree to eight o'clock.

Mr. VOORHEES. If the Senator from Maine is willing to meet us at eight o'clock and speaks for his side of the Chamber, of course

I shall concede it, though otherwise I would not break the force of the agreement to meet at half past seven. If the Senator from Maine asks that as a concession, with that understanding I shall be glad to do it.

Mr. BLAINE. All right; I will do it.

Mr. CONKLING. I wish to ask a question of the Chair. Is it not the order of the Senate that the recess be till half past seven?

The VICE-PRESIDENT. It is.

Mr. CONKLING. Then that cannot be changed except by unanimous consent.

Mr. ALLISON. I ask unanimous consent that the recess ordered for seven and a half o'clock may be till eight o'clock.

The VICE-PRESIDENT. Is there objection? The Chair hears—

Mr. WHYTE. I object.

Mr. BLAINE. Why is it not within the competency of the Senate to change that hour? On what rule does it require unanimous consent to do so?

Mr. SARGENT. Because it was established by unanimous consent.

Mr. BLAINE. Was it ordered by agreement or on motion? If it was an agreement, the suggestion is all right; but I was told by the Senator from Rhode Island that it was a motion.

The VICE-PRESIDENT. It was a unanimous understanding of the Senate this morning.

Mr. DAVIS, of Illinois. It was an agreement to consider the Calendar to-night.

The VICE-PRESIDENT. The Chair only suggests; of course Senators can override an understanding if they choose.

Mr. BLAINE. The Chair does not understand me as doing it.

Mr. HOAR. I rise to a question of order. The Chair asked unanimous consent of the Senate, and was just about stating the result of his appeal. The Chair had not finished the sentence in which he was making that statement when Senators rose to debate. I insist that the Chair shall finish his statement of the result of the appeal.

The VICE-PRESIDENT. The Chair asked if there was unanimous consent that the recess should be taken until eight o'clock, and was about stating that he heard no objection when objection was interposed.

Mr. WHYTE. I objected.

Mr. VOORHEES. There was objection all about me.

Mr. BLAINE. I want to make a statement any way. I made the suggestion I did because the Senator from Rhode Island told me the recess was ordered by a motion made and carried in the Senate. If that were so, of course it is amendable; if it is an understanding it is not. I merely want to put myself right.

Mr. VOORHEES. The Senator from Rhode Island is mistaken.

Mr. BLAINE. It is all right, then. I do not take any further interest in it.

Mr. VOORHEES. I insist on the regular order that we take a recess until half past seven.

The VICE-PRESIDENT. (at six o'clock p. m.) Will the Senate now take a recess? That is the motion.

The motion was agreed to.

The VICE-PRESIDENT. Under the former understanding of the Senate it now takes a recess until half past seven this evening.

EVENING SESSION.

The Senate reassembled at half past seven o'clock p. m.

The PRESIDING OFFICER. (Mr. HOAR in the chair.) According to the understanding this morning, the business in order is the consideration of the Calendar of unobjected cases.

Mr. COCKRELL. Mr. President, is there a quorum present?

The PRESIDING OFFICER. The Senator from Missouri raises the question whether there is a quorum present. The Secretary will call the roll to ascertain it.

Mr. VOORHEES. I ask the Senator from Missouri whether he desires a call of the House.

Mr. COCKRELL. I most certainly do not. But the Constitution has provided that no business shall be transacted without a quorum, and we cannot get a quorum here without a call of the roll, and I am in favor of forcing it in that way.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll.

The PRESIDING OFFICER. But thirty-two Senators have answered to their names; a quorum is not present.

Mr. VOORHEES, (at seven o'clock and forty minutes p. m.) I submit that the absence of a quorum must arise in the course of business, and as that fact has not been developed in the attempt to dispose of the business on the Calendar, I insist that we shall proceed.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Indiana to the second rule of the Senate, which is very peremptory on the point raised:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Mr. HARRIS, (at seven o'clock and forty-five minutes p. m.) I move that the Senate do now adjourn. I shall vote against the motion, but I want to test the question whether there is a quorum present; and on that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate do now adjourn, and demands the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAINE. I desire to state that the Senator from Minnesota, [Mr. WINDOM,] the Senator from Arkansas, [Mr. DORSEY,] and the Senator from West Virginia [Mr. DAVIS] are employed by leave of the Senate in the Appropriation Committee room where a subcommittee is in session, so they are practically in the Senate.

Mr. MORRILL. I desire to say that my colleague [Mr. EDMUNDS] is paired with the Senator from Kentucky, [Mr. MCCREERY.]

The roll-call having been concluded, the result was announced—yeas 2, nays 37; as follows:

YEAS—2	
Yeas	Whyte.
Allison.	Davis of Illinois.
Anthony.	Dennis.
Bailev.	Eaton.
Bayard.	Garland.
Beck.	Grover.
Blaine.	Harris.
Barnside.	Howe.
Cameron of Pa.	Ingalls.
Cameron of Wis.	Jones of Florida.
Cockrell.	Kernan.
NAYS—37.	
Kirkwood.	Rollins.
McMillan.	Saunders.
McPherson.	Teller.
Matthews.	Thurman.
Maxey.	Voorhees.
Merrimon.	Wadleigh.
Mitchell.	Withers.
Morgan.	
Morrill.	
Plumb.	
ABSENT—37.	
Barnum.	Dawes.
Booth.	Dorsey.
Bruce.	Edmunds.
Butler.	Eustis.
Chaffee.	Ferry.
Chandler.	Gordon.
Cake.	Hamlin.
Conkling.	Hereford.
Conover.	Hill.
Davis of W. Va.	Johnston.
Jones of Nevada.	Sargent.
Kellogg.	Saulsbury.
Lamar.	Sharon.
McCreery.	Shields.
McDonald.	Spencer.
Oglesby.	Wallace.
Paddock.	Windom.
Patterson.	
Randolph.	
Ransom.	

The PRESIDING OFFICER. The Senate refuses to adjourn, but a quorum is present.

Mr. THURMAN. I ask unanimous consent to make a single suggestion; that is, that inasmuch as we have found ourselves without a quorum again and again because Senators are paired, I trust Senators who shall pair hereafter will reserve the right to vote if it be necessary to make a quorum.

The PRESIDING OFFICER. The Secretary will proceed to call the Calendar.

MATHIES AND M'KAY'S PATENT.

The bill (S. No. 1629) to allow the Commissioner of Patents to extend the patent No. 6535 of reissues was announced as the first bill in order on the Calendar.

The bill was read.

Mr. EATON. There is a report accompanying that bill which I had the honor to make and I wish it might be read. It covers the entire ground and gives all the information in regard to the subject which may be called for, and its reading will save any remarks of mine.

Mr. DAVIS, of Illinois. Are there not two reports on that subject?

The PRESIDING OFFICER. A majority and minority report.

Mr. DAVIS, of Illinois. This case will give rise to debate.

Mr. VOORHEES. I ask the Senator from Connecticut what is the object in calling for the reading of the report?

Mr. EATON. To save an explanation.

Mr. VOORHEES. Inasmuch as no explanation has been called for, I cannot understand the necessity of reading the report.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole unless objection be made.

Mr. KIRKWOOD. I understand the Committee on Patents are not unanimous in reporting this bill, and that there are favorable and unfavorable reports from the committee on the subject. I think it had better go over.

Mr. EATON. I hope my friend from Iowa will not press the objection.

Mr. KIRKWOOD. I do not think we ought to pass a bill of that kind without such a discussion of it as would enable Senators to understand it. As the committee have divided on it, a portion of the committee having made an adverse report, I think it is rather too much to ask that it be passed in silence without investigation.

Mr. GARLAND. Do I understand from the Senator from Iowa that there is an adverse report or a minority report?

Mr. KIRKWOOD. I understand there is an adverse report as well as a report in favor of the bill. The committee have divided.

Mr. GARLAND. I have examined the question. I have seen the majority report, but have seen no minority report.

Mr. KIRKWOOD. I know nothing of it; only what was said a moment ago. I heard that there were two reports.

The PRESIDING OFFICER. There are two reports.

Mr. KIRKWOOD. I think the bill had better go over.

The PRESIDING OFFICER. The Chair understands that to be an objection.

Mr. KIRKWOOD. Yes, sir.

The PRESIDING OFFICER. The Senator from Iowa objects. The bill goes over. The next bill on the Calendar will be stated.

SALARIES OF POSTMASTERS.

The next bill on the Calendar was the bill (S. No. 1630) authorizing

and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866.

Mr. INGALLS. That went on the deficiency bill this afternoon.

The PRESIDING OFFICER. The Chair is informed by the Secretary and by the Senator from Kansas that the provisions of this bill were inserted as an amendment to the deficiency bill. It will be indefinitely postponed unless objection be made.

Mr. McMILLAN. In the absence of the Senator making the report in that case I ask that instead of any action being taken on it, it be passed over.

Mr. KIRKWOOD. I do not know what is best to do with it.

Mr. McMILLAN. The Senator reporting the bill can have it indefinitely postponed when he comes in. The deficiency bill has not yet become a law.

The PRESIDING OFFICER. The bill will be passed over.

PENSION ARREARS.

The next bill on the Calendar was the bill (S. No. 1288) to repeal section 4717 of the Revised Statutes.

Mr. THURMAN. What is section 4717?

Mr. INGALLS. That provision has been incorporated in the bill providing for arrears of pensions. This bill should be indefinitely postponed.

The PRESIDING OFFICER. Is there objection to that order? The Chair hears none, and the bill is indefinitely postponed.

ADDITIONAL JUDGE IN DAKOTA.

The next bill on the Calendar was the bill (S. No. 1582) providing for an additional associate justice of the supreme court of the Territory of Dakota; which was considered as in Committee of the Whole.

Mr. INGALLS. I should like to hear the report read in that case.

The PRESIDING OFFICER. There is no report, the Chair is informed.

Mr. INGALLS. There should be some explanation of the bill.

Mr. SPENCER. The Senator in charge of this bill is absent tonight, and asked me to look after the bill if it came up in his absence. The area of this Territory is very large, and it is absolutely impossible for the judges to do one-half the business with the present arrangement. This bill has been petitioned for by the General Assembly of the Territory of Dakota, by a memorial sent here, and the chairman of the Committee on the Judiciary has examined the bill and is satisfied with it.

Mr. MERRIMON. I beg to inquire why this bill did not go to the Judiciary Committee?

Mr. SPENCER. I did not introduce the bill.

Mr. McMILLAN. This belongs to the Committee on Territories, I suppose. It pertains to the organization of a Territory. Certainly the Judiciary Committee know nothing about the wants of a Territory in this regard.

Mr. MERRIMON. I should think a provision for creating a judgeship ought always to go to the Committee on the Judiciary, and if it be in order I move that the bill be now referred to the Committee on the Judiciary.

Mr. McMILLAN. I hope the Senator from North Carolina will stay a moment with his motion. The Senate is aware that the Territory of Dakota is peculiarly situated with reference to its settlement. The city of Deadwood, in the southwestern portion of the Territory, has grown up very suddenly, and embraces a large population, and has peculiar interests separated from other portions of the Territory, so that it is almost impossible, or at least it is very inconvenient in the administration of justice, to have the interests of that portion of the Territory attended to under the present arrangement, which provides for the other portions of the Territory. The other portions of the Territory are in the southeastern part, adjoining Iowa and Minnesota, the northern part away up toward the British possessions. Deadwood and the country surrounding it is in the southwestern portion of the Territory. All along the Northern Pacific Road the country is settling up rapidly, and the circumstances as they are known to the Senate certainly, I think, would satisfy them that to allow this additional judge is but yielding to the reasonable requirements of the people of that Territory. I trust the Senate will not have this bill referred to the Committee on the Judiciary. It is a part of the organization of the Territory. The original supreme court, the whole court, was created by a bill reported from the Committee on Territories, and the Judiciary Committee know nothing of the condition of the Territory so far as its wants are concerned. Their duties would only pertain to some question affecting the administration of justice there, not the organization of the Territory or its courts. I ask that the bill be passed.

Mr. SAUNDERS. Mr. President—

Mr. MERRIMON. I do not want to consume time.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. MERRIMON. If no member of the Committee on the Judiciary objects, I do not. I withdraw the motion.

Mr. SPENCER. I think there is no objection to the passage of the bill.

Mr. SAUNDERS. I was going to urge the passage of the bill; but if the Senate is ready to take a vote without anything being said, I do not care to take up the time of the Senate. I was on the committee before whom this bill was considered. One of the judges of the Terri-

tory was before the committee, and he also saw a number of the members of the Judiciary Committee on the subject, and he stated that the whole of the time of one of the judges was taken up with the business in the Black Hills country, and that the people have to go sometimes four hundred miles in order to reach some of these courts, and it is impossible for three to answer the purpose at the present time; the country is too large. On that account the bill was reported favorably by every member of the Committee on Territories.

Mr. DAVIS, of Illinois. I ask that section 7 be read.

The PRESIDING OFFICER. The Secretary will report section 7. The Secretary read as follows:

SEC. 7. No justice of said Territory shall sit in the supreme court upon the hearing, or take any part in the decision or determination of any cause or matter tried or determined by or before him as presiding judge of the district court.

Mr. DAVIS, of Illinois. It seems to me that that section is an anomalous one in relation to judges of Federal courts. Judges of the Supreme Court of the United States take part in appeals from their own decisions below; so do the judges in the circuit courts, where the district and circuit judges sit together to hear exceptions taken to the rulings of the district court. I think they ought to have the privilege of being present and participating in the discussion in relation to that subject. I therefore move that this section be stricken out.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his motion to refer?

Mr. MERRIMON. I withdraw the motion. I see no member of the Judiciary Committee takes any exception to the bill.

The PRESIDING OFFICER. Then the question is on the motion of the Senator from Illinois to amend the bill by striking out the seventh section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. CHEW.

The next bill on the Calendar was the bill (S. No. 1644) for the relief of Samuel H. Chew; which was considered as in Committee of the Whole. It provides for paying to Samuel H. Chew, of Fayette County, Kentucky, \$3,500, in full payment and satisfaction of all his claims for twenty horses taken and used by the United States forces under General S. G. Burbridge, in the year 1864, for the necessary purposes of the Army.

Mr. MORRILL. Will the Senator reporting the bill give a brief statement of the facts?

Mr. COCKRELL. It is simply as stated in the bill, that General Burbridge, pursuing the rebel general, Morgan, through the State of Kentucky, came to this gentleman's house and took these horses. They were necessary for the uses of the Army, and they were used for the Army. The claim was some \$5,000. These were fine horses, blooded horses. I put the price at the same price that was then being paid for horses for the use of the Army.

Mr. MORRILL. Why was this claim not presented fifteen years ago?

Mr. COCKRELL. It was pending before the Quartermaster's Department for a long time. I believe it was investigated by a special agent about four or five times and the only question in the world was the question of loyalty; and this special agent reported that he thought this gentleman was an exceedingly clever gentleman and that he was just as loyal as any man could be who belonged to the democratic party. [Laughter.]

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM W. ROSS.

The next bill on the Calendar was the bill (S. No. 1571) for the relief of William W. Ross; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, which were, in line 6, after the word "of," to strike out "sixty" and insert "fifty;" in the same line, after the word "cents," to insert the words "being the;" in line 7, after the word "amount," to strike out the words "charged against him by" and insert in lieu thereof the words "of funds in his possession as postmaster belonging to;" in line 8, after the word "Department," to strike out the words "for money, stamps, and envelopes;" in line 9, before the word "destroyed," to insert the word "and;" and in line 10 to add "without his fault," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to William W. Ross, of Sparta, Oregon, out of any money in the Treasury not otherwise appropriated, the sum of \$56.63, being the amount of funds in his possession as postmaster belonging to the Post-Office Department and destroyed by fire July 13, 1874, without his fault.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POLYGAMY TRIALS IN UTAH.

The next bill on the Calendar was the bill (S. No. 410) to provide for challenges to jurors in trials for bigamy and polygamy in the Ter-

ritory of Utah, and to amend section 4 of the act entitled "An act in relation to courts and judicial officers in the Territory of Utah," approved June 24, 1874.

Mr. TELLER. Let that go over. It will lead to discussion.

The PRESIDING OFFICER. The bill will go over.

LOUISE HOME.

The next bill on the Calendar was the bill (S. No. 1613) for the relief of the Louise Home.

Mr. HARRIS. A House bill on exactly the same subject, and accomplishing the same object, has been passed. Let this bill be indefinitely postponed.

The PRESIDING OFFICER. The Chair hears no objection to that course; and the bill will be indefinitely postponed.

DISTRICT STREET RAILROADS.

The next bill on the Calendar was the bill (S. No. 1342) concerning street railroads in the District of Columbia.

Mr. HARRIS. On last Monday I reported a House bill from the Committee on the District of Columbia that is substantially the same as this. I ask that the House bill be taken up instead of the Senate bill.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that a House bill similar in terms may be substituted in the place on the Calendar of the present bill. The Chair hears no objection. This Senate bill will be indefinitely postponed and the House bill considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4579) concerning street railroads in the District of Columbia.

The Committee on the District of Columbia reported the bill with amendments.

The first amendment was, in section 1, line 11, to strike out the word "week" and insert "month;" so as to read:

And every such corporation shall, once in a month, redeem all such tickets issued by it which shall be presented by any other such corporation, by paying therefor at the rate of four cents in money for each ticket so presented.

The amendment was agreed to.

The next amendment was, in section 2, line 6, before the word "corporation," to strike out the words "the person or" and insert "such," and in line 7, after the word "to," to strike out "his or;" so as to make the section read:

SEC. 2. Any street-railroad corporation refusing to receive, as above provided, any such ticket issued by any other such corporation, or refusing to redeem, as above provided, any such ticket of its own issue, shall forfeit, for each ticket which it shall so refuse, the sum of \$1, to be recovered in action of tort by such corporation presenting the same, to its own use.

The amendment was agreed to.

Mr. DAVIS, of Illinois. "In an action of tort," does that say?

Mr. McMILLAN. Let that be read again.

The Secretary read section 2.

Mr. MORRILL. I should certainly like to hear some explanation of how this is to be administered. Here is a railroad that runs from the navy-yard to Georgetown. It issues a ticket, which is taken up by a short road, and the first railroad receives no compensation whatever, but must pay to the road that picks up this ticket its full price at last, and unless that road shall send as many passengers over the long road as it receives, of course it will be out of pocket to that extent. It seems to me that this bill will operate very unjustly. Some of the roads are short and some long, and I hardly think it is a bill that would meet the approval of Senators.

Mr. HARRIS. The Senator from Vermont will allow me to say that this bill provides for the interchange of tickets only in cases where the fare is five cents; and every street railroad in the city except one appeared before myself as a subcommittee of the Committee on the District of Columbia and approved of the bill in the exact form that the committee's amendments place it, and it is perfectly satisfactory to the railroad companies except one, from which I have not heard at all. I do not know that it is unsatisfactory to that one, but I am not authorized to say that it is satisfactory to that.

Mr. ROLLINS. Will the Senator inform me to which road he refers? Was it not the Anacostia road that did not appear?

Mr. HARRIS. I cannot say which road it is that did not appear; nor can I name by name the roads that did appear.

Mr. ROLLINS. Such is the fact. The roads to which the Senator from Vermont refers appeared.

Mr. DAVIS, of Illinois. I suggest that in place of the words "in action of tort," in line 6 of section 2, it be "in any civil action." I hope the chairman will accept that.

Mr. HARRIS. I have no objection.

The PRESIDING OFFICER. That amendment will be made, the Chair hearing no objection. There is one more amendment proposed by the committee, which will be read.

The SECRETARY. The committee propose to strike out section 3, as follows:

SEC. 3. That all street-railroad corporations which have, for the past year, or longer, issued commutation-tickets at a less rate than charged for a single fare, shall be required to continue to issue them at the same rate or less, as now charged by said street-railroad corporations. And all acts and parts of acts inconsistent with this act are hereby repealed.

The amendment was agreed to.

Mr. HARRIS. Inserting the amendment suggested by the Senator

from Illinois makes it necessary to strike out the words "of tort" in the sixth line, having inserted "in a civil action."

Mr. DAVIS, of Illinois. It should read "to be recovered in a civil action," or you may say "in an action on the case;" I do not care which.

The PRESIDING OFFICER. That amendment has been made. The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NATIONAL CURRENCY.

The next bill on the Calendar was the bill (S. No. 1661) to provide a uniform national currency, to retire the notes of the national banks, and prohibit their incorporation and their issue of notes, to utilize silver and silver coin and provide for the issue of coin and bullion certificates, to provide for the redemption or payment of the bonds of the United States and the issue of bonds bearing a lower rate of interest, and to provide for the expansion and contraction of the paper currency to meet the business interests and wants of the people.

Mr. DAVIS, of Illinois. That certainly will lead to debate.

The PRESIDING OFFICER. The bill will be passed over.

ELIAS B. BELL.

The next bill on the Calendar was the bill (H. R. No. 2472) for the relief of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry; which was considered as in Committee of the Whole.

It is an authority to the Secretary of War to correct the record of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry, so as to remove the charge of desertion now standing against his name.

The Committee on Military Affairs reported an amendment to add to the bill the following:

And issue to him an honorable discharge, dated of the master-out of his regiment, June 30, 1865, and that he be allowed and paid any arrears of pay and bounty found due him upon the settlement of his accounts by the accounting officers of the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS B. HUNT.

The next bill on the Calendar was the bill (S. No. 174) for the relief of Thomas B. Hunt; which was considered as in Committee of the Whole.

The bill proposes to suspend the provisions of law regulating appointments in the Army by promotion in the line so far as they affect Thomas B. Hunt; and the President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint Hunt, late captain and assistant quartermaster in the United States Army, to the same grade and rank of captain and assistant quartermaster held by him prior to February 26, 1874.

The Committee on Military Affairs reported an amendment to add to the bill the following proviso:

Provided, That his pay shall commence only from the date of his reappointment under this act.

Mr. DAVIS, of Illinois. I should like to have the report in such a case read or to hear the bill explained.

Mr. SPENCER. The report is quite long.

Mr. DAVIS, of Illinois. An explanation of it will do, perhaps.

Mr. SPENCER. The bill is a perfectly proper and just one. This officer was court-martialed and unjustly dismissed. It was a conspiracy. This bill allows the President to reappoint him, and he cannot be reappointed without a special act. He can get no pay until he is reappointed. The bill has passed the Senate on previous occasions, but failed in the House for want of time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. COCKRELL. Is there provision that this appointment shall be after a vacancy occurs? I desire to hear the bill read again.

The PRESIDING OFFICER. The bill will be read again.

The bill was read.

Mr. COCKRELL. I suggest that the words "if any vacancy occurs" or "in any vacancy now existing" be inserted.

Mr. SPENCER. "Now or hereafter occurring;" I have no objection to that; or to saying "when a vacancy occurs."

Mr. COCKRELL. Let it read: "any vacancy existing or which may hereafter occur."

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In line 11, after "1874," it is moved to insert: "in any vacancy now existing or hereafter occurring."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENKINS A. FITZGERALD.

Mr. SPENCER. The next order of business is a Senate bill. The House bill exactly like it is Order of Business No. 943. I move to indefinitely postpone the Senate bill and take up House bill No. 796, which is exactly the same bill and which has passed the House of Representatives.

Mr. COCKRELL. The bill (S. No. 1271) for the relief of Jenkins A. Fitzgerald is the next bill.

Mr. SPENCER. Yes; but that is a Senate bill, and Order of Business No. 943 is a similar bill which passed the House. I ask unanimous consent to indefinitely postpone the Senate bill.

Mr. DAWES. And substitute the House bill for it.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent to substitute House bill No. 796 for the next bill upon the Calendar, and that the Senate bill be indefinitely postponed. The Chair hears no objection and it is so ordered.

Mr. MITCHELL. It is the object of the chairman of the Committee on Military Affairs, I presume, to have the House bill acted upon at this time.

Mr. SPENCER. I want the House bill acted upon now.

The PRESIDING OFFICER. It is so ordered. The House bill takes the place on the Calendar of the Senate bill which is indefinitely postponed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 796) for the relief of Jenkins A. Fitzgerald, assistant surgeon United States Army. It directs the Secretary of the Treasury to pay to Assistant Surgeon Jenkins A. Fitzgerald, United States Army, \$798.33, being a refund to him for moneys originally received from the Department of the Interior for medical services rendered at the Arapahoe and Cheyenne Indian agency, in the year 1869 and 1870, and which he was required to return into the Treasury by order of the Second Comptroller.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. CARMEN.

The bill (H. R. No. 541) for the relief of William H. Carmen was considered as in Committee of the Whole. It directs the Secretary of War to cause to be paid to William H. Carmen, late a private in Company E, Thirty-second Regiment Illinois Volunteer Infantry, the pay and proper allowances of a private soldier from the 10th of February, 1864, to the 14th of March, 1865, deducting therefrom any pay that he may have received during that time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW IVORY.

The next bill on the Calendar was the bill (H. R. No. 4407) for the relief of Andrew Ivory; which was considered as in Committee of the Whole. It directs the Paymaster-General of the Army to pay to Andrew Ivory, late of Company —, Eleventh Pennsylvania Reserves Volunteer Corps, the full pay and emoluments of a second lieutenant from the date he was commissioned as such by the governor of Pennsylvania to the date of his discharge, deducting therefrom all pay received by him from the Government as sergeant for that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. CLIPPINGER.

The next bill on the Calendar was the bill (H. R. No. 1304) granting a pension to Anna M. Clippinger; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Anna M. Clippinger, mother of John R. Clippinger, late private of Company D, One hundred and twenty-sixth Regiment of Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSION BILLS.

Mr. INGALLS. I ask unanimous consent of the Senate to allow me at this time to clear the Calendar of the private bills reported from the Committee on Pensions.

Mr. GARLAND and others. Let us go on regularly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. DAVIS, of Illinois. I hope the request of the Senator from Kansas will be granted. The pension bills can be passed in a little while.

Mr. INGALLS. They are all brief, Mr. President, and unless they are passed to-night the probability is that they cannot be acted upon in the House of Representatives. I should like very much indeed if the Senate would allow them to be acted upon.

The PRESIDING OFFICER. The Chair will state again the request of the Senator from Kansas, the chairman of the Committee on Pensions.

Mr. KERNAN. Allow me to say that very many of them are House bills.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that in passing over the Calendar the private bills granting pensions may have precedence. Is there objection?

Mr. SPENCER. I think we had better wait about an hour before we do that. After the pension bills are considered the Senate will ad-

journal immediately. There are a great many bills on the Calendar which are not pension bills, to which there is no objection.

Mr. DAVIS, of Illinois. There are a great many pension bills which will have to go to the House for action there. We can go back and consider the other bills on the Calendar, either this evening or to-morrow.

Mr. SPENCER. To-morrow night we shall have something else to do.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. GARLAND. I do not propose to make an objection, for I never object to anything reasonable; but I want to make a suggestion to the Senator from Kansas. I suggest that he postpone his request for a little while.

Mr. SPENCER. For an hour.

Mr. INGALLS. I ask, then, that at half past nine o'clock that order be made.

Mr. BECK. We will all agree to that.

Mr. INGALLS. I ask the Senate then to allow me to proceed to clear the Calendar of pension bills.

Mr. SPENCER. If you say a quarter to ten, no one will object.

Mr. DAVIS, of Illinois. Oh, no; half past nine.

The PRESIDING OFFICER. Is there objection to proceeding at half past nine o'clock to take up and dispose of the private pension bills upon the Calendar? The Chair hears none, and it is so ordered. The Secretary will report the next bill on the Calendar.

Mr. VOORHEES. I assume, then, that in the mean time, between now and half past nine, the pension bills that are reached on the Calendar will be passed over. ["No!" "No!"]

Mr. BECK. No; let us go right on.

The PRESIDING OFFICER. The Secretary will proceed with the call of the Calendar.

CANCELLATION OF UNITED STATES NOTES.

The joint resolution (S. R. No. 51) directing the cancellation of the one and two dollar United States notes was announced.

Mr. SPENCER. There is objection to that.

The PRESIDING OFFICER. The joint resolution is objected to, and it goes over under the order of the Senate.

WILLIAM F. WHEELER.

The next bill on the Calendar was the bill (H. R. No. 3553) for the relief of William F. Wheeler; which was considered as in Committee of the Whole. It authorizes the proper accounting officers of the Treasury, in adjusting accounts for expenses of courts rendered by William F. Wheeler, United States marshal for the Territory of Montana, to allow credit for the amount of vouchers for disbursements destroyed by fire in his office at Helena, on the 9th January, 1874; the allowance not to exceed the sum of \$5,582, and before credit is given the marshal shall furnish proof of his losses to the satisfaction of the accounting officers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JULIA ELLIOTT.

The next bill on the Calendar was the bill (H. R. No. 5800) for the relief of Mrs. Julia Elliott, widow and administratrix of Newell D. Elliott, deceased.

Mr. HARRIS. That bill may go over for the present.

The PRESIDING OFFICER. The bill will go over under the rules.

Mr. PADDOCK. It strikes me that the bill had better be indefinitely postponed.

Mr. McMILLAN. No, no.

Mr. HARRIS. I prefer that it be not postponed indefinitely. I desire that it simply go over for the present.

N. C. BLANTON.

The next bill on the Calendar was the bill (S. No. 1672) for the relief of N. C. Blanton; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay \$430, without interest, to N. C. Blanton, for rent of blacksmith-shop and stables in Murfreesborough, Tennessee, from May 1, 1864, to March 31, 1865, occupied under contract with him, and for all of which rent vouchers, duly signed, certified, and reported, were given by the proper quartermaster.

Mr. HARRIS. I suggest that the name is Blanton, not Blanton. I chance to know the person.

The PRESIDING OFFICER. That amendment will be made.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The title of the bill will be amended according to the correction stated by the Senator from Tennessee.

JAMES TRABUE.

The next bill on the Calendar was the bill (S. No. 1673) for the relief of James Trabue; which was considered as in Committee of the Whole. It appropriates \$600 to pay to James Trabue, of Louisville, Kentucky, holder and owner of six certified accounts issued to W. B. Gosa, of Pine Bluff, Arkansas, (he being the agent for Trabue,) for the rent of houses in Pine Bluff, Arkansas, from September, 1865, to

February, 1866, for the use of the Army of the United States, in full discharge of all the demands of Trabue for the rent of the property.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY F. LINES.

The next bill on the Calendar was the bill (S. No. 1674) for the relief of Henry F. Lines; which was considered as in Committee of the Whole. It authorizes the proper accounting officers of the Treasury Department to restate an account between the United States and Henry F. Lines, crediting him for services as cipher clerk and military telegraph operator, at the rate of \$100 per month, from November 19, 1864, to September 18, 1865, and charging him therein with all sums, excepting bounty, shown to have been paid him during that period; and it authorizes the Secretary of the Treasury to pay to Henry F. Lines such sum as shall be found due him according to the account as restated.

Mr. MORGAN. I move to amend the bill by inserting, in line 13, after the word "pay," the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PANOCHÉ GRANDE.

The PRESIDING OFFICER. The next bill on the Calendar will be reported.

Mr. DAVIS, of Illinois. That will not be passed.

Mr. TELLER. Let the next bill go over.

The PRESIDING OFFICER. It is objected to, and it will go over under the order of the Senate. The Chair understands the Senator from Arkansas to address the Chair.

Mr. GARLAND. I understand that some one objects to the bill.

The PRESIDING OFFICER. The Senator from Colorado [Mr. TELLER] objected.

Mr. TELLER. I did not object; but I intend to do so. I said the bill had better go over.

The PRESIDING OFFICER. The Senator from Colorado objects.

Mr. GARLAND. I should like to have this bill treated regularly, because I wish to make a statement before objection is made.

Mr. TELLER. I will not make any objection if it is a bill which ought to be considered.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. PLUMB. I do not desire to interfere with any statement the Senator from Arkansas may desire to make, but the subject-matter of this bill has been reported adversely upon by a majority of the Committee on Public Lands, and I have no doubt that it will be the subject of considerable debate if taken up.

Mr. VOORHEES. The bill has not been read from the Secretary's desk yet, and consequently it is not the subject of an objection. Let it be reported.

The PRESIDING OFFICER. The bill will be reported. The Chair understands that an objection may be entertained at the time the title of a bill is announced.

Mr. KERNAN. I do not understand that we can object without having the bill read. Does an objection before a bill is read carry it over?

The PRESIDING OFFICER. The Chair understands the rule to be, when the order of business is announced and a Senator gives notice that he objects, it is not then necessary to read the bill.

Mr. TELLER. I desire to say that I withdraw my objection.

Mr. GARLAND. I understand that the Senator from Kansas [Mr. PLUMB] makes an objection.

The PRESIDING OFFICER. The Chair so understands.

Mr. GARLAND. I ask the Senator from Kansas to withdraw his objection for a few moments.

Mr. PLUMB. I withdraw the objection for the purpose of giving the Senator from Arkansas an opportunity to make a statement.

The PRESIDING OFFICER. The objection is withdrawn, and the Chair will direct the bill to be read by its title.

The bill (S. No. 1683) in relation to the Rancho Panoche Grande, in California, was read by its title.

Mr. GARLAND. Mr. President, this bill which I have introduced and supported with a minority report from the Committee on Public Lands seeks to make a disposition, so far as Congress is concerned, of the claim of William McGarrah which has vexed the Congress of the United States for the last twenty-five years in one shape or another. The bill and the minority report steer entirely clear of any expression of opinion as to the merits of McGarrah's claim or the merits of the claim of any person or company that asserts a claim to that property. My deliberate impression is that if Congress wants to get rid of one of the most troublesome things that has ever come before it, it had better devote half an hour to the consideration of this subject and send it into the courts of the country, and compel all parties, the United States with the others, to litigate their rights to this property, and cease to have the question before Congress any longer.

The bill, in short, provides that McGarrah, with the New Idria Mining Company, and the United States, may go into the Court of Claims, must go there, a patent never yet having issued from the

United States, and litigate their rights to the property designated in the bill, with the right of appeal by all parties to the Supreme Court. The report of the minority studiously avoids expressing any opinion upon the law of the case as to whether the United States in equity is entitled to hold that property yet; whether McGarrahan should have it, or whether the New Idria Mining Company should have it—the only three parties so far as I know, before the Committee on Public Lands, who have any claim to this property or at least the most valuable portion of it. I do not think it will take half an hour to dispose of this question if we go at it.

There is a majority report which decides expressly against the claim of McGarrahan, but as I understand, (that majority report being made when I was absent and I do not state it as a fact,) it makes no particular recommendation for the action of Congress. But suppose it did, and Congress should pass a bill this night that McGarrahan has no right to that property, within two weeks to come Congress may assemble here, he proposes his claim again, he asserts his right again, a committee is appointed, and this same investigation that troubled the Committee on Public Lands for three solid months almost is to be reheard and rehashed and reprinted, with a volume now before the Senate of over a thousand pages of testimony in this case.

The Senator from Kansas and myself have but four years now to stay here from the 4th of March next, and I want some other subject to consider while I am here besides the claim to the Panoche Grange in California, for it has taken up over three-fourths of my time. In mercy to the claimants, in mercy to the Senate, and in mercy to the Congress of the United States, I beg the Senate to-night to consider this question; and I do not believe we will be half an hour in disposing of it.

Mr. DAVIS, of Illinois. If I had known this was the McGarrahan claim I would have objected pointedly. I did not know what it was at all. In the interest of all the private claims on the Calendar I object to this being considered.

Mr. GARLAND. One word, if the Senator pleases.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw his objection?

Mr. DAVIS, of Illinois. I withdraw it.

Mr. GARLAND. The Senator from Illinois is mistaken again.

Mr. McMILLAN. Will the Senator from Arkansas permit me to appeal to him? The hour is passing, a great number of meritorious little bills are on the Calendar, and it is evident the bill to which he refers cannot be taken up to-night.

Mr. GARLAND. Very well; I want to acquit myself of a duty. Certainly there is no pension bill or any other bill on the Calendar more important than the bill which we have now reached on the Calendar. The Senator from Illinois is mistaken when he limits it to one subject and says that it is the McGarrahan claim. This is a bill in which the McGarrahan claim is involved, but the United States has a claim to this property, and the Interior Department is now hanging upon this very question, and will neither go one step forward nor one step backward because Congress will not act on this proposition. It is not the McGarrahan claim alone.

Mr. DAVIS, of Illinois. I will answer my friend by stating that the Committee on Public Lands, as I understand, had this subject under consideration two months, and made a majority report upon it. We came here to-night to dispose of claims that would not excite debate. Therefore I object to the further consideration of this claim in mercy to others.

Mr. GARLAND. I am a member of the Committee on Public Lands, and if the Senator had listened to me he would have been deprived of the pleasure of the last remark he made. This is a minority report from the Committee on Public Lands, and it is not the mere claim of one person; it is not the McGarrahan claim, or the New Idria claim, singly, but it is both of them, and the claim of the United States besides.

I have acquitted myself of my duty, and if there is anything more important for the Senate to do they can address themselves to it.

The PRESIDING OFFICER. The Senator from Illinois objects, and the bill goes over under the order of the Senate.

MILITARY AND TIMBER RESERVATIONS.

The next bill on the Calendar was the bill (S. No. 1054) to authorize the United States to secure title to certain military and timber reservations.

Mr. DAVIS, of Illinois. That will not pass.

The PRESIDING OFFICER. This bill is objected to, and goes over under the order of the Senate.

EDUCATION OF THE BLIND.

The next bill on the Calendar was the bill (H. R. No. 4228) to promote the education of the blind.

Mr. DAVIS, of Illinois. That had better go over.

Mr. BURNSIDE. No, no.

Mr. EATON. Is that the Kentucky bill?

Mr. SPENCER. That is the Kentucky bill.

Mr. EATON. I object.

The PRESIDING OFFICER. The Senator from Connecticut objects.

Mr. BURNSIDE. I hope the Senator from Connecticut will allow the bill to be read.

The PRESIDING OFFICER. The Secretary will report the next bill on the Calendar.

REPRESENTATIVES OF ASBURY DICKINS.

The next bill on the Calendar was the bill (S. No. 1695) for the benefit of the legal representatives of Asbury Dickins.

Mr. COCKRELL. Let that go over. We can keep that as a souvenir of Andrew Jackson's administration, as it originated then.

Mr. McMILLAN. It is older than the McGarrahan claim.

Mr. PADDOCK. I appeal to the Senator from Missouri in the name of humanity to withdraw his objection to this bill.

The PRESIDING OFFICER. Objection is made. The bill goes over under the rule.

GEORGE GLASS.

The next bill on the Calendar was the bill (S. No. 1497) to authorize the President to appoint George Glass a master in the Navy, not in the line of promotion.

Mr. SPENCER. That is reported adversely, and is objected to.

The PRESIDING OFFICER. The bill is objected to, and goes over under the rule.

WAR CLAIMS.

The next business on the Calendar was the joint resolution (H. R. No. 201) proposing an amendment to the Constitution prohibiting the payment of claims of disloyal persons for property injured or destroyed in the late war of the rebellion.

Mr. VOORHEES. I object.

Mr. SPENCER. That is objected to, of course.

The PRESIDING OFFICER. The Senator from Indiana objects, and the joint resolution goes over.

JAMES C. DAGGETT.

The next bill on the Calendar was the bill (S. No. 1705) granting an increase of pension to James C. Daggett; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of James C. Daggett, late a private in Company E, United States Signal Service, and to pay him a pension of \$72 per month.

Mr. INGALLS. I move to amend the bill by adding the words:

From and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McDONALD. Is there a report on that bill?

The PRESIDING OFFICER. There is a report.

Mr. SPENCER. It has passed. Let it go.

Mr. McDONALD. Very well.

DANIEL MIDDOUGH.

The next bill on the Calendar was the bill (H. R. No. 529) granting a pension to Daniel Middough; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Daniel Middough, dependent father upon Orlando F. Middough, late a private in Company C of the Ninth Illinois Volunteer Cavalry, who died in the service.

Mr. INGALLS. I move to amend the bill by adding the words:

Said pension to be paid from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time, and passed.

JAMES MAHEW.

The next bill on the Calendar was the bill (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers; which was considered as in Committee of the Whole.

Mr. WITHERS. The same amendment is required there.

Mr. INGALLS. I move to amend the bill by adding the words:

Said pension to be paid from and after the passage of this act.

Mr. WITHERS. And strike out the words "subject to the provisions and limitations of the pension laws."

Mr. INGALLS. Those words need to be struck out.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PHILIP THON.

The next bill on the Calendar was the bill (H. R. No. 4697) granting a pension to Philip Thon; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Philip Thon, late private in Company M, Seventh Illinois Cavalry.

Mr. INGALLS. I move to amend the bill in the same way that the previous bill was amended, by striking out the words "subject to the

provisions and limitations of the pension laws," and adding at the end of the bill, "and pay him a pension from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH TEAGARDEN.

The next bill on the Calendar was the bill (H. R. No. 830) granting a pension to Elizabeth Teagarden; which was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-rolls the name of Elizabeth Teagarden, mother of Abraham C. Teagarden, late a private in Company K of the Sixteenth Regiment of Pennsylvania Volunteers.

Mr. INGALLS. I move the same amendment to that bill.

The PRESIDING OFFICER. A like amendment will be made.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PRINTS OF PORTRAITS AND VIGNETTES.

The next bill on the Calendar was the bill (S. No. 1554) relating to printing impressions from portraits and vignettes.

Mr. VOORHEES. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. VOORHEES. If the Senator from Rhode Island is ready to vote on this bill, I will not object.

Mr. ANTHONY. Certainly I am.

Mr. VOORHEES. Very well.

The PRESIDING OFFICER. The objection is withdrawn and the bill will be read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Printing with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. FORD.

Mr. CONOVER. I ask the Senate to take up a bill for consideration out of its order. ["No!" "No!"] If Senators will hear me I will state that it is a bill which has stood first among the bills on the Calendar for more than a year.

Mr. BURNSIDE. I object.

Mr. CONOVER. On account of my absence on several occasions when it was reached on the Calendar it has been passed over. I ask the Senate to take up and consider it. There will be no objection to it.

Mr. BURNSIDE and others. I object.

Mr. CONOVER. It is order of business No. 27, being the bill (S. No. 263) to provide for a survey of an inland water route and canal from the Mississippi River to the Atlantic Ocean.

The PRESIDING OFFICER. The Chair will state the request of the Senator from Florida. The Senator from Florida asks that unanimous consent be given to take up the bill he has named at this time.

Mr. BURNSIDE. I object.

The PRESIDING OFFICER. The Senator from Rhode Island objects, and the Secretary will proceed with the Calendar.

The bill (S. No. 1719) for the relief of Thomas S. Ford was considered as in Committee of the Whole. It provides that section 1218 of the Revised Statutes shall not be construed so as to deprive Thomas S. Ford the privilege of receiving an appointment as a non-commissioned officer; and to this extent he as a private in Company M, Fourth Regiment of Cavalry, is relieved of the disabilities imposed upon him by that section of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER YARNELL.

The next bill on the Calendar was the bill (H. R. No. 4794) granting a pension to Peter Yarnell, late a private in Company D, Twelfth West Virginia Volunteers; which was considered as in Committee of the Whole.

Mr. INGALLS. I move to amend the bill by striking out the words "subject to the provisions and limitations of the pension laws" and adding the words "and pay him a pension from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MILITARY LAND-WARRANT LOCATIONS.

The next bill on the Calendar was the bill (S. No. 1035) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

The PRESIDING OFFICER. There is a substitute reported from the Committee on Military Affairs, which will be read if there is no objection.

Mr. VOORHEES. I shall object, not because I have any objection to the bill, but simply because I think that other matters on the Calendar have a prior right to consideration.

The PRESIDING OFFICER. Objection is made, and the bill goes over under the order of the Senate.

WILLIAM S. MASSIE.

The next bill on the Calendar was the bill (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie; which was considered as in Committee of the Whole.

Mr. WITHERS. I should like to hear the report in that case. That places the man on the rolls from the beginning of the war, with all the pay and allowances from that time. I should like to hear the reasons for it.

Mr. SPENCER. There is a report, but it is quite lengthy, I understand.

The PRESIDING OFFICER. There is a report, and the report will be read.

The Secretary proceeded to read the following report, submitted by Mr. PLUMB January 28, 1879:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2294) for the relief of William S. Massie, having had the same under consideration, do make the following report thereon:

The following facts appear from testimony submitted to the committee: That on the 18th day of August, 1861, the said Massie was duly enlisted in the service of the United States in Company H, Ninth Regiment West Virginia Volunteer Infantry, then being organized at Guyandotte, on the Ohio River, opposite Lawrence County, Ohio, from the citizens of which latter county the regiment was chiefly recruited; that on the night of the 10th of November following, the town of Guyandotte was attacked by confederate cavalry, who captured about seventy of said regiment, including said Massie, he (Massie) being thereafter taken to Richmond, Virginia, and subsequently to Salisbury, North Carolina, where he was confined in the military prison until about the 10th day of September, 1862, when he escaped, and after traveling about six hundred miles through the enemy's country, reached his home in said Lawrence County, Ohio, on the 13th day of October following, and the 25th day of said month he reported to his company commander for duty.

At the time of Massie's capture the muster-roll of his company was also captured, and afterward destroyed. It is satisfactorily proven that Massie's name was borne upon it; but he was not taken up on the new roll of his company, and there is no official record whatever extant of his connection with the regiment.

Mr. WITHERS. I am satisfied.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS INDIAN EXPENSES.

The next bill on the Calendar was the bill (S. No. 1650) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAN ANTONIO ARSENAL.

The next bill on the Calendar was the bill (S. No. 1720) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal; which was considered as in Committee of the Whole. It appropriates \$14,000, to enable the Secretary of War to purchase, inclose, and improve the piece of land adjoining the United States arsenal grounds at San Antonio, Texas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. NEALE.

The next bill on the Calendar was the bill (H. R. No. 1286) granting relief to John T. Neale, an employé of the Provost-Marshal-General's department in 1861, for injuries sustained in the line of his duties; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John T. Neale, late an employé of Brigadier-General Andrew Porter, provost-marshal of the District of Columbia (by whom Neale was assigned to duty as a special detective police officer, and sustained an injury while engaged in that service which resulted in making him a cripple for life) a sum equal in amount to that which he would have been entitled to had he been an enlisted man in the Army, for a permanent specific disability, to wit, the loss of one leg below the knee-joint.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HERMAN BIGGS.

The next bill on the Calendar was the bill (S. No. 1692) authorizing

the President to nominate Herman Biggs to a second lieutenantancy in the Army; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. CHICKERING.

The next bill on the Calendar was the bill (S. No. 1260) for the relief of John W. Chickering; which was read.

Mr. HARRIS. I should like to inquire of the Senator having this bill in charge if under the bill this appointment is confined to the company to which this particular officer belongs? Otherwise it seems to me it will materially interfere with the just promotion of other officers if he should be appointed in any other company or any other regiment than the one to which he formerly belonged.

Mr. WITHERS. There is a report in that case. Let us hear the circumstances that justify it.

Mr. SPENCER. There is a report in the case, a long report.

The PRESIDING OFFICER. The report will be read.

Mr. SPENCER. The report is quite long.

Mr. WITHERS. The Senator may state the facts.

Mr. HARRIS. Can the Senator state whether or not this bill authorizes his appointment and assignment to any other company than that to which he has formerly belonged?

Mr. SPENCER. Certainly not.

Mr. HARRIS. It does not do that?

Mr. SPENCER. It does not.

Mr. HARRIS. I do not understand the bill to confine it to that particular company; and if it does not so confine it, it seems to me it materially interferes with the just rights of promotion.

Mr. SPENCER. The Secretary of War could not appoint him anywhere else.

Mr. HARRIS. I chance to know that the Secretary of War has appointed, and as I am informed to the injustice of certain officers who would otherwise have been promoted but for the appointment in their command and regiment, persons who never belonged there before.

Mr. SPENCER. This puts him back where he was.

Mr. SAULSBURY. I think this bill had better go over.

Mr. SPENCER. I hope the Senator will not object. This is a just case.

Mr. DAVIS, of Illinois. The Senator from Tennessee can confine the bill in that way if there is any doubt about it.

Mr. SAULSBURY. But it involves the question of undue promotion.

Mr. SPENCER. I dislike to see this case go over; it is a just case.

Mr. HARRIS. I hope the Senator from Delaware will not object to the bill. I should like to hear the bill reread, so that I can see if the appointment cannot be confined to that company.

Mr. DAVIS, of Illinois. I agree with the Senator about this matter. This officer was from my own State, and I think he was unjustly dealt with; and that is the main thing to guard, as he suggests.

Mr. SPENCER. I am perfectly willing to have the bill amended in any way in the world. It is just as meritorious as any bill on the Calendar.

Mr. SAULSBURY. I object. The bill proposes to elevate a gentleman unduly over other gentlemen, and I think it ought to go over.

The PRESIDING OFFICER. The Chair understands the Senator from Delaware to object.

Mr. SAULSBURY. I do not know anything about this question; but I do not wish to see injustice done to other officers in the line who are perhaps as meritorious as this one.

The PRESIDING OFFICER. Does the Chair understand the Senator from Delaware to object?

Mr. SAULSBURY. I object.

The PRESIDING OFFICER. The Senator from Delaware objects, and the bill goes over under the rule. The Secretary will report the next bill on the Calendar.

THOMAS T. KNOX

The next bill on the Calendar was the bill (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry; which was considered as in Committee of the Whole. It directs the proper accounting officers in the Quartermaster's Department of the Army to allow Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry, United States Army, a credit upon settlement of his accounts for the sum of \$147.22, the amount claimed to have been stolen from his safe, and being moneys received by him for sale of subsistence stores.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONTANA VOLUNTEERS.

The next bill on the Calendar was the bill (H. R. No. 2443) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés and for the relief of the heirs of such as were killed in such service.

Mr. WITHERS. That bill had better go over.

The PRESIDING OFFICER. The bill is objected to, and it goes over.

Mr. SPENCER. I hope the bill for the benefit of those engaged in the Nez Percé war will not go over. I hope the Senator from Vir-

ginia will withdraw his objection. It involves but a small amount of money, and pays the volunteers who fought in that war in the Territory of Montana a year ago. If there is a just bill anywhere this is one. I appeal to the Senator from Virginia to withdraw his objection.

Mr. BECK. Is it in order for gentlemen to appeal to Senators to withdraw an objection after objection is made? If it is not in order I object.

The PRESIDING OFFICER. It is permitted only by unanimous consent. It is in the nature of debate.

Mr. BECK. Then I object.

ANN ANNIS.

The next bill on the Calendar was the bill (H. R. No. 1144) for the relief of Ann Annis, widow of Harvey Annis, late second lieutenant Company G, Fifty-first Regiment United States Colored Infantry; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Ann Annis, widow of Harvey Annis, late second lieutenant Company G, Fifty-first Regiment of United States Colored Infantry, \$235 for arrears of pay due Harvey Annis as second lieutenant from February 23, 1865, to April 27, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID W. STOCKSTILL.

The next bill on the Calendar was the bill (H. R. No. 2284) for the relief of David W. Stockstill, of Sidney, Ohio.

PENSION BILLS.

Mr. INGALLS. I think the hour has arrived at which the private pension claims were to be considered.

Mr. SPENCER. I ask the Senate to suspend that order for half an hour.

The PRESIDING OFFICER. The hour having arrived when, under the order of the Senate, the pension bills upon the Calendar were to be proceeded with, the Secretary will report those bills in their order.

MICHAEL S. CORL.

Mr. INGALLS. The first is order of business No. 893.

The bill (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Michael S. Corl, late a private in Company K, Fifty-fifth Regiment of Pennsylvania Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL B. ROBERTSON.

Mr. INGALLS. The next is order of business No. 894.

The bill (H. R. No. 1055) granting a pension to Samuel B. Robertson was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Samuel B. Robertson, late a second lieutenant Company B, Seventieth Regiment Indiana Volunteers.

Mr. INGALLS. I move to amend the bill by striking out the words "subject to the provisions and limitations of the pension laws," and by adding:

And pay him a pension from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN SMITH.

Mr. INGALLS. The next is order of business No. 895.

Mr. HOAR. I suggest to the chairman of the Committee on Pensions that unanimous consent be obtained for inserting that change in all the pension bills reached on the Calendar. They are very numerous, and it will save him the labor of stating the amendment to each bill.

Mr. INGALLS. In response to the Senator from Massachusetts I will say that the necessity for the amendment of the bills in this particular arises from the passage of the arrears of pensions act, and unless such amendment is made, many of these bills having been passed by the House before that act was passed, the claimants would be entitled to arrears from the time of their discharge or disability.

Mr. HOAR. I understand perfectly the reason of the amendment. My suggestion was that it is a mere matter of routine, and would hasten our work very much.

Mr. INGALLS. It would abbreviate the business very much if that understanding could be made.

Mr. HOAR. My suggestion is that all the pension bills on the Cal-

endar as they are reached be treated as containing the clause moved to those that have been reached by the chairman of the Committee on Pensions.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) If there be no objection all the pension bills that will be passed to-night will be considered as having the amendment suggested by the Senator from Kansas ingrafted into them without any formal motion.

Mr. KERNAN. That is to make them take effect from and after the passage of the act.

The PRESIDING OFFICER. That is the understanding. The bill designated by the Senator from Kansas will be reported.

The bill (S. No. 1728) granting a pension to John Smith was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of John Smith, late private in Company D, First Regiment of Maine Cavalry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE D. PHILLIPS.

Mr. INGALLS. The next is No. 896 in the order of business.

The bill (H. R. No. 247) to grant a pension to George D. Phillips, a soldier of the war of 1812, was considered as in Committee of the Whole.

Mr. INGALLS. I move to insert:

And pay him a pension from and after the passage of this act.

Mr. HOAR. By unanimous consent that amendment is to be inserted in all the bills.

The PRESIDING OFFICER. The amendment suggested by the Senator from Kansas will be ingrafted in the bill.

Mr. HARRIS. I hope that amendment will not be made, for the reason that in this case of George D. Phillips the existing law does not reach his case, and this amendment is unnecessary.

Mr. GORDON. The Senator from Kansas agrees not to move that amendment, I understand.

Mr. McMILLAN. Why should any distinction be made in the cases?

Mr. INGALLS. Because this man was a soldier in the war of 1812 to whom the arrears of pension act does not apply.

Mr. McMILLAN. Very well.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH WARD.

Mr. INGALLS. The next is No. 897 in the order of business.

The bill (H. R. No. 3150) granting a pension to Joseph Ward was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Joseph Ward, late a private in Company C, Thirteenth Regiment of Tennessee Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANDREW A. GOODING.

Mr. INGALLS. The next is order of business No. 898.

The bill (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZA A. SEMPLE.

Mr. INGALLS. The next is order of business No. 904.

The bill (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Eliza A. Semple, mother of James Y. Semple, late captain of the Fifteenth Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGINE THOMAS.

Mr. INGALLS. The next is order of business No. 905.

The bill (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles Thomas, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Georgine Thomas, widow of General Charles Thomas, deceased, and to pay her a pension at the rate of \$30 per month.

The PRESIDING OFFICER. The Chair understood the Senator from Kansas to say that an amendment was to be considered as adopted in each one of these cases.

Mr. INGALLS. In each case, wherever it is necessary.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JANE DULANEY.

Mr. INGALLS. The next is order of business No. 906.

The bill (S. No. 1723) granting arrears of pension to Mrs. Jane Dulaney was considered as in Committee of the Whole. It directs the Commissioner of Pensions to place on the pension-roll the name of Mrs. Jane Dulaney, widow of Colonel William Dulaney, late of the

United States Marine Corps, and to pay her a pension at the rate of \$30 a month from the 4th day of July, 1868, when her husband died, less the pension heretofore paid her.

The bill was reported from the Committee on Pensions with an amendment in line 10, after the word "her," to strike out the remaining words of the bill and insert "under act approved —, 1876."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE DA C. THOMAS.

Mr. INGALLS. The next is order of business No. 907.

The bill (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay to Josephine Da C. Thomas, widow of Evan Thomas, late acting major Fourth United States Artillery, a pension at the rate paid widows of a major of artillery, in lieu of the pension now paid her.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Chair will suggest that he is fearful it will be impossible to keep a record of these cases unless the amendment is suggested. If the amendment should be suggested to the Senate, then the entry of it could be made; but the clerks will not have the time to make the examination and the entry of an amendment.

Mr. HARRIS. The clerks will make the amendment in every case except where the chairman of the committee notifies them where it is not necessary. It is not necessary in every case, I understand.

The PRESIDING OFFICER. Unless the chairman of the committee suggests otherwise, the entry will be made of the amendment.

ELIZABETH S. ROBERTS.

Mr. INGALLS. The next is order of business No. 908.

The bill (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts was considered as in Committee of the Whole. It increases the pension now allowed by law to Mrs. Elizabeth S. Roberts, widow of the late Benjamin S. Roberts, lieutenant-colonel of the United States Army and brigadier-general of volunteers, to the sum of \$30 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THOMAS BURGHOUS.

Mr. INGALLS. The next is order of business No. 909.

The bill (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MATTHEW O. REGAN.

Mr. INGALLS. The next is order of business No. 910.

The bill (S. No. 1739) granting a pension to Matthew O. Regan was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name Matthew O. Regan, late a private of Company E, Third United States Artillery.

Mr. BAILEY. By inadvertence the bill in that case does not state properly what is designed. Regan is receiving now \$18 per month. It was intended to grant him a pension of \$24 per month. I move an amendment to the effect that he be paid at the rate of \$24 a month in lieu of the pension now paid to him.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. The amendment is at the end of the bill to add:

At the rate of \$24 a month in lieu of the pension now paid to him.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Matthew O. Regan, late a private of Company E, Third United States Artillery, at the rate of \$24 a month in lieu of the pension now paid to him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA WILLIAMS.

Mr. INGALLS. The next is order of business No. 911.

The bill (S. No. 1740) granting a pension to Rebecca Williams was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Rebecca Williams, mother of Loyd A. Williams, late a chief engineer in the United States Navy.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SIMEON INGALLS.

Mr. INGALLS. The next is order of business No. 912.

The bill (S. No. 1514) granting a pension to Simeon Ingalls was considered as in Committee of the Whole. It directs the Secretary

of the Interior to place on the pension-roll the name of Simeon Ingalls, late a private in Company C, Eleventh Tennessee Cavalry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

LUCINDA C. DILLAHENTY.

Mr. INGALLS. The next is order of business No. 913.

The bill (H. R. No. 4392) for the relief of Lucinda C. Dillahenty, of Tennessee, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-rolls the name of Mrs. Lucinda C. Dillahenty, of Purdy, McNairy County, Tennessee, the widow of Lewis Dillahenty, a captain of the war of 1812.

Mr. BAILEY. The name should be "Dillaheunty" instead of "Dillahenty."

The PRESIDING OFFICER. The letter "u" will be inserted in the name where it occurs in the bill.

Mr. BAILEY. This is the widow of a soldier of the war of 1812, and the amendment that has been adopted on the other bills should not apply in this case.

The PRESIDING OFFICER. The formal amendment which has been agreed upon will not be considered as applied to this case.

Mr. BAILEY. It is a House bill. The beneficiary is the widow of a soldier of the war of 1812.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY A. ALLEN.

Mr. INGALLS. The next is order of business No. 914.

The bill (H. R. No. 550) granting a pension to Mary A. Allen was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Mary A. Allen, widow of George B. Allen, private in the Fourth Regiment of Michigan Volunteer Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JULIA H. TOTTEN.

Mr. INGALLS. The next case is order of business No. 915.

The bill (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general United States Army, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general United States Army, and pay her a pension of \$30 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN WILLANS.

Mr. INGALLS. The next case is order of business No. 916.

The bill (S. No. 1509) granting a pension to John Willans was considered as in Committee of the Whole. It directs the Secretary of the Interior to place upon the pension-roll the name of John Willans, late a captain and assistant adjutant-general United States volunteers, and pay him a pension as of the rank of captain.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH H. BRADFORD.

Mr. INGALLS. The next is order of business No. 917.

The bill (H. R. No. 4983) granting a pension to Sarah H. Bradford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah H. Bradford, mother of William H. Bradford, deceased, late acting master's mate, United States Navy.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM W. STEPHENSON.

Mr. INGALLS. The next is order of business No. 918.

The bill (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Twenty-fourth Regiment Indiana Volunteers, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of William W. Stephenson, who was a captain of Company H, Twenty-fourth Regiment of Indiana Volunteers, on the pension-roll, with the rank of captain instead of first lieutenant, as he now appears.

The bill was reported to the Senate.

Mr. INGALLS. In line 8, before the word "he," I move to strike out the words "this date" and insert the words "from and after the passage of this act;" so as to read:

And that from and after the passage of this act he be paid according to the rank of captain instead of first lieutenant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL V. ADAMS.

Mr. INGALLS. The next is order of business No. 919.

The bill (H. R. No. 3408) granting a pension to Samuel V. Adams

was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Samuel V. Adams, late a private in Company B, First Regiment of New Jersey Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. BROWNING.

Mr. INGALLS. The next is order of business No. 920.

The bill (H. R. No. 1045) to place George W. Browning on the pension-roll was considered as in Committee of the Whole. It directs the Secretary of the Interior to place the name of George W. Browning, late an orderly-sergeant in Company D of the First Regiment of Tennessee Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES H. COOK.

Mr. INGALLS. The next is order of business No. 921.

The bill (H. R. No. 4987) granting a pension to James H. Cook was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH McNEIL BENHAM.

Mr. INGALLS. The next is order of business No. 922.

The bill (S. No. 1741) granting a pension to Elizabeth McNeil Benham was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Elizabeth McNeil Benham, daughter of the late General John McNeil, United States Army, at the rate of \$20 per month.

Mr. INGALLS. That bill does not require the amendment which has been agreed to in regard to the other bills, because General McNeil was a soldier of the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES McNEIL POTTER.

Mr. INGALLS. The next is order of business No. 923.

The bill (S. No. 1742) granting a pension to Frances McNeil Potter was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Frances McNeil Potter, daughter of the late General John McNeil, United States Army, at the rate of \$20 per month.

Mr. INGALLS. That bill requires no amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DE FOREST DOTY.

Mr. INGALLS. The next is order of business No. 933.

The bill (H. R. No. 2172) granting a pension to De Forest Doty, of Timmouh, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THEODORE HALBERSTADT.

Mr. INGALLS. The next is order of business No. 934.

The bill (S. No. 1465) granting a pension to Theodore Halberstadt was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Theodore Halberstadt, late a private in Company K, Seventh Regiment Indiana Volunteers, at the rate of \$16 per month.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "dollars," to strike out "sixteen" and insert "eight;" so as to read "at the rate of \$8 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN UDELL.

Mr. INGALLS. Order of business 1080 is next.

The bill (H. R. No. 698) granting a pension to Nathan Udell was considered as in Committee of the Whole. It grants a pension to Nathan Udell, late surgeon Seventeenth Iowa Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. ROLLINS. I desire to call the attention of the Senator from Kansas and ask if he has not passed over a pension bill, order of business 1029, granting a pension to Abigail S. Tilton.

Mr. INGALLS. That is not reported by the Committee on Pensions, but by the Senator from Georgia [Mr. HILL] from the Committee on Revolutionary Claims.

Mr. ROLLINS. There is only one revolutionary application for pension.

Mr. INGALLS. I obtained unanimous consent of the Senate to consider bills reported by the Committee on Pensions. The Senator from Georgia can call up that bill when he is able.

Mr. ROLLINS. I supposed we were to consider all pension bills on the Calendar.

DEDERICK BLANCH.

Mr. INGALLS. I call for order of business No. 1081.

The bill (S. No. 1511) granting a pension to Dederick Blanch was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Dederick Blanch, late a private in Company B, Thirty-seventh Regiment Iowa Volunteers.

The Committee on Pensions proposed to amend by striking out the words "to begin to draw at the rate of — dollars per month from the date his application was filed in the Pension Office, and continue during life."

The amendment was agreed to.

Mr. KIRKWOOD. I move to add:

To take effect from the passage of this act.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) That will be inserted under the understanding.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE GEMMILL AND CHILDREN.

Mr. INGALLS. The next order of business is No. 1082.

The bill (H. R. No. 4702) granting a pension to Catharine Gemmill and children was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Gemmill, and pay her a pension, and also to pay her a pension for her minor children, John Andrew Gemmill, Jennie Gemmill, William T. Gemmill, and Catharine Gemmill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARLES REED.

Mr. INGALLS. The next is order of business 1083.

The bill (H. R. No. 1513) granting a pension to Charles Reed was considered as in Committee of the Whole. It provides for placing the name of Charles Reed, late private in Company H, Eleventh Regiment Iowa Volunteers, on the pension-roll.

The Committee on Pensions proposed to amend the bill by striking out the words "to begin to draw at the rate of — dollars per month from the 5th day of September, A. D. 1877, and continue during life, or the existence of disabilities."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN HOLLINGSWORTH.

Mr. INGALLS. The next order of business is 1084.

The bill (H. R. No. 697) restoring the name of Benjamin Hollingsworth to the pension-roll was considered as in Committee of the Whole. It provides for restoring to the pension-roll the name of Benjamin Hollingsworth, late a private in Company I of the First Regiment Iowa Cavalry Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PETER GETTERT.

Mr. INGALLS. The next pension bill is order of business No. 1085.

The bill (S. No. 1512) granting a pension to Peter Gettert was considered as in Committee of the Whole. It provides for placing on the pension-roll of the United States the name of Peter Gettert, late a private in Company C, Sixteenth Regiment Iowa Volunteers.

The Committee on Pensions proposed to amend the bill by striking out the words "to begin to draw, at the rate of — dollars per month, from the 12th day of April, 1878, and continue during life or the existence of his disability."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

HELEN CRABBE.

Mr. INGALLS. The next is order of business No. 1088.

The bill (H. R. No. 4698) granting a pension to Helen Crabbe was considered as in Committee of the Whole. By it the Secretary of the Interior is directed to place on the pension-roll the name of Helen Crabbe, daughter of the late Rear-Admiral Thomas Crabbe, and to pay her a pension of \$30 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOUISA BAINBRIDGE HOFF.

Mr. INGALLS. The next case is order of business No. 1089.

The bill (S. No. 1602) granting a pension to Louisa Bainbridge Hoff was considered as in Committee of the Whole. It proposes to place

on the pension-roll the name of Louisa Bainbridge Hoff, widow of Henry Kuhn Hoff, late rear-admiral in the United States Navy, and daughter of William Bainbridge, late commodore in the United States Navy, at the rate of \$50 per month from the date of her widowhood.

The Committee on Pensions proposed to amend the bill by striking out the words "the date of her widowhood" and inserting "and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN McNULTA.

Mr. INGALLS. The next is order of business No. 1090.

The bill (S. No. 1841) granting a pension to John McNulta was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John McNulta, late colonel of the Ninety-fourth Regiment of Illinois Volunteers, at the rate of \$50 per month, in lieu of the pension he now receives.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN GRUBBINS.

Mr. INGALLS. The next is order of business 1092.

The bill (H. R. No. 4494) granting a pension to John Grubbins was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John Grubbins, late a private in Company A of the Third Regiment of New Jersey Volunteers.

The Committee on Pensions proposed to amend by striking out the words "subject to the provisions and limitations of the pension laws" and inserting "and that he be paid a pension of \$8 a month from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES H. POLAND.

Mr. INGALLS. The next is order of business No. 1093.

The bill (S. No. 1515) granting a pension to James H. Poland was considered as in Committee of the Whole. It provides for James H. Poland, late a private in Company L, Seventh Iowa Cavalry.

The Committee on Pensions proposed to amend the bill by striking out the words "subject to the provisions and limitations of the pension laws" and inserting "and that he be allowed a pension of \$25 per month from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATIONS FOR MONUMENTS.

Mr. HOAR. Mr. President, we have nearly finished the pension bills; there are only nineteen more on the Calendar. On the next page, at the point where we now are, there are a few bills donating cannon for soldiers' monuments. They are all House bills and all very short, and in some instances I know of towns or associations that expect to have celebrations in the coming summer. I ask unanimous consent that those bills may be taken up now as they are reached or at the end of the pension bills, whichever the Pension Committee prefer.

Mr. INGALLS. At the end of the pension bills.

Mr. HOAR. I ask unanimous consent now that when the pension bills are over the bills I have referred to may be taken up.

The PRESIDING OFFICER. The Senate hears the request.

Mr. ROLLINS. If the Senator from Massachusetts will include all the pension cases, I will not object.

Mr. HOAR. Certainly. I do not propose to interfere with the pension cases.

Mr. ROLLINS. There is one pension case reported from the Committee on Revolutionary Claims.

Mr. HOAR. The Senator does not understand me. My request is that when the pension bills are over these condemned-cannon bills may be taken up next. That is all.

Mr. VOORHEES. Oh, no; the question of condemned cannon cannot stand in the way of pensions.

Mr. KERNAN. Regular order. Let us finish the pension bills.

Mr. HOAR. Will not the Senator allow unanimous consent to be asked for now?

Mr. KERNAN. We shall see how many are here when we get through with the pension bills.

The PRESIDING OFFICER. Objection being made to the request made by the Senator from Massachusetts, the next pension case will be reported.

HANNAH HALLAM.

Mr. INGALLS. The next pension bill is order of business 1117.

The bill (H. R. No. 4691) granting a pension to Hannah Hallam was considered as in Committee of the Whole. It provides for placing

on the pension-roll the name of Hannah Hallam, widow of Michael Hallam, late private Company F, Fourteenth West Virginia Volunteers.

The Committee on Pensions reported the bill with amendments in line 4, after the word "pension-roll" to strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill to insert "and pay her a pension of \$8 per month from and after the passage of this act."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIA L. MAXWELL.

Mr. INGALLS. The next is order of business 1118.

The bill (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THOMAS MURPHY.

Mr. INGALLS. The next is order of business No. 1119.

The bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Thomas Murphy, of Knox County, Missouri, late a corporal of Company E, Twenty-first Regiment Missouri Volunteers.

The Committee on Pensions reported an amendment to the bill by adding:

And that he be paid a pension from the date of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

ANN CORNELIA LANMAN.

Mr. INGALLS. The next is 1122 in the order of business.

The bill (H. R. No. 4795) granting a pension to Ann Cornelia Lanman was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Ann Cornelia Lanman at the rate of \$30 per month.

Mr. INGALLS. That bill needs no amendment.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRIETTA STRINGHAM.

Mr. INGALLS. The next is 1123 in the order of business.

The bill (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased, was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased, late of the United States Navy.

Amendments were reported from the Committee on Pensions in line 4, after the word "pension-roll," to strike out "subject to the provisions and limitations of the pension law," and at the end of the bill to insert "and pay her a pension from and after the passage of this act."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

SUSAN HUMES.

Mr. INGALLS. The next is 1124 in the order of business.

The bill (H. R. No. 4391) granting a pension to Susan Humes was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Susan Humes, dependent foster-mother of George C. Humes, late first lieutenant of Company B, of the One hundred and nineteenth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELIZABETH WIRT GOLDSBOROUGH.

Mr. INGALLS. The next in the order of business is No. 1130.

The bill (S. No. 1733) granting Mrs. Elizabeth Wirt Goldsborough, widow of the late Admiral Goldsborough, a pension of \$50 per month, to be paid out of the naval pension fund, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment to add to the bill:

But nothing in this act contained shall entitle the said Elizabeth Wirt Goldsborough to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SIDNEY A. HARRISON.

Mr. INGALLS. The next is 1131 in the order of business.

The bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Sidney A. Harrison, widow of Thomas Harrison, who was a soldier and military officer in the war of 1812, and to pay her a pension at the rate of \$20 per month.

Mr. INGALLS. That bill needs no amendment.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LUDWIG UEHER.

Mr. INGALLS. The next is 1132 in the order of business.

The bill (H. R. No. 4371) granting a pension to Ludwig Ueber was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Ludwig Ueber, late a private in the Thirty-seventh Regiment of Indiana Volunteer Infantry.

The Committee on Pensions reported an amendment to add to the bill:

But nothing in this act contained shall entitle the said Ludwig Ueber to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES C. SMITH.

Mr. INGALLS. The next is No. 1133 in the order of business.

The bill (S. No. 1848) granting an increase of pension to Charles C. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles C. Smith, late captain in the Tenth Regiment Indiana Volunteers at \$25 per month.

Mr. VOORHEES. I move to strike out "Tenth Regiment Indiana Volunteers" and insert "Thirteenth Infantry United States Army."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HALEY.

Mr. INGALLS. The next is 1134 in the order of business.

The bill (H. R. No. 1959) granting a pension to John Haley was considered as in Committee of the Whole. It provides for placing upon the pension-roll the name of John Haley, late of Company G, Fifteenth Regiment Michigan Volunteer Infantry.

The Committee on Pensions reported an amendment to add:

But nothing in this act contained shall entitle the said John Haley to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

NATHAN A. WINTERS.

Mr. INGALLS. The next is order of business No. 1135.

The bill (H. R. No. 3362) granting a pension to Nathan A. Winters was considered as in Committee of the Whole. It proposes to place the name of Nathan A. Winters, late captain of Company K, Forty-fourth Missouri Volunteers, on the pension-roll at such pension as his rank of captain and his degree of disability entitle him to receive according to the provisions and limitations of the general pension laws.

The Committee on Pensions reported an amendment to add:

But nothing in this act contained shall entitle said Nathan A. Winters to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HUGH B. MAKIN.

Mr. INGALLS. The next is order of business No. 1136.

The bill (H. R. No. 3108) granting a pension to Hugh B. Makin, late private of Company A, Eighth Regiment United States Volunteers, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment to add:

But nothing in this act contained shall entitle the said Hugh B. Makin to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALICE B. MUNROE.

Mr. INGALLS. The next is No. 1137 in the order of business.

The bill (H. R. No. 3598) granting a pension to Alice B. Munroe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alice B. Munroe, widow of Captain Frank Munroe, deceased, of the Marine Corps of the United States Army.

The Committee on Pensions reported an amendment to add to the bill:

But nothing in this act contained shall entitle said Alice B. Munroe to arrears of pension.

Mr. BAILEY. I reported that amendment; but it is unnecessary in the particular case, for the reason that the husband of Mrs. Munroe did not die of wounds received or injuries or disease contracted in the war of the rebellion. If the amendment is adopted, the bill will have to be sent to the House, and that may endanger it. I move that the amendment be not agreed to.

Mr. INGALLS. The amendment is unnecessary.

Mr. BAILEY. I have the arrears of pension act before me, and this case does not fall within it. This officer died eighteen months ago from disease contracted in the service of the United States in California.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. L. E. M'CAULEY.

Mr. INGALLS. The next is order of business No. 1138.

The bill (S. No. 1849) granting a pension to Mrs. L. E. McCauley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. L. E. McCauley, widow of Commodore Charles Stewart McCauley.

Mr. BAILEY. By a mistake the clerk of the Committee on Pensions prepared that bill improperly. In line 4 the words "place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of" should be stricken out for the reason that she is already receiving a pension of \$30 a month, and it was the intention of the committee to bestow upon her a pension of \$50 a month, to be paid out of the naval pension fund. She formerly received that pension, and it was the intention of the committee to restore it. Therefore I move to amend by striking out in line 4, after the word "to," the remainder of the words in that line and all on line 5 and to insert the words "pay to;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mrs. L. E. McCauley, widow of Commodore Charles Stewart McCauley, a pension of \$50 a month instead of \$30 a month which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE BRENNAN.

Mr. INGALLS. The next case is No. 1139 in the order of business.

The bill (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late private of Company B, Fifty-eighth Illinois Volunteers, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment to add to the bill:

But nothing in this act contained shall entitle said Catharine Brennan to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LUCY BASSETT.

Mr. INGALLS. The next is 1140 in the order of business.

The bill (S. No. 1400) granting a pension to Mrs. Lucy Bassett was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Lucy Bassett, mother of William A. Bassett, deceased, late private in Company E, Sixteenth Regiment Wisconsin Volunteer Infantry.

The Committee on Pensions reported an amendment to add to the bill:

But nothing in this act contained shall entitle said Lucy Bassett to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA SPRADLIN.

Mr. INGALLS. The next is 1141, in the order of business.

The bill (H. R. No. 4696) granting a pension to Cynthia Spradlin, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cynthia Spradlin, widow of Jacob M. Spradlin, late private in Company G, Sixth Tennessee Volunteers.

The Committee on Pensions reported an amendment to add to the bill:

But nothing in this act contained shall entitle the said Cynthia Spradlin to arrears of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARY BRADLEY CROSS.

Mr. INGALLS. The next is No. 1142 in the order of business.

The bill (H. R. No. 4379) granting a pension to Mary Bradley Cross was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Bradley Cross, widow of Colonel Osborn Cross, late a colonel in the United States Army.

The Committee on Pensions reported an amendment after the word "roll," in line 4, to strike out "subject to the provisions and limitations of the pension-roll," and at the end of the bill to insert "and pay her a pension from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JARVIS JACKSON.

Mr. INGALLS. The next case is No. 1151 in the order of business.

The bill (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky, was considered as in Committee of the Whole. It provides for paying to Jarvis Jackson, of Laurel County, Kentucky, a pension of \$16 per month, instead of \$8, which he is now receiving.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WARD B. BURNETT.

Mr. INGALLS. The next case is No. 1152 in the order of business.

The bill (S. No. 1852) granting an increase of pension to Ward B. Burnett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ward B. Burnett at \$50 per month in lieu of the pension he now receives.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH M'LAUGHLIN.

Mr. INGALLS. The next is No. 1153 in the order of business.

The bill (S. No. 1854) granting a pension to Hannah McLaughlin was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY GROSSMAN.

Mr. INGALLS. The next is order of business No. 1164.

The bill (H. R. No. 1842) granting a pension to Henry Grossman, late a private in Company G, of the One hundred and fifty-fourth Regiment of Illinois Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH E. WEBB.

Mr. INGALLS. The next is 1165 in the order of business.

The bill (S. No. 1759) granting a pension to Sarah E. Webb and minor children was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Sarah E. Webb, widow of Osgood B. Webb, private Company C, Thirtieth Regiment Maine Veteran Volunteers, and Caroline E. and Walter H. Webb, minor children of Osgood B. and Sarah E. Webb.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES RILEY.

Mr. INGALLS. I call for No. 1167 in the order of business.

The bill (H. R. No. 4694) granting a pension to James Riley, late private in Company D, Fourth Regiment United States Infantry, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

BENJAMIN SANDERS.

Mr. INGALLS. I call for order of business No. 1165.

The bill (H. R. No. 3676) for the relief of Benjamin Sanders was considered as in Committee of the Whole. It proposes to place the name of Benjamin Sanders, late of Company A, First Regiment Minnesota Infantry Volunteers, upon the pension-rolls.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHANNA KUHLMAN.

Mr. INGALLS. I ask next for order of business No. 1168.

The bill (H. R. No. 4368) granting a pension to Johanna Kuhlman

was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Johanna Kuhlman, widow of Anton Kuhlman, late second lieutenant Company B, First Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY W. JONES.

Mr. INGALLS. I now call for order of business No. 1169.

The bill (S. No. 1855) granting a pension to Mary W. Jones was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mary W. Jones, widow of Thomas ap Catesby Jones, late commodore in the United States Navy, at the rate of \$50 per month, in lieu of the pension she now receives.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EMILIE R. HOOE.

Mr. INGALLS. The next is order of business 1170.

The bill (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifth Infantry, United States Army, was considered as in Committee of the Whole. It provides for paying to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, of the Fifth Infantry, United States Army, a sum of money equal to \$20 per month, from December 8, 1847, the date of the death of her husband, to the 1st of January, 1854, the time of the commencement of the pension given her by special act of Congress.

The bill was reported to the Senate.

Mr. VOORHEES. Instead of "Secretary of the Treasury," the bill should be "Secretary of the Interior." I move that amendment in line 3.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

WILLIAM H. GARRETT.

Mr. INGALLS. The next order of business is 1178.

The bill (H. R. No. 3196) granting a pension to William H. Garrett, late private in Company B, in the Fifty-sixth Regiment Illinois Infantry Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES BUCHANAN.

Mr. INGALLS. I next call up order of business No. 1179.

The bill (H. R. No. 4695) granting a pension to James Buchanan, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Buchanan, late private in Company I, Thirty-first Ohio Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY BROWN.

Mr. INGALLS. The next is order of business No. 1180.

The bill (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and Twenty-third Regiment Illinois Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY LEGGETT.

Mr. INGALLS. The next is order of business No. 1181.

The bill (S. No. 460) granting a pension to Mary Leggett was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Mary Leggett, widow of Robert Leggett, late lieutenant-colonel of the Tenth Connecticut Volunteers, to date from September 18, 1874.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL C. PUTNAM.

Mr. INGALLS. The next is order of business No. 1185.

The bill (H. R. No. 585) for the relief of Daniel C. Putnam was considered as in Committee of the Whole. It provides for placing upon the pension-roll the name of Daniel C. Putnam, late a soldier of Company A, Twenty-fourth Regiment Missouri Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CAROLINE HAWLEY.

Mr. INGALLS. The next is order of business No. 1186.

The bill (H. R. No. 4385) granting an increase of pension to Caroline Hawley was considered as in Committee of the Whole. It provides for the issue to Caroline Hawley, widow of William Hawley, late first lieutenant in the United States Army, of a pension certificate at the rate of \$30 per month, instead of the certificate for \$17 per month she now holds.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

THOMAS C. YOUNG.

Mr. INGALLS. The next is order of business No. 1187.

The bill (H. R. No. 846) for the relief of Thomas C. Young, late private of Company F, Thirty-ninth Iowa Infantry, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JACOB PARROTT.

Mr. INGALLS. The next is order of business No. 1188.

The bill (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Jacob Parrott, of Hardin County, Ohio, late a private in Company K, Thirty-third Ohio Volunteers, at the rate of \$20 a month, said Jacob Parrott first surrendering the pension-certificate now issued to him by the Secretary of the Interior for cancellation.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN GAVIN.

Mr. INGALLS. The next case is 1189 in the order of business.

The bill (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CATHARINE H. GALLAGHER.

Mr. INGALLS. The next is order of business No. 1190.

The bill (H. R. No. 2769) granting an increase of pension to Catharine H. Gallagher, widow of Captain John Gallagher, late United States Navy, was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Catharine H. Gallagher, widow of Captain John Gallagher, late of the United States Navy, at the rate of \$50 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY G. HARRIS.

Mr. INGALLS. The next is order of business No. 1196.

The bill (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary G. Harris, widow of John Harris, late commandant of the United States Marine Corps, at the rate of \$50 a month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

REPRESENTATIVES OF MICHAEL MEENAN.

Mr. INGALLS. I call next for order of business No. 1198.

The bill (S. No. 1359) granting pensions to the widow and minor children of Michael Meenan, deceased, was considered as in Committee of the Whole. It proposes to place upon the pension-roll, at the rate of \$8 per month, the name of Emma Meenan, widow of Michael Meenan, deceased, late a corporal in Company E, Second Regiment Delaware Volunteers; also the names of Mary Meenan, William Meenan, George Meenan, and Edward Meenan, minor children of Michael Meenan, at the rate of \$2 each per month, these pensions to be payable from and after May 15, 1876, the day of the death of Corporal Meenan.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HARDIE HOGAN HELPER.

Mr. INGALLS. I next ask for order of business No. 1197.

The bill (S. No. 1051) for the relief of Hardie Hogan Helper was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Hardie Hogan Helper, who was disabled while on special duty under the command of General A. E. Burnside, in the war of the late rebellion.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM REYNOLDS.

Mr. INGALLS. The next is No. 1199 in the order of business.

The bill (H. R. No. 2975) granting a pension to William Reynolds, late a private Company G, Thirteenth Regiment Indiana Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. STAPLIN.

Mr. INGALLS. I now call up order of business 1200.

The bill (H. R. No. 4701) granting a pension to George W. Staplin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Staplin, late a private in Company C, Fifteenth Illinois Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HAMLIN. Mr. President, I want to invite, if I can get, the

attention of the Senate for half a minute. We are all of us aware of a very large number of executive communications from the President upon our table. If we could have an executive session for the purpose of referring them, so that they could go to the appropriate committees to let the committees get ready to report, with an understanding that we shall do nothing else in executive session, nothing would forward public business so much.

Mr. ROLLINS. There is one other pension case.

Mr. HAMLIN. But that leads to discussion.

JOHN S. CORLETT.

Mr. VOORHEES. Before the motion is put—and I will join in it heartily—I desire to ask the privilege of reporting the bill from the Committee on Pensions (H. R. No. 711) granting a pension to John S. Corlett, and I ask it to be placed on the Calendar.

The PRESIDING OFFICER. The bill will be received and put on the Calendar.

ELISHA FRANKLIN.

Mr. WITHERS. I would ask the Senator from Maine to withdraw his motion one moment in order that I may call up the bill to provide for granting a bounty land warrant to an old man who is one hundred years old.

Mr. HAMLIN. Go ahead.

Mr. WITHERS. I ask unanimous consent to take up House bill No. 6159, granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812.

Mr. ROLLINS. I will agree to that as soon as the pension cases are disposed of.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to take up the bill he has indicated. Is there objection?

Mr. ROLLINS. I object.

The PRESIDING OFFICER. The Senator from New Hampshire objects. The question returns on the motion of the Senator from Maine, [Mr. HAMLIN.]

Mr. ROLLINS. My ground is that there is a pension bill which has not been considered.

Mr. McMILLAN. I think both these cases can be disposed of by unanimous consent. Let it be understood that they will both be passed. One is a revolutionary pension and the other a bounty land warrant for a man a hundred years old.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine that the Senate proceed to the consideration of executive business.

Mr. HAMLIN. I stated that I withdrew that for the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia made a request, which was objected to.

Mr. ROLLINS. I withdraw the objection if it is understood the two cases shall be considered.

Mr. HAMLIN. The case of the Senator from New Hampshire can hardly be considered to-night.

The PRESIDING OFFICER. The Chair will again put the question. The Senator from Virginia asks unanimous consent that the Senate proceed to the consideration of order of business No. 960, being the bill granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812.

Mr. ROLLINS. I object.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. ROLLINS. I ask permission that both cases be considered.

Mr. WITHERS. We cannot consider two cases together.

Mr. ROLLINS. I do not expect that.

Mr. KERNAN. I object to any bargain.

Mr. ROLLINS. It was the understanding this evening that pension cases should be considered.

Mr. SPENCER and Mr. HAMLIN. Unobjected cases.

Mr. ROLLINS. Nothing was said about that. It was "pension cases."

The PRESIDING OFFICER. Does the Senator from New Hampshire withdraw his objection?

Mr. ROLLINS. I withdraw it.

The PRESIDING OFFICER. The Chair hears no further objection.

By unanimous consent, the bill (H. R. No. 6159) granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MILITARY LAND-WARRANT LOCATIONS.

Mr. VOORHEES. In the regular call of the Calendar I objected to the consideration of the bill (S. No. 1035) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes. I did so because I thought other cases had priority in point of merit. I withdraw my objection now to the bill.

Mr. KERNAN. What are the "other purposes" of the bill?

Mr. BECK. If we are going back on the Calendar I hope the Senate will take up House bill No. 4228, to promote the education of the blind, which was read the other day and is quite as meritorious as any other;

and if the objection to that cannot be withdrawn, I shall object to any other bill being considered.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Indiana.

ABIGAIL S. TILTON.

Mr. HAMLIN. Mr. President, inasmuch as there is a variety of suggestions all around me, I think I shall ask the Senate to go into executive session.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

Mr. WADLEIGH. I ask my friend, the Senator from Maine, to yield to me for a single moment while I ask the attention of the Senate to a pension case which has been omitted. It is to grant a pension to Abigail S. Tilton, who is the widow of a revolutionary soldier in New Hampshire. I hope there will be no objection.

Mr. BLAINE. That case ought not to be objected to. I hope it will not be objected to.

Mr. ROLLINS. The bill comes from the Committee on Revolutionary Claims.

The PRESIDING OFFICER. Does the Senator from Maine withdraw his motion?

Mr. McMILLAN. The objection is withdrawn by the Senator from Indiana to the bill in regard to the military land warrants, and I ask that that bill be considered.

The PRESIDING OFFICER. Does the Senator from Maine withdraw his motion?

Mr. HAMLIN. I withdraw it for the Senator from New Hampshire.

Mr. WADLEIGH. I ask consent—

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. WADLEIGH. I ask my friend, the Senator from Missouri, to allow a pension to be granted to the widow of a revolutionary soldier. Who can have any objection to that?

Mr. COCKRELL. I want to understand this thing. Why is it that a pension claim does not go to the Committee on Pensions?

Mr. ROLLINS. This went to the Committee on Revolutionary Claims.

Mr. COCKRELL. If this is an actual living widow of a revolutionary soldier, I do not propose to object; but if it is a bogus concern, I do.

Mr. ROLLINS. It is not a bogus concern; it is *bona fide*.

Mr. WADLEIGH. I assure the Senator from Missouri that it is a meritorious and deserving case.

Mr. COCKRELL. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent to proceed to the consideration of the bill he has indicated. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 399) granting a pension to Abigail S. Tilton. It directs the Secretary of the Interior to place on the pension-roll the name of Abigail S. Tilton, widow of Benjamin Stevens, late of Gilmanton, New Hampshire, who was a soldier in the war of the Revolution in Captain Samuel McConnel's company, in General Stark's brigade.

Mr. COCKRELL. Will the Senator from New Hampshire just tell the Senate why it is she never has had a pension before?

Mr. WADLEIGH. I think the explanation is that she married a second time.

Mr. ROLLINS. I have before me a report of the Committee on Revolutionary Pensions of the House in favor of a bill of this character, the same bill.

Mr. COCKRELL. Is her husband living now?

Mr. ROLLINS. No; he is dead. Here is the report, which can be read if anybody wants to hear it.

Mr. HAMLIN. We do not want to hear the report; we will pass the bill.

Mr. ROLLINS. Very well.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HAMLIN. Now I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

AMENDMENTS TO BILLS.

Mr. FERRY, Mr. DAWES, Mr. MITCHELL, Mr. PADDOCK, Mr. BARNUM, and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BARNUM submitted an amendment intended to be proposed by him to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

CANNON FOR MONUMENTS.

Mr. SPENCER. I ask unanimous consent to consider bills in reference to donation of cannon, &c.

The PRESIDING OFFICER. (Mr. HOAR in the chair.) The Chair hears no objection. Those bills will be considered in their order.

The bill (H. R. No. 1277) donating condemned cannon and cannon-balls to the Colchester Monument Association, of Colchester, Connecticut, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. SPENCER. I suggest that it is not necessary to read these bills at length.

Mr. INGALLS. The rules expressly require that bills shall be read at length; and I think it is a violation of order and a very dangerous precedent to establish to allow under any circumstances bills to be passed without being read, at least once, at length.

The bill (H. R. No. 1278) donating condemned cannon and cannon-balls to Ledyard Monument Association of Ledyard, Connecticut, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate, and ordered to a third reading.

Mr. COCKRELL. Has the clause we agreed to in committee been put in all of these bills?

Mr. SPENCER. It has, that it can be done without detriment to the Government.

The bill was read the third time, and passed.

The bill (H. R. No. 4002) donating a condemned cannon and cannon-balls to Post No. 145, Grand Army of the Republic, district of Massachusetts, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The bill (H. R. No. 3871) donating condemned cannon to the city of Boston for monumental purposes was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. BECK. I do not know what is coming next, but there are only five Senators present, and I object to any other business. I do not know what is coming next and do not care. If it is a good thing, we can pass it in the morning.

Mr. SPENCER. We had unanimous consent when there was a quorum present to stay here and pass sixteen or seventeen of these bills and do no other business. They are all just alike. I hope the Senator will not object. That was the unanimous consent when there was a quorum present. I suppose Senators are around the lobbies now, and some Senators left with the understanding that nothing but these bills should be acted upon.

Mr. COCKRELL. I do not think we ought to act upon any bill that any Senator who has absented himself is interested in. If the five Senators present are interested in any one of these bills, I suggest that that bill be passed and that the rest be deferred. If the absentees do not stay to make up a quorum they have no right to ask us who stay to pass their bills.

Mr. BECK. I do not want to interfere with any understanding.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kentucky to object?

Mr. BECK. I take it all back.

The PRESIDING OFFICER. Objection is withdrawn. The Clerk will proceed.

The bill (H. R. No. 6272) donating condemned cannon to Bayard Post for purposes therein mentioned was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. COCKRELL. At what hour does the Senate meet, unless we change it?

The PRESIDING OFFICER. Eleven o'clock.

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. SPENCER. Let us finish these bills.

Mr. BAILEY. Before the Senate adjourns, I move that these bills be given precedence to-morrow morning. I do not think that we should pass these bills to-night with only seven Senators present, but I do approve of the motive and object and purpose of these bills. The purpose is to commemorate those who died in the defense of their country, and I hope that precedence will be given by unanimous consent to these bills, but I do not think it proper that seven Senators should pass them.

Mr. VOORHEES. One moment. Order of business 1075, Senate bill 1791, being a bill for the relief of Mark Walker, is here by the recommendation of the Secretary of War, not only verbally given to me, but in writing and by the unanimous report of the Committee on Military Affairs. Consequently there can be no risk in passing this bill; and I should be glad if we could pass it now and let it go to the other branch of Congress.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his motion?

Mr. COCKRELL. I will not object to taking that bill up and passing it the first thing in the morning.

Mr. VOORHEES. I beg the Senator to let me do it to-night.

Mr. COCKRELL. The Chair sees that there are only seven Senators present.

The PRESIDING OFFICER. The motion is not debatable if the Senator from Missouri refuses to withdraw it.

Mr. COCKRELL. We can pass the bill in the morning.

Mr. VOORHEES. This man is dying for bread, and the Secretary of War in writing to me personally recommends the passage of this bill, and certainly it cannot be that the Senator from Missouri finds his public duty compelling him to object to it. I ask that it may be passed now. It is on the Calendar.

Mr. PLUMB. That is a very meritorious case, and I think if there is any case on this Calendar that would warrant the Senator from Missouri in withdrawing his motion it is this case of Mark Walker.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri, [Mr. COCKRELL.]

The motion was agreed to; and (at eleven o'clock and twenty seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 26, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from New York [Mr. GOX] is recognized to move that the House resolve itself into Committee of the Whole to resume the consideration of the census bill.

Mr. COX, of New York. I yield to my colleague, [Mr. WOOD.]

Mr. WOOD. I think it must be very obvious to the House that the Committee of Ways and Means should have an opportunity to report its bills for consideration. We have waited until the Committee on Appropriations has exhausted its bills. We are now willing to stand aside for the bill of my colleague in regard to the census. But I ask unanimous consent that a session to-morrow evening at half past seven o'clock be assigned for the consideration of reports from the Committee of Ways and Means.

The SPEAKER. Subject to a morning hour, the Chair suggests.

Mr. WOOD. Yes, sir, subject to a morning hour.

Mr. HALE. I object.

Mr. WOOD. Then I move to suspend the rules, and that the order I have indicated be made.

Mr. HALE. I only object to the condition as to there being a morning hour.

Mr. WHITTHORNE. I cannot consent to give up the morning hour.

Mr. HALE. I do not object to the original proposition, but I object to having a morning hour in the evening.

Mr. WOOD. I think it would be better to omit any reference to the morning hour. I am willing to take my chances in the evening.

Mr. WILSON. It is of the utmost importance that the Committee on Foreign Affairs have some time. I desire that Friday evening be set apart for the reception of reports from that committee.

The SPEAKER. The Chair will submit that proposition afterward.

Mr. CRAPO. What is the proposition of the gentleman from New York?

The SPEAKER. That a session to-morrow evening at half past seven o'clock be set apart for reports from the Committee of Ways and Means for action.

Mr. HALE. And nothing else but reports from the Committee of Ways and Means.

Mr. SCALES. I object unless some other committees have a chance to report.

The SPEAKER. That is what the Chair desired in suggesting that there should be a morning hour. The Chair is in entire harmony with the gentleman from North Carolina as to having a morning hour.

Mr. WOOD. I move that the rules be suspended to make the order I have indicated.

Mr. SCALES. I withdraw my objection.

There was no further objection, and the order was made.

Mr. WOOD moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DUTY ON QUININE.

Mr. COX, of New York. I yield to the gentleman from Tennessee [Mr. ATKINS] for a moment.

Mr. ATKINS, by unanimous consent, presented resolutions of the Legislature of the State of Tennessee, in favor of placing quinine on the free list; which were referred to the Committee of Ways and Means.

NORTHERN PACIFIC RAILROAD.

Mr. RICE, of Massachusetts. Under instructions of the Committee on the Pacific Railroad, I offer the resolution which I send to the Clerk's desk:

Resolved, That the House hold a session on Wednesday evening, February 26, beginning at half past seven o'clock, at which time it shall consider House bill No. 4397, entitled "A bill to extend the time to construct and complete the Northern Pacific Railroad," in the House as in Committee of the Whole on the state of the Union.

Mr. SCALES. I object to that.

Mr. RICE, of Massachusetts. Then I move to suspend the rules and adopt it.

Mr. COX, of New York. I do not yield for that purpose.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. BRIDGES. I ask consent to submit for consideration and adoption at this time the resolution which I send to the Clerk's desk. The Clerk read as follows:

Resolved, That there be an evening session this evening, to commence at half past seven o'clock, the first hour of which to be set apart for the consideration of business before the Committee on Foreign Affairs and the remainder of the evening for general debate.

Mr. STRAIT. I object to that resolution.

Some time subsequently,

Mr. STRAIT withdrew his objection.

The SPEAKER. The Chair will again submit the question to the House. Is there objection to the resolution offered by the gentleman from Pennsylvania, [Mr. BRIDGES?]

Mr. CLARK, of Iowa, and others objected.

CHINESE IMMIGRATION.

The SPEAKER, by unanimous consent, laid before the House the following; which was laid upon the table:

SACRAMENTO, CALIFORNIA, February 24, 1879.

To the United States Senate and House of Representatives,
Washington, District of Columbia:

Resolved, That the thanks of this convention be, and the same are hereby, tendered to the Congress of the United States for the triumphant passage of the bill restricting the immigration of Chinese to this country, and that the members of the Senate and of the House of Representatives who supported that vital measure merit and will receive the lasting gratitude of the people of California.

Resolved, That the secretary is hereby directed to transmit copies hereof to the Senate and House of Representatives.

E. F. SMITH,

Secretary Constitutional Convention.

CENSUS.

Mr. COX, of New York. I now move that the rules be suspended and the House resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the census bill.

Mr. WHITTHORNE. Can we not have a morning hour?

The SPEAKER. The Chair understands that the census bill was made a special order under a suspension of the rules, and of course that privilege attaches to it right through. Therefore the Chair recognizes the gentleman from New York [Mr. COX] at this time to make his motion.

Mr. COX, of New York. It is also unfinished business in Committee of the Whole.

The motion of Mr. Cox, of New York, was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The Committee of the Whole now resumes the consideration of the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses.

Mr. HEWITT, of Alabama. I do not propose to antagonize the bill of the gentleman from New York, [Mr. COX,] but I wish to inquire whether or not the bill to pension soldiers of the Mexican war is not the first in order in Committee of the Whole?

The CHAIRMAN. The Chair would state to the gentleman from Alabama [Mr. HEWITT] that the bill in relation to the taking of the tenth census was made a special order under a suspension of the rules, and as unfinished business in Committee of the Whole is now in order.

Mr. HEWITT, of Alabama. I do not propose to antagonize the bill at all.

Mr. COX, of New York. It will not take more than an hour or so to dispose of it.

The CHAIRMAN. By order of the House all debate upon the pending amendment and amendments thereto has been limited to ten minutes. The pending amendment is the substitute for section 4 of the Senate bill, reported from the committee of the House on the census.

Mr. COX, of New York. I move to strike out all of the amendment reported from the committee from and including the word "and," in line 5 of the printed bill, to and including the word "Secretary," in line 13, and to insert in lieu thereof the following:

The supervisors shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

Mr. HALE. What are the words proposed to be stricken out?

Mr. COX, of New York. My motion is to strike out that portion of the section giving the nomination of supervisors to the governors of the respective States and Territories, and to leave the supervisors to be appointed by the President by and with the advice and con-

sent of the Senate. In the absence of my friend from Virginia, [Mr. TUCKER,] and at his suggestion, I have offered this amendment. If voted down, very well. I wish to hurry on with the bill.

Mr. HALE. Let the words be read which it is proposed to strike out.

The Clerk read as follows:

And he shall immediately notify the governor of each State or Territory of the number of the supervisors and the boundary of the several districts therein. The supervisors shall be appointed by the Secretary of the Interior, on the nomination of the governors of the respective States or Territories, except that the supervisor for the District of Columbia shall be nominated by the commissioners of said District and appointed by said Secretary.

Mr. GARFIELD. I do not hesitate to say that the amendment proposed is a marked improvement upon the section reported from the committee, and as such I will vote for it. The only objection, however, it seems to me, is that the proposed amendment provides a little too much machinery; requiring, as it does, so large a number of supervisors to be nominated by the President, and their names to be sent to the Senate for confirmation.

That difficulty, if it shall be one, can be arranged in the conference committee, and I hope that gentlemen will vote for this amendment as a substitute for the committee's amendment.

Mr. HALE. I move to amend by inserting after the word "and; "

In case the United States Senate shall not be in session, said appointments shall be made by the President.

Mr. GARFIELD. That would be wise, certainly, if there might be trouble about it.

Mr. COX, of New York. We can remedy it in the conference committee, if necessary.

Mr. GARFIELD. I think you had better put it in now.

Mr. MILLS. Let it go in.

Mr. COX, of New York. Very well; I have no objection to the amendment.

The question was taken on Mr. GARFIELD's amendment; and it was agreed to.

The question then recurred upon the amendment proposed by the committee as amended; and it was agreed to.

Mr. BUTLER. I offer what I send to the Clerk's desk as a substitute for the amendment proposed by the committee, section 4, and ask the attention of the committee to it.

The Clerk read Mr. BUTLER's amendment, as follows:

SEC. 4. The Secretary of the Interior shall, on or before the 1st day of March, 1880, designate and appoint the number of supervisors of censuses, to be appointed within each State or Territory, who shall be residents of the State or Territory. The total number of such supervisors shall not exceed one hundred and fifty. The Superintendent and the supervisors and enumerators shall, before entering upon the duties of their offices, respectively, take and subscribe the following oath or affirmation: I, ———, (Superintendent, supervisor, or enumerator, as the case may be), do solemnly swear (or affirm) that I will support the Constitution of the United States, and perform and discharge the duties of the office of (Superintendent or other, as the case may be) according to law, honestly and correctly to the best of my ability; which oaths shall be filed in the office of the Secretary of the Interior. And each alternate supervisor for each State and Territory so appointed shall be from a different political party, and shall be so certified by the Secretary of the Interior. Each State and Territory shall have an even number of supervisors. And each alternate enumerator in each State or Territory to be appointed as herein authorized shall be selected and appointed from different political parties, and shall be certified to have been so selected and appointed. And it shall be unlawful for any enumerator to discuss any political subject or distribute or cause to be distributed any printed matter other than pertains to his office during his term of office. And any violation of this section shall be punished on conviction of the offender before any circuit court, upon information filed by the district attorney, by a fine of not less than \$100 or more than \$1,000.

Mr. BUTLER. I am physically unable to address the House upon this amendment. The amendment is a perfected copy of the amendment upon which the committee divided, 96 to 97, the other day. I have revised it very carefully, and my proposition is simply this, to have every other supervisor and every other enumerator of a different political party, so that there shall be, as far as possible, no chance for partisan action in the taking of the census.

What we want is an accurate census. If this is done it is no great consequence who appoints these officers. They had better be appointed by the Secretary of the Interior, because the appointment by the President, if he give proper heed to the chiefs of his department and does not act outside of the interests of the Republic, will be made on the recommendation of the Secretary of the Interior, by whom this census is in fact to be taken.

Now, everybody will know, in every State and Territory, what are the political opinions of the supervisors and enumerators. Then, there is a provision in this amendment that these supervisors and enumerators, while in the discharge of the duties of their offices, shall neither distribute political tracts or speeches nor make political speeches. That applies to the thirty or sixty days during which they will be engaged in their business, otherwise the provisions of the section are according to what the committee want and have reported.

The difference is that my amendment requires that the supervisors and enumerators shall be of different political parties, to prevent them from using their offices as means of political propagation.

Mr. RANDOLPH. Suppose there are more than two parties?

Mr. BUTLER. It makes no difference whether there are a half dozen political parties or not. The two enumerators are to be from different political parties, and it is not of any consequence to which political party they belong; that would be left to the good judgment and fair dealing of the Secretary of the Interior; it is not of

any consequence what party they are from, if they are of different political parties under the restriction of the section.

I offered this amendment already, or substantially the same amendment, although it is different in some regards, for this, as I have said, is perfected. It was then asked, What would happen if there were three parties in the field? It is of no consequence about a third party. If there are two different parties represented they will see to it, each for the other, that there is fair play.

Mr. COX, of New York. I wish to say, in response to what has been urged by the gentleman from Maine, [Mr. HALE,] that it cannot affect this bill. The districts are not made up until after the supervisors are appointed, and they are not to be appointed until the 1st day of March. There can be no danger of a vacation of the Senate at the time these appointments are to be made. I object to the amendment of the gentleman from Maine, [Mr. HALE,] because it is impracticable, and therefore I will not argue it.

The CHAIRMAN. The Chair will state that by order of the House debate upon this paragraph and all the amendments to it has been exhausted.

Mr. GARFIELD. I desire to say a single word.

The CHAIRMAN. Debate is exhausted.

Mr. GARFIELD. I move to strike out the last word.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that by order of the House debate has been limited upon this paragraph and the amendments thereto, and that debate is now exhausted.

Mr. GARFIELD. Very well; then I withdraw.

The question was taken on Mr. BUTLER'S amendment to the amendment reported by the committee; and on a division there were ayes 11.

Mr. BUTLER. I will not ask for a further count. I will only remark that ninety-six members voted for the amendment the other day.

No further count being demanded, the amendment to the amendment was not agreed to.

The question recurred upon agreeing to the amendment of the committee as amended, and it was agreed to.

The Clerk read as follows:

SEC. 5. Each supervisor of census shall be charged with the performance, within his own district, of the following duties:

To propose to the Superintendent of Census the apportionment of his district into subdivisions most convenient for the purpose of enumeration;

To designate to the Superintendent of Census suitable persons, and, with the consent of said Superintendent, to employ such persons as enumerators within his district, one for each subdivision, and resident therein, who shall be selected solely with reference to their fitness, and without reference to their political or party affiliations, according to the apportionment approved by the Superintendent of Census;

To transmit to enumerators the printed forms and schedules issued from the Census Office, in quantities suited to the requirements of each subdivision;

To communicate to enumerators the necessary instructions and directions relating to their duties, and to the methods of conducting the census, and to advise with and counsel enumerators in person and by letter, as freely and fully as may be required to secure the purposes of this act;

To provide for the early and safe transmission to his office of the returns of enumerators, embracing all the schedules filled by them in the course of enumeration, and for the due receipt and custody of such returns pending their transmission to the Census Office;

To examine and scrutinize the returns of enumerators, in order to ascertain whether the work has been performed in all respects in compliance with the provisions of law, and whether any town or village or integral portion of the district has been omitted from enumeration;

To forward to the Superintendent of Census the completed returns of his district in such time and manner as shall be prescribed by the said Superintendent, and in the event of discrepancies or deficiencies appearing in the returns from his district, to use all diligence in causing the same to be corrected or supplied;

To make up and forward to the Superintendent of Census the accounts required for ascertaining the amount of compensation due under the provisions of this act to each enumerator of his district.

Mr. COX, of New York. On behalf of the committee I move to amend by adding to the fifth paragraph of the pending section these words:

And under the direction of the Superintendent of Census, and to facilitate the taking of the census with as little delay as possible, he may cause to be distributed by the enumerators, prior to the taking of the enumeration, schedules to be filled up by householders and others.

The amendment was agreed to.

Mr. MANNING. I move to amend by adding to the seventh paragraph of the pending section the following:

To keep said returns open for inspection by the public in his office for fifteen consecutive days, and that he shall give notice thereof by publication for fifteen consecutive days in two newspapers published within or nearest to his district in which such returns were taken.

Mr. Chairman, it is not my purpose to argue this amendment. It speaks for itself. It offers a guarantee for the good faith of the supervisors in performing their work. As will be observed from the reading, it will be competent under this amendment for any person whose name is left off the list to go to the supervisor and have it placed thereon; or if there is any omission of any material interest of the district, it will be competent for any man to avail himself of this opportunity to have the omission corrected. It seems to me the amendment will commend itself to members of the House irrespective of party.

Mr. COX, of New York. I hope the amendment will be voted down.

Mr. HANNA. I will ask the gentleman proposing this amendment whether it would not involve the Government in an immense expenditure?

Mr. MANNING. I have considered that point; and, in my opinion,

the expense of having these advertisements published as proposed (it will be perceived they are to be for only two weeks) cannot amount to a very great sum. It is provided that these notices of the supervisors shall be published in only two newspapers in each district; and there are one hundred and fifty districts provided for in the bill.

Mr. HANNA. This advertising would of necessity cost hundreds of thousands of dollars.

Mr. MANNING. Oh, no; it could not do so. I think the gentleman is very greatly in error in making that statement. I am not able, however, to state precisely the amount that will be expended in this way.

The amendment was not agreed to, there being—ayes 47, noes 90.

Mr. CLAFLIN. I move to amend by inserting after the word "enumerators" in the sixth paragraph of the pending section the following:

And for a certified copy of such returns, to be deposited in the treasury of each State or Territory.

It will be perceived that the bill makes no provision for any copy of the census returns. The original returns may be lost in the course of transmission to the capital, or may in various ways disappear. It seems to me that this amendment, which conforms, I understand, to the law as adopted in relation to former censuses, should be agreed to.

Mr. COX, of New York. The making of this copy would cost \$125,000. In the taking of the census of 1870 only one list was lost. I learn from letters received from the secretaries of state in various States that nobody ever consults the census returns deposited in the State offices. Gentlemen ought to understand that to copy 48,000,000 of names, forty names to the page, must be enormously expensive, and what return is there for it?

Mr. CLAFLIN. Additional safety.

Mr. COX, of New York. There is no advantage in the world, except that if any return is lost a duplicate may possibly be found in the office of the secretary or treasurer of the State.

Mr. CLAFLIN. If one return should be lost, it will cost more to retake the census to supply the list than the whole expense which the gentleman speaks of.

Mr. COX, of New York. This point has been fully considered by the committee. In taking the census of 1870 only one return was lost, and the retaking of the census in order to supply that return cost only \$1,000.

The amendment was not agreed to.

The Clerk read as follows:

SEC. 6. Each supervisor of census shall, upon the completion of his duties to the satisfaction of the Secretary of the Interior, receive the sum of \$500 in full compensation for all services rendered and expenses incurred by him, except an allowance for clerk hire may be made, at the discretion of the Superintendent of Census.

SEC. 7. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of census of the district to which he belongs a commission, under his hand, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him. He shall, moreover, take and subscribe the following oath or affirmation:

"I, _____, an enumerator for taking the _____ census of the United States, do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the subdivision assigned to me, and will also faithfully collect all other statistics therein, as provided for in the act for taking the _____ census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof as required by said act, and will not disclose any information contained in the schedules, lists, or statements obtained by me to any person or persons, except to my superior officers."

(Signed) _____

Which said oath or affirmation may be administered by any judge of a court of record, or any justice of the peace empowered to administer oaths; and a copy thereof, duly authenticated, shall be forwarded to the supervisor of census before the date fixed herein for the commencement of the enumeration.

SEC. 8. It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling-house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of such family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all the particulars required by this act, as of date June 1, 1880. And in case no person shall be found at the usual place of abode of such family or individual living out of a family competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from the family or families or person or persons living nearest to such place of abode: *Provided*, That Indians not taxed shall be omitted from the enumeration; but the Superintendent of Census may employ special agents or other means to make an enumeration of all Indians not taxed, within the jurisdiction of the United States, with such information as to their condition as may be obtainable.

Mr. HANNA. I desire to ask the attention of the gentleman from New York [Mr. Cox] to the language embraced in the first five lines of this section:

It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling-house in his subdivision, and each family therein, and each individual living out of a family in any place of abode.

Does this language contemplate that the enumerator shall go beyond his district to visit persons? If so it will impose a labor that it may be impossible to perform.

Mr. GARFIELD. It means within the district, as a matter of course. There might be, for instance, a wood-chopper living out in the forest; and the object is that such a person should not be omitted from the enumeration.

Mr. COX, of New York. Yes, sir; the purpose is to include everybody.

The Clerk read as follows:

SEC. 9. And it shall be further the duty of each enumerator to forward the original schedules, duly certified, to the supervisor of census of his district, as his returns under the provisions of this act.

SEC. 10. The compensation of enumerators shall be ascertained and fixed as follows:

In subdivisions where the Superintendent of Census shall deem such an allowance sufficient, an allowance not exceeding two cents for each living inhabitant, two cents for each death reported, ten cents for each farm, and fifteen cents for each establishment of productive industry enumerated and returned, may be given in full compensation for all services; and no claim for mileage or traveling expenses shall be allowed in such subdivisions: *Provided*, That the subdivisions to which the above rate of compensation shall apply must be designated by the Superintendent of Census at least one month in advance of the enumeration; and no account of the time occupied in enumeration shall be required for the purpose of ascertaining and determining the compensation of enumerators in such subdivisions. For all other subdivisions, rates of compensation shall be fixed in advance of the enumeration by the Superintendent of Census, with the approval of the Secretary of the Interior, according to the difficulty of enumeration, having reference to the nature of the region to be canvassed, and the density or sparseness of settlement, or other considerations pertinent thereto; but the compensation allowed to any enumerator in any district east of the Rocky Mountains shall not exceed an average of \$4 per day of ten hours' actual field work each; and the compensation allowed to any enumerator in any district west of the Rocky Mountains shall not exceed \$6 per working day of equal length. And the Superintendent of Census may prescribe a uniform method and suitable forms for keeping account of the time occupied in field work, for the purpose of ascertaining the amounts due to enumerators, severally, under the provisions of this act.

Mr. PATTERSON, of Colorado. I find that this section, in fixing the compensation of the enumerators, provides that it shall not exceed \$4 a day east of the Rocky Mountains, or \$6 a day west of the Rocky Mountains. Now, the Rocky Mountains comprise in themselves a vast area, and they are inhabited by a very large population. But I would suggest to the gentleman having the bill in charge that an amendment be received which will make the maximum of compensation \$6 from the eastern limits of the Rocky Mountains extending westward.

Mr. COX, of New York. I have no objection to that.

Mr. GARFIELD. I think this follows nearly all of our laws in relation to land surveys; that we have taken the boundary of the Rocky Mountains, and given a larger amount west than east, and it seems to me we ought not to break from that rule. If we do we shall keep pushing eastward.

Mr. PATTERSON, of Colorado. Let me suggest to the gentleman from Ohio that you make the line east of the Rocky Mountains \$4 and west of the Rocky Mountains \$6, while there is no provision for taking the census in the Rocky Mountains, which is worth a great deal more than taking it east or west of those mountains.

Mr. GARFIELD. I presume the gentleman is right about that, but the difficulty is where we shall find this boundary. I would rather, if it is adopted at all, the gentleman should say west of a certain meridian.

Mr. PATTERSON, of Colorado. Say west of the one hundredth meridian as the dividing line between the great range of mountains.

Mr. GARFIELD. I understand that during the taking of the last census it was necessary to find out for official purpose where the eastern foot of the Rocky Mountains was, and it was impossible to tell. If the gentleman will say the one hundredth meridian I will agree to that.

Mr. PATTERSON, of Colorado. Very well, let the maximum of \$6 commence westward of the one hundredth meridian.

Mr. COX, of New York. There is no objection to that amendment.

The CHAIRMAN. The gentleman from Colorado will reduce his amendment to writing.

Mr. GARFIELD. It can be reached by striking out "Rocky Mountains" and inserting "one hundredth meridian" in lines 24 and 27.

Mr. TOWNSEND, of New York. Has that proposition been finally adopted?

The CHAIRMAN. It has not.

Mr. TOWNSEND, of New York. I desire to say a word about it. I have been told in this House that the presence of the Chinese on the western slope has greatly reduced wages. If that be so, if the wages on the western slope have been so severely reduced, I am certainly opposed to paying higher wages there than in other portions of the United States.

Mr. WILLIAMS, of Oregon. To alleviate any apprehensions of danger to the Chinese on the Pacific in the mind of the gentleman from New York, I suggest to him that he had better move an amendment that in districts west of the Rocky Mountains the duties prescribed by this act shall be performed by Chinamen.

Mr. TOWNSEND, of New York. The truth is, I do not believe wages have been reduced on the western slope, but I believe wages paid to white men on the western slope are, in private life as under the laws of the United States, higher than any other spot on the face of the earth, than any other spot upon which God's sun shines.

Mr. COX, of New York. I am willing to agree to that amendment.

Mr. PATTERSON, of Colorado. My amendment is to strike out the words "Rocky Mountains" wherever they occur in the section and to insert in lieu thereof "one hundredth meridian."

The committee divided; and there were ayes 66, noes not counted. So the amendment was agreed to.

The Clerk read as follows:

SEC. 11. The subdivision assigned to any enumerator shall not exceed four thousand inhabitants, according to the census of 1870, nor shall any such subdivision contain less than three thousand inhabitants in any case where the last preceding census shows the number of inhabitants thereof. The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines.

Mr. COX, of New York. I move the following amendment, to come in after the word "thereof" in line 6:

Provided, That in the Territories and in the States admitted into the Union since 1870 the supervisor of census may appoint additional enumerators in cases where in his judgment the census cannot be properly taken in thirty days by reason of the increase of population or the physical features of the said district.

Mr. GARFIELD. If the gentleman in charge of the bill will strike out all the words after "1870" down to the end of the sentence and insert what has just been read, I think it will be still better. The limitation of three thousand is absolutely out of the question in those sparsely settled countries. There are places indeed which had three thousand in 1870 which are away beyond that now by unusual, almost abnormal, growth. I think that limitation ought not to be there. We should leave it to the discretion of the department having charge of the census. The clause the gentleman puts on is a wise one. If he will allow me, I will move to insert after "1870" what he has had read.

Mr. COX, of New York. I have no objection to modify my amendment in that way, as it obviates the objection I am trying to cure. I will modify my amendment as suggested by the gentleman from Ohio.

The Clerk read the amendment as modified, as follows:

Strike out these words:

Nor shall any such subdivision contain less than three thousand inhabitants in any case where the last preceding census shows the number of inhabitants thereof. The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines.

And in lieu thereof, insert as follows:

Provided, That in the Territories and in the States admitted into the Union since 1870 the supervisor of census may appoint additional enumerators in cases where in his judgment the census cannot be properly taken in thirty days by reason of the increase of population or the physical features of the said district.

The amendment, as modified, was adopted.

Mr. WILSON. I move further to amend by striking out the word "four" and inserting "eight;" so it will read:

The subdivision assigned to any enumerator shall not exceed eight thousand inhabitants, &c.

The amendment giving to an enumerator the power to appoint an assistant would justify an increase of the number to eight thousand instead of four thousand.

Mr. COX, of New York. I hope that will not be adopted.

Mr. WILSON. I will make it six, then, instead of eight thousand. In view of the amendments that have been made to this section it will be perfectly competent to employ an assistant enumerator, and there would be no trouble and no embarrassment. On the contrary, there would be great embarrassment if the number is left at four thousand. My amendment would be in the line of retrenchment and economy, would reduce the expense, and facilitate the work.

Mr. COX, of New York. The only difficulty about accepting the amendment of the gentleman from West Virginia is that the work requires to be done within thirty days, and in order to accomplish that object there must be small districts. If that amendment were adopted it would not be in harmony with the remainder of the bill.

The question being taken on Mr. WILSON's amendment, it was not agreed to.

The Clerk resumed the reading of the bill, and read section 13, as follows:

SEC. 13. That if any supervisor shall receive or secure to himself any fee, reward, or compensation as a consideration for the employment of any person as enumerator or clerk, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$500 nor more than \$3,000, in the discretion of the court.

Mr. TUCKER. I offer the following amendment:

Strike out the word "supervisor" in line one of the section, and insert the word "person."

That is a broader term and will cover every case of impropriety.

Mr. COX, of New York. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read section 14, as follows:

SEC. 14. That each and every person more than twenty years of age, belonging to any family residing in any enumeration district, and in case of the absence of the heads and other members of any such family, then any agent of such family, shall be, and each of them hereby is, required, if thereto requested by the superintendent, supervisor, or enumerator, to render a true account, to the best of his or her knowledge, of every person belonging to such family, in the various particulars required by law, and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not exceeding \$100. And every president, treasurer, secretary, general agent, or managing director of every corporation from which answers to any of the schedules provided for by this act are herein required, who shall, if thereto requested by the superintendent, supervisor, or enumerator, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, such officer shall forfeit and pay a sum not less than \$500 nor more than \$10,000, to be recovered in an action of debt in any court of competent jurisdiction, in the name and to the use of the United States, and in addition thereto shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding one year.

Mr. COX, of New York. I am instructed by the committee to offer the following amendment:

In line 19, after the word "officer" insert the words "or agent;" so that it will read "such officer or agent shall forfeit and pay," &c.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the second paragraph of section 17, as follows:

Schedule No. 1 shall contain inquiries as to the relation of each person enumerated to the head of the family, whether wife, son, daughter, servant, boarder, or other; as to the civil conditions of each person enumerated, whether married, wid-

owed, or single; as to the place of birth of the parents of each person enumerated; and as to the physical and mental health of each person enumerated, whether active or disabled, maimed, crippled, bed-ridden, deaf, dumb, blind, insane, or idiotic, and whether employed or unemployed, and if unemployed, during what portion of the year. From the same schedule the inquiries as to the value of real and personal estate owned shall be stricken out.

Mr. COX, of New York. I offer the following amendment, reported by the committee:

In line 11, after the words "parents of each person enumerated," insert the words "as to all foreign-born, whether alien or naturalized persons."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the fifth paragraph of section 17, as follows:

Schedule No. 4 shall contain inquiries relating to the public indebtedness of cities, counties, and towns; and such additional inquiries respecting public paupers and criminals as the Superintendent of Census shall deem necessary to secure full information respecting the numbers and condition of these classes.

Mr. COX, of New York. I am instructed by the committee to offer the following amendment:

After the word "towns" insert "and of the ownership of the public debt of the United States, by whom owned, and the respective amounts;" and after the word "respecting" the words "the same, as well as respecting the."

Mr. WARD. It seems to me that by this amendment proposed by the committee it is sought to establish a different regulation and inquiry with regard to the public debt of the United States and the persons by whom it is owned and the respective amounts than are attempted to be established with regard to any other species of property. I do not understand why the bill should establish a different rule with regard to that kind of property from that which is attempted to be established with regard to any other. There is certainly no reason why people who have seen proper to invest their money in the public loans of the United States should be treated in a manner more inquisitorial, more calculated to reveal their private business and drag into public view their private and social affairs, than is meted out to the owner of any other class of property-holders. Does the majority of the committee desire to punish people for their patriotism in preferring the nation as the custodian of their earnings and savings?

If there is one thing that to the American citizen is distasteful it is the inquisitorial process of attempting to pry into his private affairs. I say to the committee having this important measure in charge that nothing will be more unpopular and nothing will more tend to frustrate the design that should govern in collecting and collating a careful and valuable census than the effort to inject into it this species of prying inquiry.

I notice that very properly, by a previous paragraph of this section, there are stricken out from schedule 1 "the inquiries as to the value of real and personal estate." I think that is a proper provision.

Mr. COX, of New York. That is not stricken out. It is put in another schedule.

Mr. WARD. The words are these:

From the same schedule the inquiries as to the value of real and personal estate owned shall be stricken out.

Mr. COX, of New York. Yes, from that particular schedule; but they come in elsewhere. It would not be a proper census if it did not include those inquiries.

Mr. WARD. No other species of security than the public debt of the United States is exposed to this public inspection. I hope the amendment will not be agreed to because it is inequitable in its operations. Why should the railroad bond and stock holder, the mortgage owner, or the millionaire, be exempted from disclosing to the census-takers their securities and their treasures, while the Government bondholder is discriminated against by this annoying investigation. I will not charge that the majority of the committee or the majority of this House would like to see the United States loans depopularized. Possibly the idea is that only the rich will be annoyed by this provision. That is a great mistake. The Government bonds are found in the hands of the poor in small amounts, and distributed among thousands of the people, as well as in the possession of the wealthy. Why should they be exposed to this inquisition when the books of the Treasury Department will reveal the names of the owners of the registered bonds, and in this form they are held principally by those of large means. I will never vote for invading the sanctity of a man's family or his business when no practical public good is to follow from the step which is so obnoxious to American feeling.

The question being put on agreeing to the amendment, there were—ayes 83, noes 10.

Mr. WARD. A quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. WARD, and the gentleman from New York, Mr. COX.

The committee again divided; and the tellers reported ayes 82.

Mr. WARD. I do not demand further count.

So the amendment was agreed to.

Mr. LATHROP. I offer the following amendment:

After the word "counties" strike out the word "and," and insert after the word "towns" the words "and school districts;" so that it will read: Schedule No. 4 shall contain inquiries relating to the public indebtedness of cities, counties, towns, and school districts.

School districts are a class of public corporations exactly corresponding to towns, but smaller.

The amendment was agreed to.

Mr. PATTERSON, of New York. I offer the following amendment: After the word "counties" insert the words "incorporated villages."

Mr. COX, of New York. I have no objection to that.

The amendment was agreed to.

The Clerk read the following paragraph of section 17:

Schedule No. 5 shall contain inquiries as to the birthplace of the father and mother of each person reported as having died during the year, and as to the usual occupation of each such person.

The Committee on the Census reported the following as an amendment to the clause:

The Superintendent of Census shall require and obtain from every railroad corporation, or the lessee or receiver thereof, the following facts, to exhibit the condition of such corporation, and the condition, characteristics, and operations of the railroad or railroads owned or controlled by such corporation, or the lessee or receiver thereof, on the 1st of June of the year 1880, to wit: The name of the corporation or company, with the corporate names of all leased lines; the number of miles projected or authorized by law or charter, with the several terminal points of the same; the number of miles completed, exhibiting separately the length of lines within each State; the number of miles operated during the last complete fiscal year preceding June 1, 1880; the capital stock allowed by law or charter, and the amount paid up; the amount of funded and of unfunded debt, with period of funded debt, and rate of interest thereon, and the amount of all sinking funds provided for the redemption of such debts; the number of acres of land derived from public grants remaining unsold; the total cost of construction, of equipment, and of all permanent investments, including the cost of purchase of other lines of road and of telegraph lines; the amount and character of rolling stock; the number and class of employees; the receipts of such corporation or company for the last complete fiscal year preceding June 1, 1880, exhibiting separately the earnings from through freight, from local freight, from passengers, from expresses, and from mails; the expenses of such corporation or company for said fiscal year, exhibiting separately the amount paid for salaries and wages, for fuel, for national, State, and municipal taxes, for interest on bonds and other debts, for dividends, for repairs, for damage to freight and personal injuries; also, the operations of said fiscal year, including mileage of freight, of passenger, and of construction and repair trains separately, the number of passengers carried, and the amount and class of freight transported each way; also, the number, character, and, so far as ascertained, the cause of all casualties by which life was lost, which occurred upon or within the trains, the tracks, or the buildings of said corporation or company, during said fiscal year, and the extent of injury to life and limb resulting therefrom; also, the terms of all agreements and contracts by which sleeping-cars, palace and parlor cars, so called, express cars, and cars of transportation companies, not identical with the corporation or company making the return herein required, are run upon such road or roads, and the extent of such service, and the amount of all receipts therefrom during the said fiscal year.

The Superintendent of the Census shall require and obtain from the owners, proprietors, or managers of every express company the following facts, to wit: Name of corporation or company; capital paid up; total capital stock; length of lines in miles; whether the business is conducted by rail, vessel, or otherwise; total amount paid to railroads or vessels for use of line or lines; number of officers; number of persons engaged in general administration; number of agents and messengers; total receipts; total expenditures, exhibiting separately amount paid for salaries, for repairs, and for general expenses. He shall also in like manner require and obtain, from the owners, proprietors, or managers of every telegraph company, the following facts, to wit: Name of corporation or company; terminal points connected; capital and capital paid up; length of lines in miles; miles of wire; number of officers; number of persons engaged in general administration; number of persons engaged as telegraph operators; the number of messages transmitted by officers of the United States; the number of messages transmitted for the press; the number of messages transmitted for private parties; total number of messages transmitted; total receipts from messages; total expenditures of the company, exhibiting separately the amount expended for salaries, for repairs, and for general expenses. He shall also, in like manner, require and obtain, from the officers or managers of all life-insurance companies, the following facts, to wit: Name of company; amount of capital and paid-up capital; the number of persons employed in the general administration; the number employed as agents; the total gross assets of the company, exhibiting separately realized assets, deferred and unpaid premiums, and premium notes and loans; total liabilities of the company, exhibiting separately losses adjusted and unadjusted, losses resisted, scrip and other dividends, dividends to policy-holders not applied, reinsurance fund; all other claims, including capital; receipts from cash premiums; receipts from all other sources; total cash expenditures, exhibiting separately amount paid for losses and claims, dividends to stockholders, dividends to policy-holders, commissions, officers' salaries, medical examiners' fees, national, State, and local taxation, and all other cash expenditures; amount and character of deposits in each State to secure policy-holders; premium-note expenditures; the number and amount of policies issued during the year; also, exhibiting policies terminating during the year, the number and amount terminated by death, by expiration, by surrender, by lapse, by change; total number and amount of policies in force, and the amount of the premiums; the amount of losses in cash and notes and the percentage of the loss to the total amount of policies in force; percentage of assets to risks in force. He shall in like manner require and obtain, from every fire and marine insurance company, the following facts, to wit: Name of company, amount of capital stock; the amount paid up; the number of persons employed in general administration; the number employed as agents; the gross assets of company; the total liabilities, exhibiting separately the amount of losses adjusted, losses unadjusted, losses resisted, reinsurance fund; all other liabilities, including capital; also, the total receipts, exhibiting separately fire premiums, marine and inland premiums, and receipts from all other sources, including interest, dividends, and rents; also, the total expenditures, exhibiting separately the number and amount of fire losses, of marine and inland losses, dividends, commissions, officers' salaries, State, national, and municipal taxes, and all other expenses. He may require such other information, as to the subjects of this section, as, in his judgment, may be necessary to secure such returns as will exhibit the transactions of said several companies.

Mr. GARFIELD. I move to strike out all after line 95 to the end of the amendment, beginning with "The Superintendent of the Census shall require and obtain from the owners, proprietors, or managers of every express company the following facts," &c.

I do this reluctantly in view of the object of these inquiries, for they are very good, and I should be glad to see all these statistics. My experience and study of this question, ten years ago, demonstrated that the effect of the overloading of the schedule with so many inquiries was that all would share in the imperfection of the work.

Now, there is a provision in the next section by which the Superintendent of the Census is empowered to employ an expert to make such special inquiries on general subjects as the Superintendent and the Secretary of the Interior think can be safely done without too much enlarging the work. I think if the railroad statistics required

here were collected they would make a very large volume. Now we have by the private enterprise of Mr. Poor a work that really gives us the meat of all that matter. Again, we have an Auditor of Railroad Accounts here in our Government, and if it were necessary we could empower him to make special inquiries and report and do it at his leisure, and he would do it better than it can be done if the work be crowded in the thirty days.

So in regard to life, fire, and marine insurance companies—that would make a voluminous record, and I think it would trouble us to get it with fairness and carefulness, and, if we obtained it, these reports being ten years apart would not be of great value. I hope, therefore, that for the sake of the statistics of the census and of this very good bill, which is a great improvement on the old law, the gentleman will consent that the amendment shall be agreed to.

Mr. MILLS. There will be no difficulty, Mr. Chairman, in obtaining the statistics provided for by this clause of the bill. They are not to be taken by the ordinary enumerators provided for in the bill, but by experts who understand this business. They will be taken by intelligent persons, appointed by the Superintendent of the Census, to go to the railroad and other companies and get this information from them.

All these companies have their annual reports, as manufacturing companies do; and as we are seeking to obtain all the possible information we can of the material growth and prosperity of our country, it would seem to me that we should omit a material part of it if we adopted the suggestion of the gentleman from Ohio.

Now, we know from Poor's Railroad Manual, to which the gentleman from Ohio referred, that we have five billions of dollars' worth of property invested in railroads, but we have no such information about insurance companies, about express companies; we have no such information about telegraph companies. There is a vast amount of money invested in these enterprises, and it is utterly impossible to get at certain information as to the extent of that capital. A knowledge of it is essential to us, because we have a large public debt, and it may at some time be necessary to tax some of these companies. We have a right to do so. Congress can tax the property invested in railroads, but we cannot tax real estate, because the Constitution provides that the tax upon real estate shall be in proportion to population. The Constitution requires that, but it seems to me that we ought to have some way of getting at reliable information as to the amount of capital invested in life, fire, and marine insurance companies and what the profits of these companies are; also how many miles of railroad there are in the United States; what they cost, what profit they have paid, so that we may if needful lay some taxation on that class of property.

We want to know how much capital is invested in the stock of express companies; what it is paying; how much is invested in telegraph companies. All this information can be obtained with much less labor than the enumeration of the population of the United States, because it will be taken by experts who understand their business and who will obtain their information from the companies themselves.

Mr. STONE, of Iowa. I desire to offer an amendment, to come in after the word "stock," in line 99 of the printed bill:

And to what extent the same has been watered, and how often corners have been made on such watered stock.

Mr. THOMPSON. And how many more can be made.

Mr. COX, of New York. I do not object to that amendment.

Mr. STONE, of Iowa. I think if my amendment is adopted, as I have no doubt it will be, the amendment reported from the committee will then be perfect.

Mr. COX, of New York. It is not very technically expressed, but we can perfect it in the conference committee.

The amendment offered by Mr. STONE, of Iowa, was then agreed to.

Mr. CLAFLIN. I move, in line 97 of the printed bill, to amend by inserting before the words "express company" the word "incorporated."

Mr. COX, of New York. I have no objection to that.

The amendment was agreed to.

The question recurred upon the motion of Mr. GARFIELD to strike out of the amendment reported from the committee the last paragraph as amended by the Committee of the Whole.

Mr. COX, of New York. One word in reply to what has been said by the gentleman from Ohio, [Mr. GARFIELD.] The committee have proposed certain special inquiries, although there is a general provision comprehending these marine, fire, railroad, and other companies. If the amendment of the committee shall fail we will have to rely on the Superintendent of the Census making out a schedule under that general provision. I am myself not very particular about the amendment, but we may have superintendents of the census who may have crotchets and peculiar ideas. I think some superintendents would prefer that the law should fix the schedule for them. In fact that is the course adopted in England. There the law fixes the schedule, and it is found that they have more weight and sanction when the enumerators come to ask the questions of these companies. If the gentleman from Ohio insists upon his motion to strike out, and it should be agreed to, I will then fall back on the general provision contained in the bill. I think it would be wiser, however, at this time to vote in the amendment proposed by the committee.

The question was taken upon the motion to strike out, and it was not agreed to, upon a division—ayes 57, noes 82.

The amendment reported from the Committee on the Census, as amended by the Committee of the Whole, was then agreed to.

The Clerk read the following:

SEC. 18. Each enumerator in his subdivision shall be charged with the collection of the facts and statistics required by each and all the several schedules, with the following exceptions, to wit:

In cities where an official registration of deaths is maintained, the Superintendent of Census may, in his discretion, withdraw the mortality schedule from the several enumerators within such cities, and may obtain the statistics required by this act through official records, paying therefor such sum as may be found necessary, not exceeding the amount which is by this act authorized to be paid to enumerators for a similar service, namely, two cents for each death thus returned.

Whenever he shall deem it expedient, the Superintendent of Census may withdraw the schedules for manufacturing and social statistics from the enumerators of the several subdivisions, and may charge the collection of these statistics upon experts and special agents, to be employed without respect to locality. And said Superintendent may employ experts and special agents to investigate in their economic relations the manufacturing, railroad, fishing, mining, and other industries of the country, and the statistics of telegraph, express, transportation, and insurance companies, as he may designate and require. And the Superintendent of Census shall, with the approval of the Secretary of the Interior, prepare schedules containing such interrogatories as shall, in his judgment, be best adapted to elicit this information, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end. Such experts and special agents shall take the same oath as the enumerators of the several subdivisions, and shall have equal authority with such enumerators in respect to the subjects committed to them; and they shall receive compensation at rates to be fixed by the Superintendent of Census with the approval of the Secretary of the Interior: *Provided*, That the same shall in no case exceed \$6 per day and actual traveling expenses.

No amendment was offered.

The Clerk read the following:

SEC. 19. The enumeration required by this act shall commence on the 1st day of June, and be taken as of that date, and each enumerator shall prosecute the canvass of his subdivision from that date forward on each week-day without intermission, except for sickness or other urgent cause; and any unnecessary cessation of his work shall be sufficient ground for his removal and the appointment of another person in his place; and any person so appointed shall take the oath required of enumerators, and shall receive compensation at the same rates. And it shall be the duty of each enumerator to complete the enumeration of his district, and to prepare the returns herebefore required to be made, and to forward the same to the supervisor of his district, on or before the 1st of July, 1880. And in any city having over ten thousand inhabitants under the census of 1870, the enumeration of population shall be taken within two weeks from the 1st of June; and any delay beyond the dates above respectively, on the part of any enumerator, shall be sufficient cause for withholding the compensation to which he would be entitled by compliance with the provisions of this act, until proof satisfactory to the Superintendent of Census shall be furnished that such delay was by reason of causes beyond the control of such enumerator.

Mr. COX, of New York. I have just learned that the 1st day of June, 1880, will come on Sunday. I therefore move to amend this section so that in lines 2 and 18 it shall read "first Monday of June."

The motion was agreed to.

Mr. HERBERT. I move to amend the section by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

That each enumerator shall, previous to making his returns, cause a correct list signed by himself of the persons enumerated in his subdivision to be set up at two of the most public places in the same, there to remain for the inspection of all concerned, (for each of which copies he shall be allowed \$1,) together with a notice that on a day certain not less than ten days from the posting of such notice and list he will be at some designated point therein for the purpose of correcting errors; and on the day named, and from day to day thereafter, for not less than five days, the enumerator shall attend at the place designated, and upon satisfactory proof correct all such errors as may be made apparent by adding or striking out names improperly omitted or inserted.

Mr. HERBERT. If I can get the attention of the committee for a few moments, I desire to explain the purpose of this amendment. It provides substantially that each enumerator shall make out a full and complete list of all the persons enumerated within his subdivision, and post two of those lists at the most public places within his subdivision, there to remain for not less than ten days for the inspection of all concerned; and that accompanying such list shall be a notice that he will attend at a place designated in his subdivision, on a day fixed by his notice, for the purpose of correcting errors in the enumeration of names, and names only. The amendment is confined simply to names for the reason that it is more important that the inhabitants should be correctly enumerated than that any other part of the census should be correctly taken. Therefore, only a list of the names enumerated in each subdivision is to be posted up for the benefit of all concerned, and the enumerator is to attend at a place designated for not less than five days, there to receive proof, and upon satisfactory proof he is to add to or subtract from said list, if it is incorrect in any respect. In that way there will be an opportunity for every list of names to be corrected by the people living within each subdivision. It seems to me this is absolutely fair. The purpose of the amendment is the same as that of the amendment offered some time since by the gentleman from Mississippi, [Mr. MANNING.]

Mr. DURHAM. Is it the custom in your State to pursue that plan by the assessor of taxes?

Mr. HERBERT. A similar plan is pursued in my State.

Mr. DURHAM. Are the tax assessors in your State required to revise their lists as is here proposed?

Mr. HERBERT. Yes, there is a provision in the law of my State that the lists made out for taxation shall be open for public inspection.

Mr. DURHAM. And for correction?

Mr. HERBERT. And for correction.

Mr. DURHAM. I never heard of such a thing before.

Mr. MANNING. There is hardly a State in the Union that does not

allow persons to come in and have an opportunity to correct these returns of assessors.

Mr. HERBERT. Mr. Chairman, I will say, since the gentleman has suggested it to me, that in the matter of taxes it is usual not only in the State of Alabama, but in other States, to allow an opportunity to the tax-payer to correct in this way any erroneous assessment. This amendment provides a plain, simple mode of correcting any mistakes in the enumeration to be made under this bill. That is the whole purpose of it.

The objection made by our republican friends to the amendment offered awhile ago by my friend from Mississippi [Mr. MANNING] was that it would cost too much to publish the notices in the newspapers. This amendment provides that these two lists (and neither list will contain over four thousand names) shall be posted at the two most public places in the subdivision by the enumerator thereof, for which he is allowed to charge only one dollar for each list, so that there will be only two dollars additional allowed to each enumerator under the law, for making out and posting these lists. This will be the whole of the expense; and it seems to me something of this kind is absolutely necessary in order to get a fair, full, and satisfactory enumeration of the people of the country.

Now, the apprehension on the one side and the other of the Chamber is that one party or the other may use the taking of this census for partisan purposes; but under this amendment there will be no opportunity whatever for such influences to impair the correctness of the returns. In each subdivision the inhabitants will have an opportunity to see that there is no mistake, or if there is any mistake that it be properly corrected.

[Here the hammer fell.]

Mr. COX, of New York. I hope there will be a vote on this amendment.

Mr. MANNING. Mr. Chairman—

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. MANNING. No, sir; to advocate it.

The CHAIRMAN. If there be no objection, the gentleman from Mississippi will proceed.

Mr. RANDOLPH. I object.

Mr. MANNING. In order to obviate the objection, I move to amend the amendment by striking out the last word. This motion will give me an opportunity to be heard.

The CHAIRMAN. That motion is in order. The gentleman will proceed.

Mr. MANNING. Mr. Chairman, in the earlier and better days of this country, when men were at least as pure as they are now, a proposition of this kind was regarded as a judicious provision in the census law. Assuming that it was wise then, assuming that there was then necessity for it, the measure now commends itself still more strongly, as we have since that time grown perhaps more demoralized. In the census of 1800 it was provided in the seventh section that—

Each assistant shall, previous to making his returns to the marshal, cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies, &c., he shall receive \$2.

A little while ago I moved an amendment dissimilar to this in one respect only. It provided for the publication of notices in two newspapers of each supervisor's district. The objection was instantly made on the other side that the amendment, if adopted, would involve an expenditure of hundreds of thousands of dollars, and on this side also by one member the amendment was opposed. I have taken occasion since that objection was raised to estimate what would be the cost of these notices. There will be one hundred and fifty supervisors' districts throughout the land, and as the notices are to appear in two newspapers of each district there would be three hundred newspapers in all. Ten dollars for each newspaper would, I apprehend, be a reasonable charge for publication such as the amendment indicated for fifteen days. The gentleman from New York [Mr. Cox] probably supposed, and I apprehend gentlemen on the other side also supposed, that my amendment contemplated the publication of the whole return of the enumerators. It contemplated no such thing, and was capable of no such construction. The notice would contain only five or six lines, not more than ten at most, stating that the work of the enumerators was done, that their lists were open for inspection, and that if any person had been omitted or any interest overlooked the necessary correction might be made. Upon the failure of the supervisor to take notice of such suggestions of error it would be competent for the citizen to make complaint to the Superintendent of the Census. The opening of the returns to public inspection is, it seems to me, a guarantee that is desirable, and any officer irrespective of party would like to be able to give it to the country in support of the accuracy of his work. If I am correct in the estimate I have made \$3,000 would be the whole cost of these advertisements.

Mr. RANDOLPH. I rise to a question of order. I submit that the gentleman from Mississippi [Mr. MANNING] is not discussing the amendment offered by the gentleman from Alabama.

Mr. MANNING. I am, sir. The gentleman will see in a moment that my remarks are pertinent in connection with this amendment. If it would cost only \$3,000 to publish these notices in the newspapers it will cost a great deal less—

Mr. RANDOLPH. I make the point that the gentleman is discussing his own proposition, which was voted down, and not the amendment of the gentleman from Alabama.

Mr. MANNING. If I can show that it will cost only \$3,000 to publish these notices in the newspapers, I think it must convince gentlemen that it will cost a great deal less to make publication by written notices. The objection that the proposed amendment will prove expensive cannot be maintained. It is not possible that harm can result from its adoption, while it is probable that injustice will be done, either intentionally or unintentionally, if it is rejected.

The CHAIRMAN. The Chair thinks the remarks of the gentleman from Mississippi are in order under the practice of the House.

Mr. RANDOLPH. Yes; "under the practice of the House." That is the only ground on which the decision can be put.

Mr. MANNING. Now, sir, it seems to me this amendment must commend itself to the committee. I do not think any sound objection can be urged against it. All should desire that the greatest good faith should be observed, and the returns will be much more freely credited by all classes in the country if the widest and most general examination can be afforded.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANNING. I withdraw the amendment to the amendment.

Mr. HANNA. By reference to the eighth section it will be found that it is made the duty of the enumerators to visit every family and learn from the head of every family the names of the persons composing families, and if information cannot be thus obtained to visit those who may be absent for the time. It seems to me all the necessary information can be obtained by compliance with the provisions of that section, and to adopt this amendment would impose on the official a duty which to me seems, first, to be unnecessary, and secondly, the compensation provided for is wholly inadequate for the amount of labor which would be required of the person by the adoption of the amendment. So that in either event I think no practical result would be obtained by the adoption of the amendment.

Mr. HERBERT. Let me ask the gentleman a question?

Mr. HANNA. Yes, sir.

Mr. HERBERT. Suppose mistakes are made, either intentional or otherwise, in the enumeration as provided for in the bill, without this amendment what opportunity is afforded, by the bill or by any amendment heretofore offered, to the people in that subdivision to correct those mistakes?

Mr. HANNA. My answer to that is that I presume the persons appointed under the provisions of this bill will be of such character that they will not intentionally make mistakes, but will undertake correctly and in good faith to enforce the law, and secondly it does seem to me when you require the officer to visit the family himself, to go to that source where he can most likely obtain the most correct information, that is all that is required of us as legislators. I submit this thing of posting up notices would more likely result in the practice of fraud on the Government officials than to leave the law as it is.

Mr. HERBERT's amendment was disagreed to.

Section 20 was read, as follows:

SEC. 20. The sum of \$3,000,000 is hereby fixed and limited as the maximum cost of the census herein provided for, exclusive of printing and engraving; and it shall not be lawful for the Secretary of the Interior or the Superintendent of Census to incur any expense or obligation whatever, in respect to said census, in excess of that sum. And the sum of \$250,000 for printing and other preliminary expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CLAFLIN. I move in that section, in line 10, to insert these words:

Which sum shall form part of the \$3,000,000 fixed as the cost of the census.

Mr. COX, of New York. There is no objection to that amendment as it conforms to the intention of the committee and the provisions of the bill.

The amendment was agreed to.

The Clerk read as follows:

SEC. 22. That if any State or Territory, through its duly appointed officers or agents, shall, during the two months beginning on the 1st of June of the year which is the mean of two years on which a census of the United States is by this act directed to be taken, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States, and shall deposit with the Secretary of the Interior, on or before the 1st of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior that such schedules and reports have been duly deposited, pay, on the requisition of the governor of such State or Territory, out of any funds in the Treasury not otherwise appropriated, a sum equal to 50 per cent. of the amount which was paid to all supervisors and actual enumerators within such State or Territory at the United States census next preceding, increased by one-half the percentage of gain in population in such State or Territory between the two United States censuses next preceding: *Provided*, That the blank schedules used for the purposes of the enumeration herein provided for shall be similar in all respects of form and size, of heading and ruling, to those used in the census of the United States.

Mr. HANNA. I desire to call the attention of the gentleman having charge of this bill to the language in line 15—"on the requisition of the governor of such State or Territory." Those words, I presume, were inserted upon the presumption that the governors would have the appointment.

Mr. COX, of New York. No; it has no relation to that at all. This refers to a quinquennial census between the two decennial periods, and has no relation whatever to the matter referred to by the gentleman from Indiana.

Mr. GARFIELD. I observe an inaccuracy in the language of this section. I have not thought of it long enough to get the points. The language in the lines 3 and 4 of this section to me seems to be blind. It is there provided "that if any State or Territory, through its duly appointed officers or agents, shall during the two months beginning on the 1st of June of the year which is the mean of two years on which a census of the United States is by this act directed to be taken," &c.

It does not say two consecutive censuses. For instance, 1865 might be the mean between two censuses forty years apart. It seems to me it is an unfortunate expression, "the year which is the mean of two years on which the census is taken." I think it would be better to say a mean in the middle of a decade between two consecutive censuses.

Mr. COX, of New York. I see what the gentleman desires to accomplish, and I will arrange it after we get through with the bill.

The CHAIRMAN. The Chair hears no objection, and the gentleman from New York will be allowed to make the change in the language as proposed.

The Clerk read as follows:

SEC. 23. The Superintendent of Census, with the consent of the Secretary of the Interior, may, at any time, remove any supervisor of census, and fill any vacancy thereby caused or otherwise occurring; and the supervisor of census may, with the consent of the Superintendent of Census, remove any enumerator in his district, and fill the vacancy thereby caused or otherwise occurring; and in such cases but one compensation shall be allowed for the entire service, to be apportioned among the persons performing the same, in the discretion of the Superintendent of Census.

Mr. GARFIELD. It is necessary to make a change in the twenty-third section to make it conform with an amendment already adopted. Section 23, as it stands now, provides that the Superintendent of the Census, with the consent of the Secretary of the Interior, may at any time remove any supervisor of census. Now, as we have provided that the supervisors shall be appointed by the President, it will be necessary to say "with the consent of the President of the United States." I suggest, therefore, that the words "Secretary of the Interior" be stricken out and that the words "President of the United States" be inserted.

The amendment was agreed to.

Mr. COX, of New York. I now offer, as an amendment to section 22, the following:

After the word "mean" strike out the words "of two years on which a census" and insert the words "between two decennial censuses."

Mr. GARFIELD. It was agreed that that verbal amendment should be made.

The amendment was agreed to.

Mr. COX, of New York. I offer the following amendment to the twenty-third section:

In line 6 strike out "such" and insert "the;" so that it will read: "and fill the vacancy thereby caused."

The amendment was agreed to.

Mr. COX, of New York. I move that the committee rise and report the bill.

Mr. HEWITT, of Alabama. I would suggest to the gentleman from New York that he allow this bill to be laid aside, and that we go on with other bills on the Calendar.

Mr. MILLS. Oh, no, let us pass this bill.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (S. No. 1685) to provide for taking the tenth census and subsequent censuses, and had directed him to report the same with sundry amendments.

Mr. COX, of New York. I move the previous question on the bill and amendments.

Mr. CARLISLE. Before the gentleman moves the previous question I ask him to allow me to offer an amendment. I desire to move to strike out from the amendment adopted as a substitute for section 4 of the bill these words:

And in case the United States Senate is not in session, then said supervisors shall be appointed by the President of the United States.

So that it will read:

The supervisors shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

The Senate will be in session when these appointments are made. It will not be necessary to have the supervisors appointed before the 1st of March.

Mr. TUCKER. I hope those words will be stricken out.

Mr. GARFIELD. I suppose the words were offered to provide for the case of the occurrence of a vacancy. As a matter of fact, the time when this bill goes into operation will be when the Senate is here for the long session, but I do not think anything is lost by retaining those words.

Mr. TUCKER. I have no objection as regards the appointment to a vacancy, but this has reference to the original appointments.

Mr. HANNA. I would like to have the section read as it will be if the words indicated by the gentleman from Kentucky are stricken out.

The Clerk read as follows:

The supervisors shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

The SPEAKER. What is the proposition in regard to the amendment offered by the gentleman from Kentucky, [Mr. CARLISLE?]

Mr. CARLISLE. I desire to offer it now so that it may come under the operation of the previous question. I understand there is no objection to that.

Mr. GARFIELD. I do not think it is quite right in the absence of the gentleman who offered that amendment, the gentleman from Maine, [Mr. HALE,] that we should consent to those words going out.

The SPEAKER. The House can vote them out.

Mr. GARFIELD. I see the gentleman from Maine [Mr. HALE] coming in.

Mr. BURCHARD. Suppose an appointment should be made and no confirmation should follow during the session of the Senate, would there be a power under the language now proposed, after the adjournment of the Senate, for the President to make an appointment?

Mr. TUCKER. The Constitution authorizes the President of the United States to fill up all vacancies that may happen during the recess of the Senate.

Mr. BURCHARD. But then there is a question relating to the payment of the officer. I reported a bill during this session to authorize the payment of officers whose confirmation failed.

Mr. TUCKER. I think there will be no difficulty about that. The person appointed, as long as he is in office under the appointment of the President to fill a vacancy, would be entitled to his pay.

Mr. HALE. It will do no harm to have the amendment which I offered in Committee of the Whole go in, and I do not consent that it shall go out.

Mr. MILLS. If the President of the United States sends a nomination to the Senate and the Senate refuses to confirm, then the President makes another nomination.

Mr. BURCHARD. But if the Senate adjourns, what then?

Mr. HALE. It will certainly do no harm to retain the words.

Mr. TUCKER. It will do this harm, that the original appointments ought to be made by the President by and with the advice and consent of the Senate; and by retaining those words he may make the appointments without the advice and consent of the Senate.

Mr. HALE. If, when the appointments are made, the Senate is in session, then they require to be confirmed by the Senate. But if anything happens so that the Senate is not in session then the words which the gentleman from Kentucky proposes to strike out will authorize the President to appoint.

Mr. KEIFER. Suppose the Senate has adjourned until the next regular session, and the duties of the supervisors have all to be performed in the interval between the two sessions. The question is, can the President, under the provisions of this bill with this amendment stricken out, appoint in that case an officer all whose functions are to be performed within the interval; so that when the Senate again meets the officer has performed all his duties and his term of office has expired. May not that happen in the carrying out of this law?

Mr. TUCKER. The gentleman from Ohio [Mr. KEIFER] will remember that the only interval we will have will be from the 4th of March of this year to next December, and during that time there will be no duties of supervisors to be performed. What we want to secure is that the original power of appointment shall be in the President by and with the advice and consent of the Senate.

Mr. CARLISLE. I insist on my amendment.

Mr. COX, of New York. I demand the previous question on the bill and amendment.

The SPEAKER. The Chair understands that the gentleman from New York [Mr. COX] permits the amendment of the gentleman from Kentucky, [Mr. CARLISLE,] to strike out the words which have been read, to be offered, and demands the previous question on the bill and amendments.

Mr. COX, of New York. I do.

The previous question was seconded and the main question ordered.

The SPEAKER. There have been various amendments made by the committee; and if there be no objection the Chair will submit the question in gross on all those on which separate votes are not asked.

Mr. HANNA. Do I understand the gentleman from New York [Mr. COX] consents that the gentleman from Kentucky [Mr. CARLISLE] may offer the amendment which has been read?

The SPEAKER. The gentleman from New York did consent; otherwise it could not be admitted.

Mr. FORT. Has the gentleman from New York the sole power of accepting an amendment in that way?

Mr. HANNA. I would like to have the action of the House upon that.

The SPEAKER. The Chair will recognize the gentleman's right; he can demand a separate vote on the amendment.

Mr. HANNA. I do.

Mr. COX, of New York. I have no objection to that.

Mr. WARD. I ask for a separate vote on the amendment on page 14, in section 17, lines 36 and 37.

Mr. COX, of New York. I do not think the gentleman can demand a separate vote on a motion to strike out.

The SPEAKER. Oh, yes; any member in the House has a right to ask a separate vote on any amendment reported by the committee.

The question was taken on the amendments reported by the Committee of the Whole on the state of the Union with the exception of

those upon which a separate vote was asked; and they were agreed to.

The first amendment upon which a separate vote was asked by Mr. WARD was on page 14, lines 36 and 37, as follows:

And of the ownership of the public debt of the United States, by whom owned and the respective amounts.

The question was taken; and the amendment was agreed to.

The question recurred upon the amendment offered in the House by Mr. CARLISLE, to strike out from the amendment reported by the committee the following words:

And in case the United States Senate is not in session, then said supervisors shall be appointed by the President of the United States.

Mr. HALE. What is the effect of the amendment?

The SPEAKER. Those who desire the lines which have been read to be stricken out will vote "ay;" and those who desire that they be retained will vote "no."

The question was taken on Mr. CARLISLE's amendment; and on a division there were—ayes 96, noes 85.

Mr. HALE. I call for the yeas and nays on that amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 115, not voting 46; as follows:

YEAS—129.

Aiken,	Cullerson,	Hooker,	Ross,
Atkins,	Cutler,	House,	Saylor,
Banning,	Davidson,	Hunton,	Scales,
Beale,	Davis, Joseph J.,	Jones, Frank,	Shelley,
Bell,	Dibrell,	Kenna,	Singleton,
Benedict,	Dickey,	Kimmel,	Slemmons,
Bicknell,	Durham,	Knapp,	Smith, William E.,
Blackburn,	Eden,	Knott,	Southard,
Bliss,	Eickhoff,	Landers,	Sparks,
Blount,	Elam,	Ligon,	Steele,
Boone,	Evins, John H.,	Lockwood,	Stenger,
Bouck,	Ewing,	Luttrell,	Throckmorton,
Bragg,	Finley, Ebenezer B.,	Lynde,	Townsend, R. W.,
Bridges,	Finley, Jesse J.,	Maish,	Tucker,
Bright,	Fleming,	Manning,	Turney,
Buckner,	Forney,	Martin,	Vanco,
Cabell,	Fuller,	McKenzie,	Waddell,
Caldwell, J. W.,	Garth,	McMahon,	Warner,
Caldwell, W. P.,	Gause,	Mills,	Whitthorne,
Candler,	Gibson,	Money,	Wigginton,
Carlisle,	Giddings,	Morgan,	Williams, James,
Chalmers,	Goode,	Morrison,	Williams, Jero N.,
Clark, Alvah A.,	Gunter,	Morse,	Willis, Albert S.,
Clarke of Kentucky,	Hamilton,	Muldrow,	Willis, Benj. A.,
Clark of Missouri,	Hardenbergh,	Muller,	Wilson,
Clymer,	Harris, Henry R.,	Phelps,	Wood,
Cobb,	Harris, John T.,	Pridemore,	Wright,
Collins,	Harrison,	Rea,	Yeates,
Cook,	Hartzell,	Reagan,	Young, Casey,
Covert,	Hatcher,	Rice, Americus V.,	Young, John S.,
Cox, Samuel S.,	Henry,	Robbins,	
Cravens,	Herbert,	Roberts,	
Crittenden,	Hewitt, G. W.,	Robertson,	

NAYS—115.

Aldrich,	Davis, Horace,	Keifer,	Rice, William W.,
Bagley,	Deering,	Keightley,	Robinson, G. D.,
Bailey,	Denison,	Kelley,	Robinson, M. S.,
Baker, John H.,	Dunnell,	Ketcham,	Sampson,
Ballou,	Dwight,	Killinger,	Sapp,
Blair,	Eames,	Lapham,	Sexton,
Boyd,	Ellsworth,	Lathrop,	Sinnickson,
Brentano,	Evans, I. Newton,	Lindsey,	Smalls,
Brewer,	Evans, James L.,	Majors,	Smith, A. Herr,
Briggs,	Fort,	Marsh,	Starin,
Brogden,	Foster,	McCook,	Stewart,
Browne,	Frye,	McKinley,	Stone, John W.,
Burchard,	Gardner,	Mitchell,	Stone, Joseph C.,
Burdick,	Garfield,	Monroe,	Strait,
Butler,	Hale,	Neal,	Thompson,
Cain,	Hanna,	Norcross,	Tipton,
Calkins,	Harmer,	Oliver,	Townsend, Amos,
Camp,	Harris, Benj. W.,	O'Neill,	Townsend, M. I.,
Campbell,	Haskell,	Overton,	Van Vorhes,
Cannon,	Hayes,	Patterson, G. W.,	Wait,
Caswell,	Hendee,	Peddie,	Ward,
Chittenden,	Hiscock,	Phillips,	Watson,
Clark, Rush,	Humphrey,	Pollard,	White, Michael D.,
Cole,	Hungerford,	Powers,	Williams, Andrew,
Conger,	Hunter,	Price,	Williams, C. G.,
Cox, Jacob D.,	Ittner,	Pugh,	Williams, Richard,
Crapo,	James,	Rainey,	Willits,
Cummings,	Jones, John S.,	Randolph,	Wren,
Danford,	Joyce,	Reed,	

NOT VOTING—46.

Acklen,	Felton,	Loring,	Shallenberger,
Bacon,	Franklin,	Mackey,	Springer,
Baker, William H.,	Freeman,	Mayham,	Stephens,
Banks,	Glover,	McGowan,	Swann,
Bayne,	Hart,	Metcalfe,	Thornburgh,
Beebe,	Hazelton,	Page,	Turner,
Bland,	Henderson,	Patterson, T. M.,	Veeder,
Bundy,	Henkle,	Potter,	Walker,
Clafin,	Hewitt, Abram S.,	Pound,	Walsh,
Dean,	Hubbell,	Reilly,	White, Harry,
Ellis,	Jones, James T.,	Riddle,	
Errett,	Jorgensen,	Ryan,	

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. REILLY. I am paired with my colleague, Mr. SHALLENBERGER. If he were present, he would vote "no" and I should vote "ay."

Mr. RYAN. I am paired with Mr. FRANKLIN.

Mr. BAKER, of New York. I am paired with my colleague, Mr. BEEBE. If he were present, I should vote "no."

Mr. METCALFE. I am paired with my colleague, Mr. BLAND.

Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT. If he were present, he would vote "no" and I should vote "ay."

The result of the vote was then announced as above recorded.

Mr. COX, of New York, moved to reconsider the votes by which the various amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time.

Mr. COX, of New York. I move the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

A joint resolution (S. No. 63) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4414) to amend the laws relating to the internal revenue.

BILLS BECAME LAWS.

A message from the President of the United States, by Mr. PRUDEN, one of his clerks, announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 1582) to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said district;

An act (H. R. No. 4779) donating to the board of education of school district No. 1, Arapahoe County, Colorado, block numbered 143, in the east division of the city of Denver, Colorado, for common-school purposes;

An act (H. R. No. 5217) to fix the pay of letter-carriers;

An act (H. R. No. 5477) to authorize the issue of certificates of deposit in aid of the refunding of the public debt; and

An act (H. R. No. 6464) for the relief of the Louise Home, in the city of Washington, District of Columbia.

ARMY APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. HEWITT, of New York, Mr. SPARKS, and Mr. FOSTER as the conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I call for the morning hour.

Mr. ROBBINS. I believe I am entitled now to call up the bill for the regulation of the duties on sugar.

Mr. FINLEY, of Ohio. I desire to raise the question of consideration, in order that we may have a morning hour.

Mr. ROBBINS. Under the order of the House I have a right to call it up immediately after the reading of the Journal, and it is a special order from day to day, until disposed of. I hope the gentleman from Ohio will not antagonize me in doing so.

Mr. FINLEY, of Ohio. We were told that we should have a morning hour after the census bill was disposed of.

The SPEAKER. The order of the House will be read.

The Clerk read as follows:

Mr. ROBBINS moved that the rules be suspended so as to enable him to report from the Committee of Ways and Means and the House to pass the following resolution:

Resolved, That the Committee of Ways and Means have leave to report the bill (H. R. No. 6134) entitled "A bill to regulate the duties on sugar" on Thursday, the 15th instant, immediately after the reading of the Journal, and that said bill be set for consideration in the House as in Committee of the Whole on said day immediately after it is reported as aforesaid and from day to day thereafter until disposed of, not to interfere with the regular appropriation bills; all such amendments to be in order and such only as relate to the subject of the tariff on sugar.

Mr. ROBBINS. And I have reported the bill under that order, so that it could be printed for the information of the House, and I now call it up.

Mr. FINLEY, of Ohio. The gentleman did not avail himself of the order.

The SPEAKER. Because he could not help himself. First, the appropriation bill was in the way, and then the census bill came up under a suspension of the rules and had the priority.

Mr. FINLEY, of Ohio. Can we not raise the question of consideration at this time, so as to have a morning hour?

The SPEAKER. The Chair thinks there should be some conclusion reached by the House so that a morning hour may be had.

Mr. WHITTHORNE. I have insisted upon a morning hour, not for any one special bill, but for the general business of the House now before the committees and upon the Speaker's table.

Mr. HALE. I would inquire what good a morning hour would do in the last six days of the session?

The SPEAKER. It would do this good: it would enable the House at the expiration of the morning hour to go to business on the Speaker's table.

Mr. HALE. The House can do that at any time by a suspension of the rules.

The SPEAKER. Yes.

Mr. HALE. And a morning hour is of no use within the last six days of the session, because the whole of the time could be taken up by motions to suspend the rules. I have never known a morning hour during the last six days of the session, because it is of no account to committees.

Mr. WHITTHORNE. A single word. I believe that upon the regular call of committees within the last two months but two or three committees have been reached; in other words, we have had but two or three morning hours.

Mr. HALE. That is always so.

Mr. WHITTHORNE. And all business before the committees of the House is suspended, because while those committees are prepared to report to the House for action, there has been no morning hour during which to make such reports.

Mr. HALE. A morning hour will do no good.

Mr. ROBBINS. I have already been postponed for weeks and weeks, and now, when I am entitled to the floor, I hope the morning hour will not be brought in to prevent the House from considering the bill of which I have charge.

Mr. WHITTHORNE. The Committee of Ways and Means have had an opportunity to report, and other committees have had no opportunity whatever.

Mr. BURCHARD. At this time a motion to suspend the rules would be in order, and suspension of the rules will be in order from now until the end of the session, and could take the gentleman from Tennessee [Mr. WHITTHORNE] off the floor even if we had a morning hour, were it not that the gentleman from North Carolina [Mr. ROBBINS] is in charge of a bill which under a suspension of the rules has been made the regular order for consideration at this time; so that even a motion to suspend the rules could not interfere with that.

The SPEAKER. You cannot pile one motion to suspend the rules on top of another, of course.

Mr. BURCHARD. Very well, until that matter is disposed of no other business can be in order.

The SPEAKER. The Chair has recognized the gentleman from North Carolina [Mr. ROBBINS] to call up his bill. But the Chair really thinks it is proper for him to say to the House that there ought to be a morning hour so that business on the Speaker's table can be reached.

Mr. WHITTHORNE. Can I not test the sense of the majority of the House, so that they can determine what they will do with their business?

The SPEAKER. The Chair thinks the proposition of the gentleman from North Carolina, [Mr. ROBBINS], being under a suspension of the rules, must now be considered. When that matter is disposed of the Chair will then test the sense of the House as to a morning hour.

Mr. BURCHARD. And the gentleman from Tennessee [Mr. WHITTHORNE] has no right to antagonize the bill of the gentleman from North Carolina [Mr. ROBBINS] without the consent of that gentleman.

The SPEAKER. The Chair has not admitted the motion of the gentleman from Tennessee.

Mr. BURCHARD. And even if the gentleman from Tennessee should make the motion, a motion to suspend the rules would be in order.

Mr. HALE. Of course.

Mr. BURCHARD. Gentlemen on this side of the House will insist upon their right to move a suspension of the rules.

Mr. CONGER. I desire to call the attention of the Chair to the fact that when this and other orders were agreed to by consent (which was equivalent to a suspension of the rules) the right to raise the question of consideration was expressly reserved by me, and the Chair recognized that that right should be reserved.

The SPEAKER. But that was not done, the Chair thinks, as to this bill.

Mr. CONGER. As to this very bill; that was insisted upon.

The SPEAKER. The question on making this bill a special order was taken by yeas and nays.

Mr. CONGER. That may have been so. I thought it was by the agreement of the House.

The SPEAKER. The Chair recognizes the gentleman from North Carolina, [Mr. ROBBINS.]

Mr. HEWITT, of Alabama. I wish to inquire whether it would not be in order now to postpone the bill with which the gentleman from North Carolina wishes to proceed, for the purpose of considering the bill to grant pensions to soldiers of the Mexican war.

The SPEAKER. That bill is in Committee of the Whole, and the House can go into committee by a majority vote.

Mr. HEWITT, of Alabama. Can the House go into Committee of the Whole now?

The SPEAKER. That motion is not in order now, because the rules have been suspended by a two-third vote, and the House has determined to consider the bill to regulate the duties on sugar.

Mr. HEWITT, of Alabama. The bill granting pensions to the soldiers of the Mexican war was reported from the committee in the early part of last session, and has been on the Calendar from that day till now. I think it just to the old soldiers of that war that this House should give their case fair consideration. I hope the House will refuse to go on with the sugar bill till we have considered the claims of these old defenders.

The SPEAKER. The House can very readily dispose of the sugar bill, if it wishes to do so, by laying it on the table.

Mr. ROBBINS. Mr. Speaker, the Earl of Chatham, on a certain occasion—

Mr. HEWITT, of Alabama. I desire to know whether it is competent for the House to postpone the consideration of this tariff bill.

Mr. ROBBINS. Mr. Speaker, is there a chance for me to get a hearing?

The SPEAKER. The House by a two-third vote on yeas and nays fixed this bill as a special order; and it is not competent for the House to avoid its consideration except by laying the bill on the table.

Mr. HEWITT, of Alabama. I move to lay the bill on the table.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. ROBBINS. I decline to yield. I had the floor and had begun my remarks.

Mr. HEWITT, of Alabama. I desire to know whether the gentleman proposes to antagonize and defeat the bill pensioning the soldiers of the Mexican war.

DUTIES ON SUGAR.

The SPEAKER. The gentleman from North Carolina [Mr. ROBBINS] is entitled to the floor, but before he proceeds the Chair will cause the bill to be read.

The Clerk read as follows:

A bill (H. R. No. 6134) to regulate the duties on sugar.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That tank-bottoms, sirups of sugar-cane juice, melado, concentrated melado, concentrated molasses, and all sugars not above No. 13, Dutch standard in color, shall pay a duty of two cents and forty hundredths of a cent per pound; above No. 13 and not above No. 16, Dutch standard in color, shall pay a duty of two cents and seventy-five hundredths of a cent per pound; all above No. 16, Dutch standard in color shall pay a duty of four cents per pound: *Provided,* That nothing herein shall be construed to alter or repeal the act entitled "An act to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875," which act was approved August 15, 1876.

Mr. ROBBINS. Mr. Speaker, the Earl of Chatham on a certain occasion in the House of Lords is said to have used the word sugar in a connection which made it seem ludicrous, and a ripple of merriment ran through the house. The earl's pride was touched, and, pausing a moment, he repeated the word in such an imperious manner that his auditors were instantly hushed into respectful silence. But when once again, in his loftiest and most majestic style, he reiterated "sugar, my lords," the peers were completely overawed and sat *arrectis auribus* in an attitude of the profoundest reverence and attention. I used to think all this was due to the imposing presence and marvelous power of that great man; but recent study and observation have led me to change this opinion. I think now it was not the speaker but the subject which produced such a surprising impression. The House of Lords were overawed by sugar and not by Chatham!

Sugar! We all know how interesting a thing sugar is to the little folks and how they beg for a lump when their mothers go to the side-board. But I have lately found that sugar is a subject of very great interest to grown-up men also. Magnates, millionaires, editors, pamphleteers, great corporations, powerful rings, domestic and foreign ministers,—all these I find "take sugar in their." The commercial and industrial interests of mighty nations are deeply concerned. "There's millions in it." Every day when it is supposed that the question of sugar may come up here our desks are loaded with documents, memorials, arguments, remonstrances, petitions, telegrams, relating to sugar and showing the profound feeling which exists in the bosoms of sundry persons interested in it. But I am bound to say that, so far as I can see, the parties who besiege our eyes and our ears so persistently and importunately with their representations and memorials on this question all seem to be governed by the boy instinct; and when you boil down and crystallize all they print and all they say, it simply means, "Give us a lump."

In this connection I want to call the attention of the House to one or two considerations which ought not to be overlooked. The concentrated efforts which are put forth so opportunely and so skillfully on every occasion when our sugar bill is likely to come up, either to prevent its consideration at all or to sway our judgments and influence our decision upon it, prove one thing conclusively. They prove that very powerful influences are at work behind the scenes, and that these influences and interests are in few hands, so that they can easily take counsel together and concert their plans. Telegrams arrive here, addressed to various gentlemen, from divers remote points, on the same morning, and couched in almost identical terms. These things point to a common origin. They indicate that somewhere in

the dark, and behind the curtain, some giant monopoly, some selfish ring, with plenty of means and brains at command, is seeking either to obstruct all action here or to dictate what we shall do. All these are the old familiar devices of monopolists. The people are unskilled in their use. The millions of unsuspecting citizens, busy on their farms and in their shops, all over this broad land, know little of such means of influencing legislation. They confide in us. They are unheard here except as they are heard through us. I trust that we, the Representatives of the people, will see to it that their interests are not overlooked or neglected in whatever action we may take on this subject. In what we do I hope that we shall be moved by no unfriendly feeling or purpose toward any legitimate industry or business, whether it be in few or many hands; but while guarding as far as we may the special interests of the few, I trust we shall be swayed most by what appears to be the general interest of all; for it is to promote, not the special aggrandizement of individuals, but the general well-being of our whole forty-five millions of people, that the Government exists and has a right to levy taxes and imposts for its support.

It is conceded by almost everybody that the existing law fixing the duties on sugar urgently needs amendment. The Secretary of the Treasury informs us that by reason of defects in the law its true and original spirit and intent are evaded to such an extent that the Government annually loses several million dollars of the revenue which it is legitimately entitled to receive and which it was intended it should receive when this law was enacted; and he says, also, that it is impracticable to remedy this without some further legislation by Congress. The evil would not be so great if what the Treasury loses were gained to the people by a corresponding reduction of the cost of sugar to them—if their aggregate burden were thereby correspondingly lightened. But this is not the case, as I will show in the course of these remarks.

The evasion of the law is not and cannot be much practiced with reference to high grades of sugar. It is practiced almost entirely in connection with the lowest and darkest colored grades. The law as it now stands, being thus evaded, in effect discriminates so largely in favor of the dark-colored grades of sugar, which pay the lowest duty, that all who deal in the lighter colored grades, whether producers or importers or refiners, are pushed to the wall. The foreign producer who makes the darkest grades of this commodity, and a very small number of American sugar refiners who use these darkest grades in their refining business, are the only parties who derive benefit from the evasion of the law. They pocket the entire sum, which is lost to the Treasury. I shall speak presently of the effect of this on the business of making sugar abroad, and of the injury to ourselves which has resulted from the consequent changes in the sugar-growing countries in the processes of making sugar and in the character of the product they turn out for our market.

But with regard to the American refiners who use these dark grades of sugar in their business on which the true duty is thus systematically evaded, I may as well say now as at any time that though they are scarcely more than half a dozen in number they make through the operation of these causes millions of dollars every year, and are thereby becoming a mighty monopoly which defies rivalry or competition, crushes out other classes of refiners, is rapidly acquiring control of the whole sugar trade, and dealing out to consumers in the United States sugars good, bad, or indifferent, pure or adulterated, as it may choose, and at whatever prices it may see proper to exact. The people who buy sugar are at the mercy of these monopolists, delivered over bound hand and foot, and powerless against their extortions, because every rival interest which by competition might keep down the prices of this article is being undermined and driven out of the business.

A single statement will show how this is. Three years ago, when the law was put in its present shape, there were forty-two sugar refineries in this country. To-day there are but twenty-one; just half of them ruined and crushed out in three years. I am told, also, that some of these twenty-one which remain are struggling for existence, and that in a short time the number will be reduced still further, so that the entire business will pass into the hands of half a dozen or so powerful sugar-refining houses. One gentleman who was examined before the Committee of Ways and Means, a gentleman who is at the head of the most powerful refining-house in the country, and who declared that the American sugar-refining business was growing in importance and increasing its capital, was asked to explain this singular mortality among the refineries in the last three years. His reply, given rather hastily and inadvertently, so it seemed to me, was very significant, and told the whole story. Said he, "The big fish will swallow up the little ones." That is it exactly. In short, the most of those who are engaged in this American industry of refining sugar are being ruined. But while house after house goes down, and the laborers they employed are being turned out to starve, a few great monopolizing houses survive, and thrive on the ruin of their rivals, through the evasion of our law. And yet we are told that we must be cautious how we legislate lest we injure this great and growing American industry. Amid the wreck and ruin which is taking place in the more honest and legitimate branches of this business, such talk sounds to me like the mocking sneer of Mephistopheles.

Four distinguished gentlemen on the Committee of Ways and Means antagonize the bill which in obedience to instructions from the majority of the committee I have had the honor to report; but they will

not, either of them, I believe, controvert what I have said about the defective state of the present law, its liability to evasion, and the great loss of revenue which results therefrom. Nor do I think any of them can deny what I have said about the tendency of the whole refining business to fall into a few hands and become a monopoly. Certainly the fact is incontrovertible that there are now only twenty-one refineries, while three years ago there were forty-two. However these gentlemen may differ from me in the deductions and observations I have been making, they will all agree that the law is imperfect and concur in the declaration that it is the imperative duty of Congress at this session to amend it. The only question is as to what should be the nature of the amendment.

An *ad valorem* tariff, in this as in perhaps every other case, is the most equitable and perfect in theory; and if it were possible to enforce it honestly in practice I should never be in favor of any other. But it is found to be utterly impracticable to frame a sugar tariff on the *ad valorem* principle in such a manner as will secure it against fraud and evasion. As a consideration which should have weight with those who are prepossessed in favor of this kind of a tariff, I point to the fact that the very evasions of the sugar duty from which the revenue is now suffering have principally become noticeable since we introduced, in part, the *ad valorem* feature into the law three years ago. The means are various by which the *ad valorem* tariff on sugar can be evaded. In some instances, importers make themselves partners in the foreign establishments which produce the sugar; in other cases, they enter into a fraudulent collusion with the foreign producer. But in whatever way it may be done, the result is that the invoices of prime cost abroad, on the basis of which the *ad valorem* duty must be levied, are put below the true and honest figure, without the possibility of detection, and the revenue suffers from continual frauds. It is not necessary to enlarge on this point. All may be said in one sentence: an *ad valorem* sugar tariff will work well when all men become honest; but unhappily that good time seems yet remote.

Since, therefore, we are obliged to resort to some form of specific duty, the question is narrowed down to this: what is the fairest and simplest method of classifying and distinguishing the several grades of sugar and of determining to what grade any hogshead or cargo imported belongs? And then this further but subordinate question: what duty shall be imposed upon each of these grades thus determined? The aim all the while being so to classify and grade the different kinds of sugars and so to fix the rate of duty on each grade that, to a reasonable extent and so far as may be practicable, the *ad valorem* principle shall be approximated, each grade of sugars paying a duty as nearly as possible proportioned to its value.

On what does the value of sugar depend? The answer is that up to No. 13, Dutch standard in color, the value depends solely on its richness in saccharine material, or, in other words, on the amount of pure sugar which can be extracted from it by refining. All the grades below No. 13 are what is called refiners' sugars, and are so dark-colored and impure that none of them are fit to enter directly into consumption by the people without being first refined.

Above the grade of No. 13, Dutch standard, up to No. 16 are what are called grocers' sugars, which are sufficiently light-colored to be capable of going at once to the consumer without passing through the refining process. In these grades of sugar lightness of color becomes an element of value as well as their saccharine strength.

Above No. 16 come the various grades of what may be properly termed refined sugars. They are of different degrees of whiteness; but when not artificially adulterated they are all approximately pure, containing very nearly 100 per cent. of saccharine matter, and their value depends, it may be said, solely on their whiteness of color and on their form, that is, whether they are ordinary crystallized sugars simply, or lump, or loaf, or crushed, or powdered.

Here, then, we have three reasonably well-defined and distinct classes, to one or the other of which every kind of sugar is assignable. The first class derives its value from its saccharine strength alone; the second class, from its strength and color combined; the third class, from its color and form alone. The first are refiners' sugars; the second, grocers' or coffee sugars; the third, refined sugars. After giving the most earnest thought and study to this subject that I am capable of, I can see no better system of classification than this. It is, of course, not absolutely perfect, for some few so-called refined sugars, for instance, may not grade as high as No. 16, and some grocers' sugars may go above No. 16. But for practical use and easy application in this vast sugar trade, the majority of the committee believe that no better system of grading can be devised, and have therefore brought in their bill, which adopts this simple plan, rates all sugars as of one or the other of these three classes, and imposes a duty on each class bearing at least some approximate relation to the value of the sugars in each class.

Before going further it may be useful for me to explain to those who have not had an opportunity to examine this subject what is meant by that expression "the Dutch standard of color." I have procured and have here on my desk a complete series of the various numbers and grades of sugar according to this standard, which gentlemen can examine for themselves. It is a method of grading sugars solely according to their color, and it takes its name from the fact that it was first devised and used by the Dutch, formerly the most extensive traders in this commodity. It is based upon the chemical

fact that perfectly pure sugar is white, and upon the further idea—which was nearly true, also, in their day and in reference to the sugars they dealt in, but is far from being true now on account of the changed processes of making this article—that in whatever degree sugar falls below whiteness of color in the same degree it deteriorates in saccharine strength and purity. The coloring material, it was judged, was so much impurity, and the more there was of this impurity the darker would be the sugar. Color alone was thus established as the measure of purity and consequent value.

When the Dutch adopted this color-test it was reasonably accurate, as I have said, as applied to the sugars with which they were acquainted; for those sugars were made by old-fashioned processes, simple and uniform in their operation; and the recent artful methods of disguising really strong sugar under a dark color were then unknown. Moreover, as light-colored sugar was more valuable, the producer had no motive as he has now under our tariff to color his sugars down. So the color-test was a pretty correct test, then; and it still remains tolerably correct in regard to raw sugars of the lighter-colored grades from No. 13 upward. But the Dutch standard will not do as a test of saccharine strength in the lower grades of sugars as they are now made.

The reason for this lies in the fact that by artificial devices in sugar-making it is perfectly practicable to give a very dark color to sugar which is really very rich and of high percentage in saccharine strength, and which would have a much lighter color if not interfered with in the making. And the dark color can be secured, too, without introducing any substance not already in the cane-juice. Suppose, for instance, you are boiling your juice down in the old simple way in kettles. Just about the time the boiling is finished and the juice is sufficiently concentrated for crystallization to begin you push the fire for a few moments and burn a very small quantity of the sugar into what is named "caramel." Do gentlemen know what caramel is? It is simply burnt sugar. It is the same thing, I am told, which is employed to give an amber tint to whisky. When freely used in a solution of whisky it is said to have a powerful coloring effect even upon a man's nose. A very small quantity of this caramel, produced by overheating the cane-juice just as the boiling is finished, will give a dark color to a very large quantity of sugar. In this way the sugar-maker, at a perfectly trifling cost, can color down his product without affecting sensibly the percentage of real sugar in it. In like manner, when the sugar is made by the vacuum-pan process, it is easy to color it very dark with caramel, and at the same time leave the product of a high percentage in saccharine matter.

But the cheapest and most convenient way, perhaps, to make dark-colored sugars of a really high grade in strength is through the "centrifugal" process, as it is called. This process of making sugar consists in placing the previously somewhat concentrated cane-juice in cylinders whose sides are perforated with an infinitude of small holes, and then making these cylinders—called "centrifugals"—revolve rapidly. You do not have to wait for the slow influence of evaporation to rid you of the superfluous liquid. You sling it out quickly through the little orifices in the sides of the centrifugals in the form of molasses, and you leave the sugar crystals within. Now such is the practical operation of this process that the color of the sugar produced depends upon the rapidity with which the centrifugals are made to revolve. If they revolve fifteen hundred times a minute, the molasses is thrown out quickly and a light-colored sugar is left. But if they revolve only seven hundred times a minute, the molasses oozes out more slowly and coats the sugar crystals as they form with the dark hue of the molasses which adheres to their outside; and thus the sugar produced is of a dark color, and of a low grade when tried by the color standard, while yet it may be of a very high grade in real purity and saccharine strength.

If I have been fortunate enough to make these things clear, gentlemen can easily understand how our present sugar-tariff law is evaded in its true spirit and intent. Our law adopts the Dutch standard of color, even as low down as No. 7, as the basis of classifying sugars. The duty imposed on melada, and sugars not over No. 7, is \$2.19 per 100 pounds; on sugars above No. 7 and not over No. 10, \$2.50 per 100 pounds; on sugars above No. 10 and not over No. 13, \$2.81 per 100 pounds. Now by making them of a very dark color, through the means I have just described, sugars, of which the real strength and purity would equal those of No. 12, (say,) and which our law meant should pay \$2.81 per 100 pounds, are graded down perhaps below No. 7 by their color, and pay \$2.19 per 100. This is systematically done by sugar producers abroad. They have changed their style of sugar-making so as to color their product down. Our law has caused this; for it virtually offers a premium in the shape of lower duties for the dark-colored grades whatever their strength. It is only just to all parties for me to say here—and I say it on my own responsibility for the benefit of those importers who have been in difficulties with the Government about this business—that this making and bringing in of dark sugars is not properly a "fraud;" it is at most only an evasion of the true intent of the law. But the letter of the law permits it. If your tariff on imported animals should discriminate in favor of mules as against horses, it would not be fraud to raise and import mules in preference. So the law in effect favors dark sugars, and dark sugars are therefore made and sent to this country. It is the defect of the law which invites this.

The consequence is that the importation of higher grades is rapidly diminishing and that of the low grades increasing.

Let me give a few statistics on this point. I will not bore you with too many figures. In 1876 our entire sugar imports amounted to 1,561,000,000 pounds in round numbers. In 1878 it was 1,552,000,000 pounds—a falling off of 9,000,000 pounds in two years. I mention this incidentally to show that our aggregate sugar trade is not increasing, as some contend, under the present law favoring low-grade importations. But in 1876 our import of sugars under No. 7 in color was 534,000,000 pounds, while in 1878 it was 860,000,000 pounds, an increase of 324,000,000 pounds of this low grade. In 1876 the import of sugars over No. 7 and not over No. 10 was 860,000,000 pounds; in 1878 it was 618,000,000 pounds, a falling off of 251,000,000 pounds. Of sugars from No. 10 to No. 13 we imported in 1876 150,000,000 pounds; in 1878, only 72,000,000 pounds—not half as much. Of sugars from No. 13 to 16 in 1876 we imported 6,000,000 pounds; in 1878, only 1,000,000 pounds. On grades above 16 the import is trifling, and becoming still more so. These figures are taken from official reports. They speak for themselves. They show a small decrease in the whole trade, but they show that our commerce in all grades above No. 7 is rapidly running down, and that above No. 10 it is already very limited.

But the most startling fact of all is that our sugar imports in 1876 cost us only \$63,860,713, and in 1878 they cost us \$78,986,070; that is, we got less sugar and of lower grade, but we paid \$15,000,000 more for it. These fifteen millions are the premium we pay the foreigner for making and sending to us bad sugar, our law as now standing and now evaded discriminating so in favor of the lowest grade that the foreign producer can actually secure a higher price for it than for better grades.

Can it be possible that there is a man in the United States interested in maintaining a sugar tariff at all akin to this which makes the American people pay so much more money for so much less sugar and of so much worse quality? Yes; there are about a half dozen men so interested. Who are they and how so interested? They are a small squad of sugar-refining monopolists who refine these low-grade sugars, and who by excluding the better grades make their monopoly impregnable. To accomplish this they can afford to pay the foreigner his high price for low grades, because, being monopolists of the trade, thereby, they can exact out of the American people in turn more than enough to reimburse themselves. The foreigner thrives; the monopolist grows richer than a prince, but forty-five millions of people must pay dearer for every lump of sugar they put in their coffee and tea, or give to their children.

There is but one way to stop this great wrong. It is to levy one rate of duty on all sugars up to No. 13. This our bill does, and it proposes to put the duty at \$2.40 per 100 pounds. This is not exorbitant, and in fact is no increase over the present rate in the aggregate, but rather less. Now the three classes below No. 13, classes which are really indistinguishable in saccharine strength and true value, and whose differences in color in fact mean nothing, pay a duty respectively of \$2.19, \$2.50, and \$2.81, per hundred. The proposed rate of \$2.40 falls below two of these, and only exceeds the lowest of them by 21 cents on the 100 pounds. Adopt this and you stop the evasion of the law; you secure to the Treasury the millions now lost through this evasion and, better than all, you give the people cheaper and better sugar. And in doing all this you injure nobody. You do not hurt the legitimate sugar-refining industry. I have in my possession letters from a majority of the refiners, urging the passage of the bill. The half dozen refiners who oppose and are making desperate efforts to defeat it do so because it threatens to break down their monopoly. I submit to the House whether their selfish outcry ought to deter us from marching forward promptly to accomplish an object which will benefit everybody else in America except six men, and will only restrain their grasping avarice within the bounds of reason.

The color test, while it is, as I think I have shown, practically worthless as to the grades below No. 13, remains the best test we can resort to in the higher grades. No. 13, Dutch standard, marks the broad line of distinction in raw sugars between those which must be refined before they are fit for use and those which are of sufficient purity and whiteness to enter at once into consumption without further refining. The raw sugars between Nos. 13 and 16, which are sometimes called "grocers' sugars," are not easily capable of being counterfeited in the process of making. Color has now entered into them as an element of value itself in part, but not enough so to make it an inducement to a foreign sugar-maker to color up a poorer article so as to bring it above No. 13, when it would have to pay a higher duty. Of course nobody would care to color down a sugar above No. 16 when high color is so valuable and bring it below No. 16, thereby decreasing the value of his product; and if he did, it would not hurt anybody but himself. Color, therefore, in the high grades is a reasonably fair and correct index of the real quality and strength of the sugar. Our bill relies upon the color test as to these grades. The proposed duty on them is \$2.75 per 100 pounds. The existing duty on them is \$3.44. It will be seen that we propose here a very considerable reduction in the duty, and I will give some of the reasons for this.

The present duty on these grades is so high as to be nearly prohibitory. In 1876 our import of them was the insignificant quantity of 6,127,732 pounds, in 1877 it fell to 4,536,195 pounds, and in 1878 to

1,474,118 pounds, showing that the trade in this class of sugars is nearly extinct by the operation of the present law. You can only revive it by reducing the duty on these sugars, and thus making it more equitable as compared with the duty on lower grades.

Again, by lightening the duty and thus admitting more of these grocery sugars which can be used without refining, you promote the commerce of those of our ports where there are no sugar refineries. The present sugar tariff not only gives a monopoly of the sugar business to a few refiners, but it also secures a monopoly of the import trade in this commodity to a few large ports where the refineries exist. Formerly sugar entered the country at the various ports of Maine, New Hampshire, Rhode Island, Connecticut, Delaware, Virginia, the Carolinas, Georgia, and Alabama. Now, not a pound of sugar, I believe, comes to any of these ports, certainly not to those south of Baltimore, and even the sugar trade of Baltimore is dying out. The entire trade has fallen into the hands of the three great sugar-refining cities of Boston, New York, and Philadelphia. It is not unnatural, therefore, that the three distinguished gentlemen on the Committee of Ways and Means who represent those three cities are strenuous opponents of the pending bill. I am happy to know that the no less distinguished gentleman from New York who sits in front of me, [Mr. Cox,] faithful and true as he always is to his immediate constituents, but nevertheless willing to "live and let live," views this subject like a statesman. He believes, doubtless, that New York is powerful enough to take care of herself without the aid of legislation to protect her from the rivalry of the small ports. He is willing to give the rest of us a chance to get a little "sugar in ourn," and so he favors the bill; for which I thank him.

Another reason for lowering the duty on grocery sugars and allowing them to come in more freely is that this will operate as a partial check at least on what threatens to become a monstrous evil, namely, the adulteration of sugar by the refiners. From evidence laid before the committee there is reason to believe that the lower grades of refined sugars so-called are extensively adulterated with glucose and other substances. Glucose is a faintly sweetish extract from corn. It is now constantly employed in its liquid form to mix with cane sirups, being cheaper because easily made and of little intrinsic value. I see in a late number of the New York Grocer an advertisement which throws light on this subject, and I therefore insert it:

SIRUPS.

The introduction of glucose in the manufacture of cane sirup has been the means of placing before the public a greater variety of shades and styles of this sweet than has ever been known before. The trade are aware that the light shades in sirup are generally produced by the admixture of glucose, which is a harmless sweet extracted from corn, and this business has been brought to such perfection that retailers can now suit the most fastidious taste of the consumer, both in color and flavor, and at the same time sell at a much lower price than formerly. Orders addressed directly to us, or through agents, will be filled to the satisfaction of the dealer, who may rely upon our judgment, as we will handle no goods but what are perfectly healthful and reliable. We recommend our different brands quoted in column 1 as being entirely free from any injurious ingredient, and if desired will repack in smaller quantities for the accommodation of small dealers at a slight advance over barrel price.

Very respectfully,

FRANCIS H. LEGGETT & CO.

This glucose when evaporated to dryness becomes a kind of starch, very much resembling sugar in appearance but very inferior in sweetness. By the way, if I may digress a little, it is a curious fact in organic chemistry that starch and sugar, different as they are in quality, are composed of the very same four elements—oxygen, hydrogen, nitrogen, and carbon—in precisely the same proportions, so that the difference in them arises solely from their atomic arrangement. I can illustrate this. Suppose a bevy of four persons, two boys and two girls, sitting in the parlor. Seat the two boys side by side and the two girls side by side, this is starch. But seat each boy by the side of a girl, (everybody can see this is much sweeter,) this is sugar. The elements are identical, but the arrangement is different. But *reconnais à nos moutons*. Some of the sugar refiners, it is said, use a great deal of glucose, and with it and the dark-colored raw sugars before mentioned turn out a low grade of so-called refined sugar, rating in color about No. 14 or 15, Dutch standard, but very poor in saccharine strength. This adulterated and comparatively worthless product they send into the country and impose upon the unsuspecting humble citizen who, in his frugality, contents himself with sugar of a medium color. It is a base fraud. The way to stop it is to pass the pending bill and let in grocery sugars above No. 13, Dutch standard, which the people can use if driven to it and thus protect themselves from imposition by dishonest and adulterating refiners.

Mr. ROBERTS. I would like to ask the gentleman whether No. 16 would not subserve the interests of the consumers of this country to a very much greater extent than No. 13?

Mr. ROBBINS. I will answer by saying that in some points of view No. 16, as a single line of division between the higher and the lower classes of sugar, might be preferable, but the adoption of that line alone would perhaps work a little unfairly to our refining industry; it would be a little too hard to cut down and obliterate all the lower grades in that way. While I might personally be willing to favor No. 16, I think to reconcile all the interests, to do no injury to any legitimate interest, the grades we have adopted in our bill are the fairest. Special interests would be promoted by adopting other grades. I myself do not represent special interests, whether sugar-makers or sugar refiners. I represent the people; I speak for them and for the

general interest. I have not a cent's worth of personal interest in the subject in any way, shape, or form. I desire to establish a law that will benefit all and hurt nobody.

Mr. ROBERTS. Let me ask this further question: have not the refiners themselves clearly intimated the important fact that they stand to-day possessed of such facilities that they require no protection whatever, but are willing to compete with the world and can do it successfully?

Mr. ROBBINS. Some of them have said that. But what the refiners want most, as I see it, is to be protected from one another; and that is what our bill aims at—that this sugar interest may not fall into a few hands, which would certainly raise the price of sugar to consumers. I do not want to legislate for a few men or a few special classes. I want to legislate for the American people and for the advancement of the country's interests, commercial, industrial, and every other; and at the same time protect consumers against the oppression and extortion which must result from a monopoly.

Besides glucose, other adulterants are said to be used, such, for instance, as muriate of tin, alum, &c. The first named being a deadly poison which gives whiteness to sugar by greatly improving its color and making it more marketable vastly increases the refiner's profits, with trifling cost. I have here on my desk some specimen lumps of white sugar which do not taste sweet till you have eaten the tin off the crystals. Gentlemen can help themselves to it. I have had enough. The public health demands that we stop, so far as we can, the adulteration of an article of such universal use. As an additional significant circumstance I mention the fact that since this House has been agitating this question of amending the sugar tariff in a way that tends to stop adulteration of sugars, the price of glucose has fallen very much; but if the monopolists shall succeed in staying off a vote on our bill and thus defeat it, I have no doubt the price of glucose will go up again.

On all grades of sugar above No. 16 the bill of the committee imposes a duty of \$4 per one hundred pounds. The existing rate is \$4.06 up to No. 20, and \$5 above that. It will be seen that we propose some, but no great, reduction on these highest grades, which are denominated "refined sugars." The duty now imposed on this class of sugars is nearly prohibitory. We imported of them in 1878 only 777,362 pounds. The duty on these sugars proposed in the pending bill will also be substantially prohibitory. This much, in a spirit of compromise, we leave untouched for the benefit of the American sugar-refining industry, and surely it ought to be content with this. We hereby shut out the competition of foreign refiners, and secure to our own the exclusive control of the domestic market in really refined sugars. It is a great boon; in reason and decency they cannot ask more.

To sum up the argument in favor of the bill, it will, if made a law, save millions each year to the Treasury, break down the sugar monopoly, foster the legitimate refining interest, check adulteration of sugar, enlarge our commerce, give the smaller ports a share of the sugar trade, stop the payment of a premium to foreigners for a bad article, and secure to the American people cheaper and purer sugar; in short, it will benefit everybody and hurt nobody, unless it be an injury to put down deceit and extortion and wrest from Shylock his pound of flesh.

A few words now upon the antagonistic propositions of the gentlemen who oppose the bill and I have done. The first is the substitute of the gentleman from Ohio, [Mr. GARFIELD,] which proposes to retain the test of color even down to the lowest grades, but provides that "any sugars not above No. 10, Dutch standard in color, which shall contain over 92 per cent. of crystallizable sugar shall pay the duty now chargeable on sugar above No. 10 and not above No. 13, Dutch standard in color; and the per cent. of crystallizable sugar shall be ascertained by the polariscope or such other means as may be prescribed by the Secretary of the Treasury."

This obviously concedes what I have said about the untrustworthiness of the color test in the darker grades of sugar, for it looks to the use of some other test; and still it proposes to continue also the color test as to them. One objection which of itself ought to be fatal to this proposition is that it would establish two tests inconsistent in character and entirely different in the results they might give for the same sugars. Who is to say in any given case which of these two tests is to be applied—the color test or the percentage test? A hog-head or a cargo comes in rating somewhere below No. 10 in color; shall it in any case be permitted to pass the custom-house on paying the duty chargeable according to color only, or shall all these sugars be tested by the polariscope or other prescribed means so as to find their percentage?

If the latter is done and you do not rely in any case upon the color test as to these sugars, but always resort to the percentage test, what possible good can there be in continuing the color test at all for the dark sugars? After having tested them for percentage of sugar strength why not levy your duty solely according to that percentage and say no more about the color, since color in these dark sugars is no element of value itself? The more I think of this plan of introducing two inconsistent tests for the same article, the more I am convinced that its effect would be to bring confusion and complexity into the law and its administration and open the door wider than ever to frauds and evasions of the duty.

If you could use any instrument or process which could be relied

upon to show with accuracy the percentage of crystallizable saccharine matter in sugars, the sugar-growing world would find a way to dodge the law by a change in the methods of sugar-making, just as they have done with reference to the existing law. If you enact the substitute into a law, and thereby tax, for instance, a sugar No. 7 in color and 93 in percentage \$2.81 on the one hundred pounds, while a No. 7 sugar testing not over 92 per cent. only pays \$2.19 on the one hundred pounds, it is easy to see what the foreign sugar-makers would do. They would at once go to making all their sugars for our market not over No. 7 in color and just below 92 in percentage. The difference in value between a 91 per cent. and a 93 per cent. sugar is very trifling, but the difference in duty—one at \$2.19 and the other at \$2.81 a hundred—is relatively very considerable. The discrimination would be in favor of the low per cent. sugars, just as it now is in favor of the dark-colored sugars, and we should have a repetition in another form of the very same evasions of the true intent of our law which the revenue is now suffering from, and which have driven us to consider how we can legislate to prevent them.

The substitute of the gentleman from Ohio ought not to be adopted for another reason, and that is that there is no practicable and trustworthy means which the Secretary of the Treasury can prescribe to ascertain the percentage of saccharine matter in sugar with sufficient accuracy and uniformity to meet the requirements of the tariff without ruin to the sugar trade. Chemical analysis, of course, would be a perfect test; but the Secretary could not prescribe that, because we could not employ so costly a process upon the millions of packages of imported sugar. The only other means known to science for this purpose is the polariscope.

I will not undertake here to describe this instrument, for without seeing it and witnessing the manner of its use no one would be likely to get any satisfactory idea of it from anybody's description. Gentlemen who have studied the science of optics know something about the polarization of light by double refraction and the production thereby of two rays of different properties. Putting a solution of sugar into the horizontal tube of the polariscope, and looking into this tube through the eye-piece at one end, there is seen at the other end of the tube a round disk divided by a perpendicular line into two half disks of diverse colors, because each is illuminated by a different one of the two rays of the polarized light. I have myself looked into the polariscope tube and seen this. Now revolve the instrument to the right and these half disks gradually assimilate in color until at a certain point in the revolution they become of the same shade, the polarization of the light being at that point neutralized by the transmission of the rays through the sugar solution. The distance you must revolve the instrument to produce this effect depends on the percentage of saccharine matter in the solution through which the rays are transmitted—though it seems to me density of the solution produced by any other matter might produce the same effect—and an index pointing to and moving over a graduated scale shows the degree to which you have revolved the instrument, and consequently the percentage of pure sugar in the solution used. This is the theory of the polariscope.

[Here the hammer fell.]

Many MEMBERS. Let the time of the gentleman [Mr. ROBBINS] be extended. We want to hear this.

No objection was made; and the time was extended indefinitely.

Mr. ROBBINS. I certainly feel very much obliged to the House for their kindness and courtesy to me.

Mr. Speaker, I am passionately fond of science in all its departments; not that I am by any means much skilled in it, but I love and sympathize with its earnest search into nature's mysteries and its diligent study of nature's lessons. Nature and the Bible are two volumes of one work by the same Author; both full of instruction to us all, and worthy of the most reverential study; the latter being the simpler in style and diction and more easily understood, but the former testifying to its true authorship on every page; for "The heavens declare the glory of God; and the firmament sheweth his handiwork;" and it was the Same who said, "Let there be light, and there was light," with all its beautiful and wonderful properties, including this peculiar and interesting capability of polarization.

I delight in science, its ingenious discoveries and cunning instruments. So when my attention was drawn to the polariscope and its interesting scientific theory I was at first strongly prepossessed in its favor, as my colleagues on the committee know. All my prejudices impelled me to approve its adoption, and to believe in its accuracy as a means for determining the true grade and value of imported sugars. By it I hoped we might fix a specific duty on each grade so adjusted to value as to carry out substantially the *ad valorem* principle—essentially the correct principle—in our tariff on sugar.

Thorough investigation of the subject, however, has brought me to a different conclusion. The polariscope is such a delicate instrument that the indications it gives of saccharine percentage in the samples tested by it are altered many degrees by the most trifling circumstances, so that it would be utterly untrustworthy and deceptive when applied as a test in the immense business of grading sugars, under the variable conditions which would necessarily attend its general employment for that purpose. A very slight difference of temperature in the room where it is used; a little moisture, more or less, in the air about it; some color-blindness in the operator, or some unskillfulness in weighing, clarifying, or otherwise preparing the

sample of sugar to be tested, or some other insignificant and unnoticeable error in the process, will so change the verdict rendered by this instrument that no dependence can be placed upon its accuracy, even when the operator is specially skillful, as would often not be the case, and perfectly honest, as he might not be. If he were corrupt and dishonest there is no means of detection. He looks into the eye-piece of his polariscope tube and declares what he sees, and the sugar is graded accordingly. If somebody else looks also and sees the colors differently, it is nothing (so they will say) but a mere difference in acuteness or accuracy of color perception in the eyes of different persons. There may be falsehood and fraud, but you can never prove it. You are at the mercy of one man. It is no better than to give your sugar sample to a juggler, who goes into a darkened room and after certain incantations declares oracularly what grade your sugar belongs to and what duty you must pay.

My conclusion, unwillingly reached, is, therefore, that the polariscope is only a beautiful scientific curiosity, well fitted to be placed among the treasures of a college laboratory and to amuse and instruct students in optics under the manipulation of a professional expert in natural science; but for practical use in our custom-houses to determine the grade of sugars and the proper duty on them in the hands of the average inspector, sometimes unskillful and sometimes dishonest, I am obliged to say that in my judgment it would prove an entire failure.

From evidence before the committee it appears that even when the very same sample of sugar is submitted to the test of the polariscope twice, there is often a difference of as much as 5° in the two verdicts rendered by the instrument. But out of the same hog'shead there may come very different samples of sugar, as any one can see by looking at the miniature specimen of a hog'shead which I hold in my hand. Here the molasses and the crudities are seen to have settled to the bottom, making the contents there much more impure than at the top. Apply the polariscope to the different samples which may be taken from such a hog'shead and there is no telling how great would be the variety of its indications. Moreover, the thousands of hog'sheads in a cargo would of course vary still more in the quality of the sugar they contain than the different parts of the same hog'shead. Carelessness or corruption in the sampler, who is but an inferior and poorly paid customs official, may therefore cause a cargo of sugar to be largely underrated or overrated by the polariscope.

This also is true of the color test in the darker sugars when you have many grades; and the only way to avoid it is to have but few well-marked and easily distinguished grades, as our bill proposes, so that the chances of confounding one grade with another by false sampling may be reduced to a minimum.

In speaking a while ago of the manner of using the polariscope, I said that the instrument must be made to revolve to the right to find the degree of crystallizable sugar, this being, in the parlance of the scientists, a dextro-rotating substance. But mingled with all impure sugars is a greater or less quantity of what are likewise called levo-rotating substances, the influence of which in the polariscope is to neutralize to an extent never ascertainable the effect of the dextro-rotating sugar. So that here we have another element of confusion and uncertainty in the workings of this delicate instrument. There are many other niceties in its scientific principle which tend to make its indications uncertain and untrustworthy in all cases, and especially where it is not used with the most exquisite skill of an expert. Now, I submit that we cannot afford to introduce into our tariff law so delicate, recondite, and uncertain a test in determining what duty shall be paid on an article so largely imported as sugar. If we do we shall set a deadfall to catch and ruin honest importing merchants. Such a merchant, in the utmost good faith, might purchase a cargo of sugars abroad which, according to all the tests and means of judging which he can apply, falls within a certain grade and is liable to a certain duty, and on this basis rests his whole calculation of safety or profit in the transaction. But, to his amazement, when his cargo is submitted to the polariscope in our custom-house his sugar is decided, perhaps erroneously, to be of a different grade and liable to a much higher duty than he expected. He is ruined, and that, too, by a circumstance which he could not foresee and provide against.

The law should be so simple and plain in its workings that every man can know and calculate when he buys a commodity in a foreign country exactly how much it will cost him to lay it down in our market. This will be the case if our bill is passed; for no man need be in doubt whether his sugar is above or below No. 13 in color, or above or below No. 16; and knowing this he can foresee at once what duty he must pay. Of all the wrongs that a government could commit against the citizen, it seems to me one of the most needlessly cruel and oppressive would be to make its laws so uncertain in their administration as to entrap and destroy those who in good faith mean to observe them.

But I will not enlarge further on the polariscope and its defects, some of them inherent in itself, some of them incidental to the manner of its use and the degree of skill in the operator. I think enough has been said to show this House that however interesting in theory the polariscope may be, it is entirely unsuited for employment as a practical means of determining grades and duties on so large a scale as would be required in this immense business of the sugar trade.

The substitute offered by the gentleman from Ohio proposes no change in the existing law on the grades above No. 10 in color. It takes no account of and presents no remedy for the evils I have in-

dictated growing out of the high, the practically prohibitory duty on grocers' sugars grading between Nos. 13 and 16 in color. It leaves the law in such shape as to continue the monopoly of sugar importation to the three cities of New York, Philadelphia, and Boston, excluding from the business practically, as matters now stand, the other cities and ports of the United States. The bill of the committee proposes a check upon this monopoly, and while seeking to injure no city, no section, and no legitimate interest, aims to secure more exact justice and a more equal chance to all. This House, representing as it does every part and every interest of our common country, will find no difficulty, I trust, in deciding which of these propositions it ought to adopt.

It is urged by some as an objection to our bill that it is a measure which will work mostly for the interest of the Cuban sugar producers. There could not be a greater mistake. It is our present law which does that. It would be difficult to devise a law more favorable to the Cubans than the existing law is as one brief reference to statistics will show. In 1870 Cuba sent us only 52 per cent. of her sugar crop, that being under the old tariff. In 1878, under the present tariff, Cuba sent us over 90 per cent. of her sugar crop; so that under our law as it now stands we take all her sugar except about 10 per cent. of it. When the law is already so perfectly in her favor, it is absurd in the highest degree to say that any change which we could propose would be in Cuba's interest. So I dismiss this objection as unworthy of further notice in view of the facts.

As to the amendment which the committee through courtesy gave the gentleman from Massachusetts [Mr. BANKS] leave to offer, I will only say now that it proposes to use the polariscope as the sole test of sugars of all grades, from the lowest to the highest, and to fix a different rate of duty for each degree of saccharine matter as indicated by that instrument. All that I have said of the impropriety of relying upon the polariscope, even to a limited extent and in respect to a few grades of sugar, applies with increased weight to a proposition to use it through all the grades. I feel confident the House will not sanction such a revolution in the entire system of sugar inspection and classification.

But I have trespassed far enough upon the courtesy of the House, for which I am very grateful, and will now conclude these remarks. I have endeavored to discharge my duty in reference to this question. The subject is one of such importance that this Congress should not fail to take action upon it. Millions of revenue are involved in it; but far above that, the interests of all the people are involved as against a powerful and growing monopoly. On all issues arising in the great controversy—constantly coming up here in so many shapes—of The People vs. Monopolies, my voice and vote always have been and always will be on the side of the people; not that I shall ever pander to mere popular prejudices; not that I have any sympathy with communistic ideas; but monopolies and overgrown fortunes heaped up through unequal laws in few hands beget popular discontent and disregard of property rights and engender communism; and these are the conditions precedent to imperialism.

Our Government has weathered many storms, but it is now confronted by these dangers, not less formidable because more insidious than any perils of the past. A free and stable republic, with universal suffrage, can only exist among a people comparatively equal in condition, where the laws are so shaped and so administered that every man has a chance; that the humblest may be happy and prosper if he will. It is this which in the past has constituted the glory of our free American institutions. It is this which has enabled them to survive thus far and which makes them worthy to endure always. Only by adhering to these principles, by repressing monopolies and special privileges on the one hand and communistic and agrarian tendencies on the other, can we perpetuate the Republic and render the Empire forever impossible.

Mr. GARFIELD. Mr. Speaker, I regret that I am not feeling well enough to address the House on this subject to my own satisfaction. By the kindness of my colleague on the Committee on Ways and Means, [Mr. TUCKER,] who paired with me, I left the House yesterday in consequence of feeling quite ill, and I should not be here today were it not that I am charged with the duty of presenting the bill approved by the minority of the committee; but I will try to state the case if I can have the forbearance and attention of the House.

It must be manifest to every one that any considerable change in our tariff laws at the present session is impossible, and no change whatever should be undertaken at this late day unless demanded by the most imperative necessity. That such a necessity exists for the modification of the tariff on sugar will appear further on.

The pending bill, like all bills which relate to customs duties should be considered in its relation to four great interests: the revenues, home industries, foreign trade, and the interests of consumers. First, as a source of revenue for the support of the Government, we are receiving about \$37,000,000 in coin per annum from duties on sugar in its various forms. That is about one-sixth of all our revenues from all sources. The effect of any measure upon so large a part of the revenue is vital to our finances and to the fiscal credit of the Government.

Second, it affects two great producing industries of our people. The first of these is the growth of cane and the production of cane sugar, to foster which Congress has for a long time levied a discriminating

duty, though only a single State is pursuing the industry. Notwithstanding the fact that sugar is one of the necessities of the daily life of our people, they have consented to pay a tax which, under existing laws, averages about 62½ per cent. *ad valorem* upon all the sugar they consume. This burden is borne cheerfully for the purpose of protecting and promoting a great home industry in one of our Southern States.

A second important industry which has grown up in connection with the sugar trade and has developed to great magnitude in recent years is the business of refining. It is one of the interesting evidences of the progress of civilization that people are using less and less of the raw sugars of commerce and more and more of refined sugars. And this change of habit is not merely a refinement of luxury but is demanded by a better knowledge of the laws of health. In a recent investigation made by the Analytical Sanitary Commission of England appointed to examine the various kinds of food, Dr. Hassell, the chairman, reported among other things the following:

We feel, however reluctantly, that we have come to the conclusion that the sugars of commerce are in general in a state wholly unfit for consumption.

That is the latest voice of science in England on the subject of unrefined sugar. And if gentlemen will turn to *The Popular Science Monthly*, of New York, for February, 1879, they will find a very interesting scientific discussion of the various insects that infest food, and on pages 508 and 509 occurs a passage relating to sugars, which I quote:

The sugar-mite, *T. sacchari*, [a magnified wood-cut of which accompanies the passage,] is most commonly found in brown sugar. It is large enough to be seen with the naked eye, and sometimes appears as white specks in the sugar. It may be detected by dissolving two or three spoonfuls of sugar in warm water and allowing the solution to stand for an hour or so. At the end of the time the mite will be found floating on the surface, adhering to the sides of the glass, and lying mixed with the grit and dirt that always accumulate at the bottom. In ten grains of sugar as many as five hundred mites have been found, which is at the rate of three hundred and fifty thousand to the pound. Those who are engaged in handling raw sugars are subject to an eruption known as "grocers' itch," which is doubtless to be traced to the presence of these mites. They are almost invariably present in unrefined sugars, and may be seen in all stages of growth and in every condition, alive and dead, entire or broken in fragments. Refined sugars are free from them. This is in part due, perhaps, to the crystals being so hard as to resist their jaws, but principally to the absence of albumen, for without nitrogenous matter they cannot live.

These degraded and disgusting forms are not proper food-stuffs, nor is their consumption unavoidable. Pure articles, in an undamaged condition, do not contain them; and their presence in numbers in any article of food is proof that it is unfit for human use and should be rejected.

This scientific testimony is corroborated by the experience of all persons who manipulate raw sugars, while no such effects result from the handling of refined sugars. For these reasons the consumption of raw sugars in this and in all other civilized countries has rapidly fallen off. And so, although in former years a large quantity of what is known as grocers' sugars went directly into consumption without going through the process of refining, the amount of sugars of that class now used has been reduced to almost nothing.

To exhibit something of the magnitude of this industry, I state a few facts: omitting maple, sorghum, and beet sugar, we consumed last year in round numbers one billion seven hundred million pounds of cane sugar. Of this amount we produced in our own country two hundred million pounds; the remaining one billion five hundred million pounds were imported. Reduce the whole to tons, the people of the United States consumed seven hundred and forty thousand tons of cane sugar last year, or an average of about forty-five pounds to each inhabitant. Of all this vast amount of sugar not 2 per cent. was consumed in the raw or unrefined state. Nearly all of it passed through some process of refining to fit it for the use of our people.

From this it will be seen that in addition to the business of cane-planting and sugar-making there has grown up in this country a second industry of sugar refining, the importance of which may be shown by a few additional facts. There are twenty-five thousand laborers in the United States to-day employed in the business of refining sugar and fitting it for use, in addition to those employed by the sugar producers. In this work they employ coopers, blacksmiths, mechanics, machinists, and other classes of laborers. They consume thirty millions of pounds of bone-dust, eighteen thousand kegs of nails, thirty thousand car-loads of staves, and three hundred thousand tons of coal.

In this statement I do not take into account the refining done by Louisiana planters in preparing their products for market, though a large majority of the sugar growers have connected with their mills some form of refining. I have stated these facts to show the extent of the two home industries, which we should keep in view in any legislation on the subject.

The third interest to be considered is our foreign commerce, of which only a word needs to be said. We are compelled to buy abroad about 85 per cent. of all our sugar. We buy it from tropical countries with which, on every ground of public policy, we ought to maintain healthy and active relations of trade. If we are able, by our superior skill, to refine their low-grade sugars more cheaply than our neighbors and send them back with the added value of American labor, it will strengthen us industrially and commercially; and the fact that our refining interest has grown to such perfection that we have been able to sell in a single year to tropical countries about seventy million pounds of refined sugar, is a gratifying one on every account. No change should be made in the law which will injure our commercial prospects in this direction.

The fourth interest, one of vital importance, is that of the consumers of sugar. They are not a class; they are the whole population of the United States; and there must be reasons of controlling strength that will justify any considerable tax on an article of food of universal consumption and of such prime necessity as sugar. That reason has been found partly in the necessity for revenue, but chiefly in the purpose of enabling our people to become self-supporting, and as far as possible to produce their own sugars, that they may not be dependent upon foreign countries for so important an article of food. In short, the chief reason for the tax is that American labor may find employment in producing and preparing food for American tables.

The duty on sugar has been levied in various forms. Up to 1846 sugars were classified into raw and refined sugar, with a low rate on the raw and a higher rate on the refined. But as the processes of manufacture and refining have been improved, additional grades have been added to the law from time to time to meet the new conditions. It was found in 1870 that the lower grades embraced so wide a range of products that a uniform tax upon one whole class was neither equitable nor just; and hence the law was so amended as to increase the number of classes and make the tax *ad valorem* in principle but specific in form; that is, sugar in all its forms was graded into seven classes, arranged in the order of its value, and a specific duty was levied upon each class, the lowest rate being imposed upon the sugars of lowest value and a higher rate upon each successive class. The tax thus adjusted has been an efficient means of raising revenue. I have already shown that it produces more than \$37,000,000 a year. That it has afforded sufficient protection to the producers and refiners of sugar will not be denied. The theory of protection may perhaps be thus summarized: on any imported article which comes in competition with an American product the rate of tax should be proportionate to the amount of human labor which has been expended upon it at the time of importation. That which represents the least labor should bear the least burden of tax; that which represents the most should bear the greatest. This principle has generally prevailed in all our tariff laws relating to sugar.

As the law now stands, the duty is adjusted by classifying all sugars into seven grades. First, the lowest, crudest, and cheapest product, which comes in liquid form and is known as melada. On that we levy a specific duty equal to about 40 per cent. *ad valorem*. The next grade of sugar is represented by the specimen I hold in my hand, and is known in the trade and to our law as Dutch standard No. 7. Until a recent period all sugar was manufactured by the simple process of boiling down the cane-juice and clarifying the product by means of clay. By that process the purity and strength and hence the value of all crystallized sugar were exhibited by its color. Here, for example, [holding up a specimen,] is a specimen of the lowest and crudest forms of crystallized sugar. Gentlemen will notice its dark color. It is known and graded as Dutch standard No. 7, and forms the second class in our present law. Here [holding up another specimen] is another specimen advanced higher, embodying more human labor, having less impurity in it, being advanced to a condition fit for use. It is known as Dutch standard No. 20. Ranging between these two specimens are several grades, the seven classes of the present law being—

First, melada, as I have described it.

Second, No. 7 and under.

Third, all above No. 7 and not above No. 10.

Fourth, all above No. 10 and not above No. 13.

Fifth, all above No. 13 and not above No. 16.

Sixth, all above No. 16 and not above No. 20, (a specimen of which I have just exhibited.)

Seventh, all above No. 20.

The theory of the law is that these various grades of sugar represent a scale of increasing value, an increasing amount of labor; and therefore the higher the grade the heavier the duty. For ease of comparison I reduce the specific rates to *ad valorem*, and show the status of the existing law. On the lowest form of sugar, melada, the rate is about 40 per cent. *ad valorem*. On the next grade, which includes all not above the Dutch standard No. 7, it is about 45 per cent.; on the next grade, including No. 10, it is about 46½ per cent.; on sugars between No. 10 and No. 13 it is 49½ per cent.; between 13 and 16, 68½ per cent, and so on, the rate increasing according to the value of the sugar and the amount of the labor expended upon it. This method of taxation seems to be fair and just; for if the principle of protection be applied to sugar at all, it ought to be applied on some plan of graduation which imposes the heaviest burden upon those grades which involve the most foreign labor and which are the most valuable.

I believe the correctness of the principle of the present law is not called in question anywhere. Although the aggregate rate of duty is high, consumers are not complaining; for the sugar used by our people is cheaper to-day than it has been during any previous period of our history. In 1869 the average price in the United States of all grades of sugar was 15 cents a pound. In 1878 the average price was 9 cents a pound. A dollar will to-day buy more sweetening than it would have bought at any previous period in our history. A day's work even, will buy more sweetening to-day than it would have bought ten years ago. Therefore the consumers of sugar of this country are not complaining that the rate of tax is too high. The planters of Louisiana are not complaining that they are not sufficiently protected by the present law; for they get an average protection of 62½ per cent., far greater than we get on most of our northern products.

Who, then, is complaining, if neither the producers of sugar nor the consumers complain? The Treasury alone is now making complaint. The Secretary tells us that new processes of manufacture have enabled foreign producers to produce sugar of as high a grade of sweetness and as pure as this specimen [showing a light colored sugar] but which has a color as low as this, [showing a dark sugar,] and therefore, as the letter of the law fixes the rate of duty on the basis of color alone, high-grade sugars in sweetness and value, but of low color, are brought in at a rate below the intent of the law, and so the revenue is defrauded. Two recent processes of manufacture known as the centrifugal process and the vacuum-pan process, have so changed the character of the product, especially in Cuba, that high-priced sugar comes in graded at low rates; and of that the Secretary of the Treasury complains. He says, and so say his experts, that we are probably losing from four to five million dollars a year, in consequence of this undervaluation of sugar.

To meet this defect in the law should be the sole object of the present bill. To whom should we look for the suggestion of a practical and efficient remedy of the only evil complained of? First of all, we should look to the officer who is charged by law with the duty of collecting the revenue. And he, the Secretary of the Treasury, has proposed a remedy. He does not ask us to change the rate of duty. He does not ask us to raise or reduce the present rate. All he does ask is that we give him the power to prevent undervaluations which he cannot prevent as the law now stands. He does not complain that the color test has been proved altogether worthless. It is still as valuable as ever for all sugars of the higher grade; but the two new processes of which I have spoken have enabled manufacturers to evade the spirit of the law in the lower grades, especially in grades below No. 10, Dutch standard; and he declares that if we will authorize him to apply other tests which will correct the undervaluation in these lower grades, he can collect the revenue fairly and fully, according to the original intent of the law, without any change of the rates or change of the grades already established. In a word, he asks us to give him the requisite authority and means for enforcing the present law according to its real intent and purpose.

Now, Mr. Speaker, I believe that I have stated all the trouble complained of in the present law. We are not asked to legislate either for the consumer or the producer, for Louisiana or for New York, or for the great West. We are asked to legislate to protect the Treasury against loss of revenue by undervaluation. That is all. And what is the remedy proposed? The Secretary of the Treasury proposes what I now offer on behalf of the minority of the Committee of Ways and Means as a substitute for the pending bill, and I ask the Clerk to read it.

The Clerk read as follows:

Be it enacted, &c. That from and after the — day of —, 1879, in the classification of imported sugars for assessment of duty, any sugar which shall not be above No. 10, Dutch standard in color, which shall contain more than 92 per cent. of crystallizable sugar shall pay the rate of duty now chargeable to sugar above No. 10, and not above No. 13, Dutch standard in color, and the per centum of crystallizable sugar shall be ascertained by the polariscope or such other means as may be prescribed by the Secretary of the Treasury.

Mr. GARFIELD. The Secretary simply asks us in that amendment to give him the power to superadd to the color test the use of the polariscope or any other tests which he may find effective in making crystallizable strength and color correspond. That is all.

If there had been no virtual evasion of the color test, there would have been no need of any change in the law; and it is only to meet that evasion that he asks authority to do what he cannot now do, add to the color test the polariscope test or any other scientific test he may choose.

Mr. ROBBINS. Is it proposed to apply the polariscope test to all sugars below No. 10 in every instance?

Mr. GARFIELD. It is, wherever found necessary.

Mr. ROBBINS. How will the officers of the Government know the need of applying the test?

Mr. GARFIELD. I will tell the gentleman. Whenever an imported sugar bears evidence on its face that the color and sweetness are in harmony the color test will remain undisturbed; but when for any reason the inspectors of the revenue or other officers of the Government have reason to believe that the sugar is of a higher grade than its color would indicate, or that its color is below what the law intended, they will apply the polariscope and correct the valuation.

The bill I offer is the simplest and plainest method that can be had to enable the Secretary of the Treasury to enforce existing law.

Mr. ROBBINS. Who is to determine whether the sugar looks upon its face as sweet as it is represented to be?

Mr. GARFIELD. The Secretary of the Treasury, by his regulations and orders to his officers appointed for that purpose. What the gentleman says would be equally applicable to his own bill.

The gentleman himself in his own bill recognizes the Dutch standards of color, and how is he going to determine whether any given sugar is above or below No. 13 Dutch standard? How does he draw the line in his own bill, and who is to determine whether the sugar is above or below that standard?

Mr. ROBBINS. In reference to No. 7, who is to determine whether the sugar imported is higher or lower than No. 7?

Mr. GARFIELD. I answered the gentleman before; the executive officers of the Government charged with the office of collecting these duties under the direction of the Secretary of the Treasury and under the rules and regulations which he may make.

Now, Mr. Speaker, whatever difficulties the gentleman from North Carolina [Mr. ROBBINS] may have or I may have or you may have, it must be taken for granted that the officers who will discharge this duty are intelligent and vigilant.

The present Secretary of the Treasury tells us that with the simple measure I have offered he can administer the law and collect the revenue. That being so, I do not think it quite becomes us to say that he cannot do it, and deny him the provision that he asks for, and all he asks for, to enable him to put five millions more revenue into the Treasury without increasing the rate of taxation.

For one, I am unwilling to take upon my shoulders the responsibility of refusing the Secretary the means he asks for to enable him to collect the revenue, and, instead, give him a remedy of my own devising.

Suppose he fails; he can very well say that Congress refused the instrument he wanted and gave him one of their own devising. In that case the responsibility will fall not upon him but upon Congress for forcing upon him a plan he did not ask for or recommend.

I say, therefore, on general principles, that when an executive officer whom we have a right to trust for his intelligence, skill, and character as a public man, comes to us and asks for a certain definite, plain provision of law, we ought to have very strong reasons of our own why we do not grant it, especially when he asks us not to change the rate of duty, not to tear down the structure of the law, but simply to give him the means to enforce it. This is the ground on which, in the first place, I plant my argument for the amendment I have offered as against the new and larger and, as I think, the very perilous scheme proposed by the majority of the Committee of Ways and Means.

Let us next consider the scheme which they have offered. I want gentlemen to understand that of the seven lower grades of sugar as they now stand in the law, each paying a different rate of duty and a rate increasing as the sugar advances in quality, by the bill of the gentleman from North Carolina [Mr. ROBBINS] it is proposed to consolidate into one the first four of those grades, that is, melada and three lowest grades of sugar, and to provide that all four grades shall be put on a dead level of equality and shall pay a duty of 2.40 cents per pound. This is a radical and sweeping change in the present law, for it covers about 90 per cent. of all sugars imported.

To show how important to the revenue those four lower grades are, I state a fact furnished by the Bureau of Statistics. It is this, that out of \$37,000,000 of revenue received last year from sugar, \$34,955,000, almost 90 per cent., was received from sugar of the three lower grades. I cannot emphasize this fact too strongly in considering the radical change proposed by the Robbins bill.

Mr. BUTLER. Will the gentleman allow me to interrupt him a moment?

Mr. GARFIELD. Certainly.

Mr. BUTLER. How much of that duty comes from grades under No. 7?

Mr. GARFIELD. I have not the figures before me.

Mr. BUTLER. Well, I have.

Mr. GARFIELD. Of the grades under No. 10, Dutch standard, there were received \$35,000,000 out of \$37,000,000; and of the grades under No. 7 I think about \$14,000,000 or \$15,000,000. But from No. 10 down we get thirty-five millions of the thirty-seven millions collected on sugar. What effect this change will have on the revenues it is difficult to say; but I have no doubt it will wholly prevent the importation of the lowest grades, will increase the price of sugar to the consumer and probably decrease the revenue. At all events it is a dangerous experiment to make in view of our present financial necessities.

But I desire to show how it will operate as a protective measure. I have already shown that by our present law sugar pays a duty of 40 per cent., 45 per cent., 46 per cent., 49 per cent., 68 per cent., &c., increasing in rate from the lower to the higher grades. Now note the effect of consolidating the lower grades, as proposed in the Robbins bill, and fixing the single rate of 2.40 cents per pound. Melada, which is the lowest grade and now pays about 40 per cent. will then pay 80 per cent. *ad valorem*. The second grade, (that is, sugar not above No. 7,) which now pays 45 per cent., will then pay 68½ per cent. *ad valorem*. The next grade will pay 60 per cent., the next higher 53 per cent., the next higher 45 per cent., and the next 42 per cent. *ad valorem*.

In short, the Robbins bill is an inverted cone; the lowest grade of sugar must bear the highest rate of duty, and the highest grade will bear the lowest rate. In other words, the less labor there is in the imported product, the heavier the rate of tax upon it; and the more labor, foreign labor remember, there is in it, the least burden of tax will be put upon it.

The fundamental doctrine of protection is completely overturned and reversed by this bill. Yet it is by no means a free-trade bill. It so happens that on the grades upon which the extreme high rate of duty is imposed, our friends from Louisiana will receive a very considerably larger protective duty than the present law gives them. Hence the favor with which this proposition is received by gentlemen from that portion of the country.

Mr. KELLEY. I desire to say that there is such a noise coming from the galleries that we sitting here by the gentleman from Ohio [Mr. GARFIELD] cannot hear what he is saying.

The SPEAKER *pro tempore*. Unless silence is observed in the galleries they will be cleared.

Mr. TOWNSEND, of New York. I desire to say that the noise is not all in the galleries; much of it is on the floor of the House.

Mr. GARFIELD. Now, Mr. Speaker, I object to this bill, first, because it violates the fundamental principles of a just and equitable taxation; and I object to it in the second place because it puts a prohibitory duty upon the low-grade sugars that are refined by American skill, and become the cheap sugar in common use among our people. It injures one portion of our industrial interests and gives an unreasonable protection to another. It violates the canons of free trade on the one hand, and of protection on the other. It destroys absolutely the business of refining the cheap low-grade sugars, and will increase the cost of sugars most in use.

Let me illustrate still further. How is it that this day while I speak to you sugar is cheaper in the United States than it has ever been before? Because we have built up in this country a great industry, by which we are eclipsing the world as refiners of sugar. When the French manufacturers were at Philadelphia at our Centennial, they were amazed to see that our sugar products there rivaled the best products of the Old World. They did not understand how it had been done. But it was the result of the same skill that has enabled America to surpass so many other countries in the recent exposition at Paris and to carry off more medals in proportion to their exhibitors than any other five countries of the globe.

We were so successful in the refining of sugar that two years ago we were exporting seventy million pounds of our refined product. It was becoming and it will become, if we are allowed to carry on this industry, a great element in our export trade. We are trading with Cuba and South America; we are compelled to depend largely upon the tropics for our raw material. Is it not wise for us to be able to send back the refined product in exchange? Or shall we so legislate as to give an undue protection to our Louisiana planters, and drive the refining business out of the United States, allowing Cuba, England, and other countries to do our refining for us? Refined sugar we must have. The day is gone by when our people will eat the animals which abound in the raw unmanufactured sugars of the world. I say, therefore, that this bill as drawn sins against the consumer and against the refining interest and unreasonably protects the producing interest of the country.

Let me illustrate a little further. In the Philippine Islands there is a class of people who have not enough intelligence and resources to take the first simple step toward clarifying sugar. They have no limestone on their islands; they cannot even furnish the lime to drop into the sugar vats and clarify the product just a little. But they take the juice of the cane and boil it down in the crudest, rudest, simplest way, by labor the cheapest and least skillful; and when they have reduced it to a black cheap form of crystallized sugar, the dirtiest yet known, they put it up in sacks of one hundred and fifty pounds each, so that a man can carry it on his back down to the landing to be shipped away. Our people are buying largely of that low grade of sugar from the Philippine Islands. We are buying it also from other countries where the production is of a low grade. This sugar we bring here and by our skill and labor make it into a cheap clean sugar for table use. Shall we now by law impose a prohibitory duty on all that trade and industry, an 80 per cent. rate or a 65 per cent. rate, keeping it all out and bringing in only the sugar that has been advanced by the higher and more intelligent processes of our nearer neighbors, thus cutting off the whole business of refining these low-grade sugars? I hope not.

I know there is some controversy among the refiners themselves. Some of them—indeed, quite a number of most estimable gentlemen—say, "Let this bill pass and we can do a better refining business than is done now; we can refine the high-grade sugars." Now, I am glad to have those gentlemen work the higher grades of sugar and make a success of them; but I see no reason why our refineries should not also take the lowest grades of sugar, that which has the least value, the least labor in it, and bring it up by our American labor to a cheap, useful, merchantable form; and therefore I am unwilling, for the sake of helping one class of refiners, to destroy another. I do not believe it is necessary to destroy either.

I regret that the refiners do not unite on some common ground on which all could have had a fair chance. But there seems to have been an internecine war among them; and with such a war I have no sympathy.

Having now stated my objections in brief to the bill of the gentleman from North Carolina, [Mr. ROBBINS,] I turn to answer his criticisms of the measure I have proposed, which is the bill of the Treasury Department. The gentleman from North Carolina [Mr. ROBBINS] says that the polariscope is an unsatisfactory instrument, and that, however perfect it might be, there is serious difficulty in sampling the sugars to be tested. I admit that there is trouble about sampling. Suppose a hoghead of sugar is allowed to remain lying on its side for a month, and the sampler bores a hole in the hoghead and draws out a sample close to the bottom. He gets a wet, black, coarse portion of the sugar. On the other hand, if he draws his sample from the top, he gets a dry, lighter-colored, better grade of sugar.

Mr. BUTLER. How much foreign labor is there in the settlings of that sugar? [Laughter.]

Mr. GARFIELD. There certainly is a good deal of dirt in it. [Laughter.] As a matter of course if that sampler has been bought by some

importer he may take the samples out of the bottom of the cask only, which will not represent the character of the whole. But whether the system proposed by the gentleman from North Carolina, [Mr. ROBBINS,] or that of the Treasury Department prevails, we must leave the details of carrying it out to the Secretary of the Treasury. Under the regulations of the Treasury Department an official is not permitted to sample a hogshead of sugar in one spot only. He samples above and below and at the center; and the different samples being mixed into one, make a pretty fair average sample of the cask; and then taking every tenth cask of the cargo, a pretty fair set of samples of the whole cargo is obtained. But the trouble about sampling, inheres in any graded system, and no one proposes to abolish all the grades.

But the gentleman thinks the polariscope test is good for nothing. I have some evidence on that subject.

In the first place, Mr. Speaker, the polariscope, being a scientific instrument, (into the details of which I will not go as my learned colleague on the committee did,) the Secretary of the Treasury sent it about two years ago to the American Academy of Sciences, of which Professor Henry was president, with the request that it be examined and a report made as to the advisability of its use by the Government in determining the value of sugars for revenue purposes. After a thorough examination, and with the assistance of persons well qualified to judge, Professor Henry reported to the Secretary of the Treasury on the 5th day of February, 1878, as follows:

After due deliberation on the subject, the following are our final conclusions: That the quantity of crystallizable sugar in imported raw sugars should be estimated by the polarimeter, which is an entirely trustworthy instrument, and one the use of which can readily be taught to any intelligent person of ordinary education.

If the polarimeter should be adopted as the measure of the value of sugar, a supply of these instruments should be obtained from Germany, and their use taught to the appraisers by a person thoroughly acquainted with the theory and practice of the instrument. The accuracy of the instruments themselves should also be tested, and the appraisers from time to time be examined as to their skill in the use of the instrument.

This is the opinion of a scientific man, the most eminent and trustworthy of our countrymen; and when he says that a layman, a man without special skill, can be taught to use this instrument accurately, and that it is "entirely trustworthy," I have not quite the courage to say it is not so.

But that is not all. I turn from the test of science to the test of practice. I have before me a memorial containing the resolutions adopted by the importers, refiners, and dealers in sugar in Boston, signed by 66 firms representing, I am told, every refiner in that city. They speak for themselves:

BOSTON, January 30, 1879.

At an adjourned meeting of the importers, refiners, and dealers in sugar, held this day, the following resolutions were unanimously adopted:

Resolved, That the duties on sugar should be assessed by a graduated scale of specific rates, adjusted as nearly as possible to the *ad valorem* principle, and that this can be done by the use of the polariscope better than in any other way. Its general use in buying and selling in all civilized countries proves that it is less complicated and more reliable than any other method of determining the actual value of sugar.

Resolved, That duties ought to be so regulated and assessed as to encourage the largest possible supplies of sugar from all places of production, and not in any way made so as to favor one place more than another; and that the amount of revenue now derived from the lower grades of sugar cannot be increased without injustice and injury to the consumers, as it is now too high in proportion to high grades.

JOHN W. CANDLER, Chairman.
WM. H. GREELEY, Secretary.

We, the undersigned importers, refiners, and dealers in sugar, approve of the above resolutions.

(Signed by sixty-six firms.)

The testimony of these gentlemen is that the grading of sugars can be better effected by the polariscope than in any other way. Its general use in buying and selling sugar strongly attests its practicability.

A prominent gentleman from Boston, who is one of these signers of this memorial, stated to the Committee of Ways and Means that he bought twenty-six large cargoes of sugar during the last season from Cuba on telegraphic orders and by the polariscope test. It was done in this way: he cabled to the manufacturer in Cuba, "Send me so many hogsheads of sugar testing 92° or 94° polariscope test," and the sugars came.

The Cuban seller applied the polariscope test when he shipped them, and the Boston buyer applied the polariscope test when they were received. The record of those twenty-six cargoes shows that if the duty had been assessed by the test of the polariscope there would have been but \$125 difference in half a million dollars duty between the Cuban test and the Boston test. There were variations in the tests of single cargoes, but the whole shipment showed if we had followed the Cuban test alone in levying the duties the account would have varied but \$125 from the amount based on the Boston test, the parties having adverse interests—one the buyer, the other the seller. Stronger proof of the practicability of the polariscope test of sugar can hardly be conceived.

Mr. MILLS. I understand my friend from Ohio and the signers of that resolution to state that the polariscope is the full test of the value of sugar.

Mr. GARFIELD. Yes, of the crystallizable strength, and therefore of the value of sugar.

Mr. MILLS. Then why not lay the duty on the value of sugar and let that be reached by the polariscope or any other means the Secretary of the Treasury may adopt?

Mr. GARFIELD. The Boston dealers asked the committee to adopt

precisely the measure which my friend suggests, and that will be offered by the gentleman from Massachusetts, [Mr. BANKS.] They proposed that the duties on sugar should be laid on the percentage of saccharine strength; for instance, 1 per cent. of saccharine strength should pay so much, and 2 per cent. twice as much, and so on through all the grades, to be tested by the polariscope.

Mr. MILLS. Then the polariscope tests the value of sugar?

Mr. GARFIELD. Yes; and theoretically they are right. But, as a matter of practice, I think, and this was the opinion of most of the Committee of Ways and Means, that the Boston plan would make the sugar tariff too complicated, for there would be one cargo having a small per cent. less strength than another, a different rate of duty. The rates would be too numerous and complicated. We therefore preferred to retain the existing seven grades and apply the polariscope to them.

Mr. TUCKER. The gentleman from Ohio has spoken of the character of the polariscope as a test, and says it is a test of the quantity of saccharine matter. Is it not rather a test of the crystallizable quality of the sugar?

Mr. GARFIELD. My colleague is right; I should have used the word crystallizable. That is the language of my amendment.

Mr. TUCKER. Is it not true that we were told in the committee, so far from its being a test of the quantity of saccharine matter, that the sugar not crystallizable had so much saccharine matter that it was used by all the refiners?

Mr. GARFIELD. I thank my colleague; for I was about to omit what, if left out, would have made my statement incomplete. The chief element of value in sugar is sugar crystals; but there is also another element, which is uncrystallizable, but still sweet, known as glucose, which will be found in the most perfect sugar of commerce. Glucose is not deleterious, is sweetening, and is found in all sugar. The chief element, and that with which we are mainly concerned, is of course the crystal, the crystallized sugar. Therefore in our bill we apply our test to the crystallizable strength of sugar, and that the polariscope detects. That is what we are legislating about; not about glucose and other elements that enter into sugar. The main product is crystallized sugar, and that is perfectly tested by the polariscope.

I do not say that the polariscope is a perfect test in every respect; but I say in the present stage of scientific knowledge it is the best test we know. It is approved by the highest science and by the practical experience of our foremost dealers.

Mr. BUTLER. I desire to ask the gentleman a question.

Mr. GARFIELD. Very well.

Mr. BUTLER. I ask the gentleman if the polariscope gives any correct test of melada, the lowest grade?

Mr. GARFIELD. It does—of its crystallizable strength.

Mr. BUTLER. But if it is not crystallized?

Mr. GARFIELD. The melada question is not important, for it pays a specific duty as the law now stands, but should crystallizable sugar be brought in mixed with melada it would be tested by the polariscope.

Mr. BUTLER. I understand that. That is not my question.

Mr. GARFIELD. I believe I have now gone over the main points in this discussion.

Mr. ROBBINS. I desire to ask the gentleman a question.

Mr. GARFIELD. Very well.

Mr. ROBBINS. There are no other means but the polariscope which can be applied as a percentage test, except chemical analysis, are there?

Mr. GARFIELD. Not that I know of. I ought to have added that we do not confine the Secretary to the polariscope alone. We authorize him to employ the polariscope or such other test as he may find necessary to determine the real crystallizable strength of sugar. No doubt he will use the polariscope ordinarily; but if there is any doubt of its accuracy in any important case he can employ a chemist and make a chemical analysis.

Mr. ROBBINS. One word more. The chemical analysis test is too costly for general use, is it not?

Mr. GARFIELD. Oh, yes; it would be too cumbersome and costly to be used ordinarily. But it can always be used to verify the polariscope test in any important case.

Mr. ROBBINS. But who is to know that any correction is needed?

Mr. GARFIELD. My friend in that question has taken up the conflict of ages. Who shall do anything except the men appointed to carry out the law? Who shall find out any blunder or correct any wrong unless you appoint somebody to do it? Congress, I take it, can hardly determine the sweetness or strength of sugar or the amount of glucose in it unless we appoint an agent. The Treasury cannot do it except by its agents. In any system there will be the trouble suggested by the gentleman from North Carolina.

In conclusion, Mr. Speaker, I do not want Congress to tinker with the tariff at this time. That was attempted last year; and in the remarks I made on that occasion I denounced the sugar clause of the bill then introduced, because while there was a reduction of the rate in most northern interests, the rate on sugar was increased considerably, even up to 70 per cent. I say, therefore, let us not undertake to change the tariff rates in this closing week of the session. But when the Administration tells us that four or five millions of revenue are being lost, let us give them the means they want to protect the Government against undervaluation and loss.

Mr. BURCHARD. I yield to the gentleman from Massachusetts

[Mr. ROBINSON] to offer an amendment in behalf of his colleague, [Mr. BANKS,] who is now absent.

Mr. ROBINSON, of Massachusetts. In behalf of my colleague, [Mr. BANKS,] who is a member of the Committee of Ways and Means, I offer as a substitute for the bill the amendment which I send to the Clerk's desk, and ask to have it read.

The Clerk read the amendment, as follows:

Strike out all after the enacting clause and insert the following:

That all tank-bottoms, concretes, sirups of sugar-cane juice, melado, concentrated melado, concentrated molasses, and on all sugars not above No. 13, Dutch standard in color, testing by the polariscope not above 75°, shall pay a duty of 1.75 cents per pound:

Testing above 75° and not above 76°, 1.80 cents per pound;
Testing above 76° and not above 77°, 1.85 cents per pound;
Testing above 77° and not above 78°, 1.90 cents per pound;
Testing above 78° and not above 79°, 1.95 cents per pound;
Testing above 79° and not above 80°, 2 cents per pound;
Testing above 80° and not above 81°, 2.50 cents per pound;
Testing above 81° and not above 82°, 2.10 cents per pound;
Testing above 82° and not above 83°, 2.15 cents per pound;
Testing above 83° and not above 84°, 2.20 cents per pound;
Testing above 84° and not above 85°, 2.25 cents per pound;
Testing above 85° and not above 86°, 2.30 cents per pound;
Testing above 86° and not above 87°, 2.35 cents per pound;
Testing above 87° and not above 88°, 2.40 cents per pound;
Testing above 88° and not above 89°, 2.45 cents per pound;
Testing above 89° and not above 90°, 2.50 cents per pound;
Testing above 90° and not above 91°, 2.55 cents per pound;
Testing above 91° and not above 92°, 2.60 cents per pound;
Testing above 92° and not above 93°, 2.65 cents per pound;
Testing above 93° and not above 94°, 2.70 cents per pound;
Testing above 94° and not above 95°, 2.75 cents per pound;
Testing above 95° and not above 96°, 2.80 cents per pound;
Testing above 96° and not above 97°, 2.85 cents per pound;
Testing above 97° and not above 98°, 2.90 cents per pound;
Testing above 98° and not above 99°, 2.95 cents per pound;

On all sugars above No. 13, Dutch standard in color, and not above No. 16, Dutch standard in color, 3½ cents per pound;

On all sugars above No. 16, Dutch standard in color, and not above No. 20, Dutch standard in color, 4 cents per pound;

On all sugars above No. 20, Dutch standard in color, and on all refined sugars, 4½ cents per pound;

On molasses testing not above 56°, 6 cents per gallon;

On molasses testing above 56°, 10 cents per gallon.

Mr. BURCHARD resumed the floor.

Mr. WOOD. If the gentleman from Illinois will yield to me, I will move that the House do now adjourn.

ORDER OF BUSINESS.

Mr. SPRINGER obtained the floor.

The SPEAKER. The gentleman from Illinois rises to a question of the highest privilege, which the Chair understands, by agreement of the House, was to be determined after the disposition of the legislative, executive, and judicial bill.

Mr. SPRINGER. I ask the House to pass the preliminary order which I send to the Clerk's desk, requiring Mr. Seward to show cause why he refused to answer questions propounded to him by a committee of this House.

Mr. CONGER. I object.

The SPEAKER. The gentleman from Illinois rises to a question of privilege.

Mr. CONGER. We are acting under a suspension of the rules.

Mr. BURCHARD. I understand that the gentleman from Virginia [Mr. TUCKER] desires to present a report of a committee of conference, and I am willing to yield to him for that purpose.

The SPEAKER. He does not; the gentleman from Illinois [Mr. SPRINGER] rose to a question of the highest privilege and there is no occasion for any conflict.

Mr. SPRINGER. I do not desire to come in conflict with any body, but I yielded to the desire of the House the other day, when I brought this matter up, to proceed with the appropriation bill.

RECORD OF A VOTE.

Mr. GARFIELD. I ask unanimous consent that the gentleman from Virginia [Mr. TUCKER] be allowed to record his vote upon the votes taken yesterday, as the pair seems to have embarrassed him, and I ask unanimous consent that he be allowed to record his vote.

Mr. TUCKER. There were three votes. I vote "no" upon the motion to lay the legislative, executive, and judicial bill on the table, and upon the amendment of the gentleman from North Carolina I vote "ay." I vote "ay" also upon the passage of the bill.

ORDER OF BUSINESS.

Mr. CONGER. I demand the regular order.

The SPEAKER. The Chair has recognized the gentleman from Illinois [Mr. SPRINGER] on a question of privilege.

Mr. CONGER. The regular order is the consideration of the pending bill, and it is before the House under a suspension of the rules.

The SPEAKER. The Chair is entitled to recognize a member to be sworn in, or upon a question of privilege, or to make a report from a committee of conference at any time when there is a gap in the proceedings of the House.

Mr. CONGER. I ask the Chair if the regular order is not the bill upon which we are acting under a suspension of the rules?

The SPEAKER. The Chair decides that the gentleman from Illinois [Mr. SPRINGER] is entitled to be recognized.

Mr. BURCHARD. I know that the gentleman from Virginia [Mr.

TUCKER] can take me from the floor, but as to whether my colleague can do so I have doubts.

The SPEAKER. The Chair understands that the gentleman from Virginia desires to present a report of a committee of conference, which can be brought in even when a motion to adjourn is pending, and the Chair does not understand that the gentleman from Virginia now seeks to place himself in antagonism to the gentleman from Illinois.

Mr. SPRINGER. I ask the Clerk to read the order which I have sent to the Clerk's desk.

Mr. CONGER. Pending that, I move that the House adjourn.

The SPEAKER. The gentleman from Michigan must remember that it is constantly the practice that questions of privilege interrupt the current proceedings of the House.

Mr. CONGER. I believe a member has a right to assert his parliamentary rights.

The SPEAKER. For what purpose?

Mr. CONGER. I have a parliamentary right to move to adjourn.

The SPEAKER. The Chair thinks the gentleman exercises as many parliamentary rights as any other member of this House, and therefore he does not think it becoming in the gentleman to reflect upon the Chair by intimating even by inference that the Chair does not give him every parliamentary right to which he is entitled.

Mr. CONGER. Then I ask the Chair to put the question on my motion to adjourn.

The SPEAKER. The Chair will entertain the motion of the gentleman, of course.

Mr. SPRINGER. I call for the reading of the order I have sent to the Clerk's desk.

Mr. TUCKER. I desire to make the conference report with which I am charged to-night, and I do hope that the gentleman from Michigan will not struggle to prevent me from doing so.

Mr. CONGER. I dislike very much to struggle to prevent anything which the gentleman from Virginia desires, but I have made a motion which the Chair has entertained.

The SPEAKER. The Chair entertains the motion of the gentleman from Michigan as against the motion of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. I will not yield the floor for any motion until the order I have sent to the Clerk's desk is read.

Mr. TUCKER. I think it is rather hard that I should be prevented from making my report from the committee of conference in this way. My friend from Illinois on my right [Mr. BURCHARD] yielded the floor to me to make the report.

The SPEAKER. The gentleman did not require to have the floor yielded to him for that purpose. He could take it in his own right.

Mr. TUCKER. Yes; and when I proceeded to take it the gentleman from Illinois [Mr. SPRINGER] came in with his question of privilege, and that, according to the ruling of the Chair, gave the gentleman from Michigan [Mr. CONGER] the right to move that the House now adjourn.

The SPEAKER. The rule will be read.

The Clerk read as follows:

A matter of privilege arising out of any question supersedes the consideration of the original question, and must be first disposed of.

Mr. SPRINGER. I now ask for the reading of the order which I have sent to the Clerk's desk.

Mr. CONGER. But this does not raise any question of privilege upon the pending matter; it is upon another question entirely.

The SPEAKER. The "original question" is the bill under consideration, and this question of privilege, by the terms of the rule, supersedes that original question.

Mr. CONGER. A privileged question supersedes the subject-matter out of which it arises.

Mr. TUCKER. I insist upon my right to submit a report from the committee of conference, and I now do so and call the previous question upon it.

Mr. SPRINGER. This question of privilege is of a higher privilege than even a conference report. It came up here on Saturday and again on Monday, when I yielded for other questions to be brought up, and stated that I would call it up immediately after the House had disposed of the legislative appropriation bill.

The SPEAKER. And the Chair in consequence has recognized the gentleman to call it up now. The Chair understood that both sides of the House had assented to that arrangement; but in that the Chair may be wrong.

Mr. BURCHARD. The Chair does not mean that there is assent to the arrangement now. I have the floor on the pending bill. An amendment was offered to that bill, to which I yielded. Then the gentleman from Virginia took me off the floor by a conference report. Of course I could not prevent that.

The SPEAKER. The gentleman from Illinois [Mr. BURCHARD] took the floor in his own right to speak upon the pending bill. The Chair understood that what the gentleman desired was to have the bill go over until to-morrow, at which time the gentleman will be entitled to the floor.

Mr. BURCHARD. Can any question of privilege come in?

The SPEAKER. The gentleman from Illinois [Mr. BURCHARD] can go on now if he chooses.

Mr. BURCHARD. The gentleman from Virginia [Mr. TUCKER] has a conference report to make.

The SPEAKER. If the gentleman from Virginia [Mr. TUCKER] has any right, it is in his own right, in regard to the committee of conference. The Clerk will read the rule as to conference reports.

The Clerk read as follows:

The report of a committee of conference is, under the practice of the House, so highly privileged that it has been held to be in order even pending a motion for a call of the House.

[Under the practice, reports of conference committees are received at any time, (except when the rules are suspended,) even during the pendency of a motion to adjourn or to adjourn over, and, like the motion to go to the Speaker's table, may interrupt a member who is on the floor speaking.]

INTERNAL REVENUE LAWS.

The SPEAKER. Now the Chair decides that the gentleman from Virginia [Mr. TUCKER] having again asserted his right to submit the conference report, which he a moment ago withheld to allow the gentleman from Illinois [Mr. SPRINGER] in, it cuts off the gentleman from Illinois [Mr. SPRINGER] for the reason that the practice of the House recognizes the right of a member to submit a motion to adjourn against the proposition of the gentleman from Illinois; while the rule compels the Chair to recognize the gentleman from Virginia [Mr. TUCKER] to submit a conference report even pending a motion to adjourn. The gentleman from Michigan [Mr. CONGER] will concede that.

Mr. CONGER. Certainly; I admit it. I would not make a motion to adjourn against the gentleman from Virginia, [Mr. TUCKER,] and I did not do so. My motion was made against the gentleman from Illinois, [Mr. SPRINGER.]

The SPEAKER. And the Chair entertains the motion to adjourn as against the proposition of the gentleman from Illinois. [Cries of "Regular order!"] The regular order is the conference report submitted by the gentleman from Virginia, [Mr. TUCKER,] which will now be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4414) to amend the laws relating to internal revenue, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from that portion of its amendment numbered 16 striking out all of line 1 and down to and including the words "and provided" in line 6 on page 10.

That the House recede from its disagreement to the remainder of said amendment 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same amended to read as follows:

SEC. 22. That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings-banks as shall be found to affect the claims of their depositors.

That in making further collections of internal-revenue taxes on bank deposits, no savings-bank, recognized as such by the laws of its State, and having no capital stock, shall, on account of mercantile or business deposits heretofore received, upon which no interest has been allowed to the parties making such deposits, be denied the exemptions allowed to savings-banks having no capital stock, and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the banks, if such bank has paid the lawful tax upon the entire average amount of such business or mercantile deposits; but nothing in this section shall be construed to extend said exemptions to deposits hereafter made, or in any way to affect the liability of such deposits to taxation.

That section 3408 of the Revised Statutes be amended by striking out all after the thirtieth line, and inserting the following:

"Associations or companies known as provident institutions, savings-banks, savings funds, or savings institutions, doing no other business than receiving and loaning or investing savings deposits, shall be exempt from tax on so much of such deposits as they have invested in securities of the United States, and on \$2,000 of savings deposits, and nothing in excess thereof, made in the name of and belonging to any one person.

"That all laws and parts of laws inconsistent with the provisions of this section be, and the same are hereby, repealed."

And the Senate agree to the same.

J. R. TUCKER,
WM. M. ROBBINS,
HORATIO C. BURCHARD,
Managers on the part of the House.
T. F. BAYARD,
FRANCIS KERNAN,
Managers on the part of the Senate.

Mr. TUCKER. Mr. Speaker, a few words will be necessary to explain to the House what has been done by the committee of conference. It will be remembered that the House the other day, upon the motion of my friend from Pennsylvania, [Mr. CLYMER,] restored to the bill the provision which the Senate had struck out, reducing from \$200 to \$100 the tax upon rectifiers making not more than five hundred barrels forty-gallon proof. The Senate has receded from the amendment striking out that provision of the House bill; and thus the discrimination in favor of rectifiers making five hundred barrels or less, forty-gallon proof, is restored.

The next question of difference between the two Houses was with reference to the tax on matches. The House in passing this bill last June provided for removing that tax. The Senate restored the tax; and the House the other day refused to concur. The committee of con-

ference, upon full consideration of the question, decided to recommend concurrence in the action of the Senate, which proposes to continue the tax on matches at the present rate.

The third question of difference between the two Houses was upon the amendment in reference to the taxes on bank deposits. The amendment introduced in the Senate by the Senator from Kansas, Mr. PLUMB, and which was a part of the bill as returned from the Senate to this House, was to this effect:

The exemption provided for by this section shall equally apply to all savings deposits in any organized bank whatever.

The House will perceive that the amendment as adopted by the Senate extended to all savings deposits in all banks the exemption which was provided by the House in reference merely to deposits in savings institutions. The House refused to concur in that amendment, and the committee of conference sustains the House in this non-concurrence; so that the clause I have just read is struck out.

Mr. PRICE. I would like to ask what is meant by "savings in any bank." That is what troubles a good many members.

Mr. TUCKER. That is struck out.

Mr. PRICE. Let me ask another question. In the first part of the amendment it is provided that all insolvent banks shall be exempted from taxation under certain circumstances; and in a subsequent part of the same paragraph it speaks of "all State banks." Now a State bank is not a national bank, and a national bank is not a State bank. What do you mean by a State bank?

Mr. TUCKER. I think we mean just exactly what you say—that a State bank is not a national bank, and a national bank is not a State bank.

Mr. PRICE. Yet the first part of the amendment says "all banks."

Mr. TUCKER. I will come to that in a moment. I am speaking now of the amendment of Senator PLUMB, of Kansas.

Mr. BRIGHT. Allow me to ask in what respect does the amendment differ from the existing law?

Mr. TUCKER. I am coming to that in a moment. The committee of conference struck out entirely the three lines on the last page of the bill which were inserted in the Senate, upon the motion of Mr. PLUMB, of Kansas, and which extended the exemption in reference to savings deposits, so as to apply to national banks or any other kind of banks than savings-banks. The House view on this subject has been sustained by the committee of conference. We retain the first clause of the Senate amendment in reference to insolvent banks, which is as follows:

That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors.

Now, in explaining this first branch of the amendment, I shall answer I think the questions that have been propounded to me. The first part refers to all banks; the latter part discriminates between national banks, State banks, and savings-banks, because these several banks are under the control of different branches of the Treasury Department. But the effect of the provision is the same as to all—that wherever a question arises between the claim of the Government for taxes and the claim of a depositor in an insolvent bank the Government, in behalf of the depositor, recedes from its claim. That is the whole of it.

Mr. PRICE. Let me ask what possible claim the Government can have upon a national bank?

Mr. TUCKER. If the gentleman will look into the Revised Statutes he will find that there are several such claims—a tax on deposits, a tax on capital, a tax on circulation.

Mr. PRICE. That is all true; but as security for all that the Government holds in bonds 10 per cent. more than the amount of notes furnished to the bank; and there is a provision in the law requiring a national bank at any time, under the direction of the Comptroller of the Currency, to make a further deposit of bonds with the Government.

Mr. TUCKER. I do not think it is necessary to go into that.

Mr. ROBBINS. When insolvent they have not got it.

Mr. PRICE. The bonds are with the Government.

Mr. TUCKER. Now let me proceed.

Mr. BURCHARD. Will my colleague on the committee yield to me for a moment?

Mr. TUCKER. Certainly.

Mr. BURCHARD. Whenever a bank, national, State, or savings, becomes insolvent the deposits necessarily remain either with the bank officers or the receiver or other officer having charge of the bank. These taxes are paid every six months. When a bank becomes actually insolvent it seems unjust while it is winding up its affairs, the bank having ceased to do business, that the Government should insist upon taxing the deposits remaining in the interest only of the depositors, and not for the benefit of the stockholders.

Mr. PRICE. As protecting the depositor as against the claim by the Government for taxes, that is all right. But the point I made was that they speak about insolvent "national banks" being exempt

from taxation under certain circumstances, and in the latter part of the clause they call them "State banks."

Mr. TUCKER. I will proceed to the next provision, which is a long one, in reference to matters before the Committee of Ways and Means and this House for some time, the tax on savings-banks deposits. If the House will give me its attention for a moment I will explain it. In the year 1872 or 1873 the law operated thus in some of the States of New England: there were some deposits of a mercantile character as well as savings deposits in some of the savings-banks, and the question was whether they should be assessed on all the deposits because they did a business in mercantile deposits. The claim was made, but it was abandoned, and these institutions went on for years in this way until the claim was raised again, in 1876 I think it was. The only question is this: whether these banks shall be released from the claim which is now made upon them, a sort of *ex post facto* thing, abandoned by the law officers for three or four years. That was reported upon favorably, I think, by the Committee of Ways and Means of this House, and the provision inserted in this bill simply releases those savings institutions from taxes of the past without changing the law as to the future, exempting them only from the tax in the past. We had a limitation that it should not apply to the future at all, but only in respect to those things, as in good faith they had gone on with their business upon the idea the Government had no claim upon them for such taxes.

Mr. BRIGHT. Do I understand the gentleman to say the release is only in reference to taxes in the past, or that for the future the law is left as it is in reference to deposits in these savings institutions?

Mr. TUCKER. The gentleman need not be under any uneasiness. I will go through the whole of them. The next provision is one in reference to the tax on the deposits in savings and provident institutions. On this provision the amendment of the Senator from Kansas was ingrafted. We struck out that amendment, and the only thing which remains is the exemption of deposits in savings institutions from tax to the extent of \$2,000 and to the extent of investments made in United States securities. We have in conference looked over this amendment with a great deal of care, and have modified it, I think, in such a way as there can be no objection to it. We have provided it shall only apply to savings deposits of poor people—savings deposits in savings institutions, which savings institutions on the face of our amendment are to do no other thing than to receive savings deposits and invest them for the sole benefit of the depositors.

A MEMBER. For the capital stock.

Mr. TUCKER. But you will note the amendment is so drawn that if they have capital stock they will get rid of it soon, as they can do nothing in it, because they can do no other business than receive savings and invest them for the sole benefit of the depositors. Where a man has \$2,000 on deposit it is provided he shall be exempt from taxation, but all above \$2,000, no matter who he is, it is provided shall be subject to taxation.

The whole purpose of this, Mr. Speaker, may be expressed in a very few words. When poor people put their deposits in these savings institutions day by day, the question is whether, in the language of another which I choose to quote, the economy of industrial property shall be taxed by this Government? That is the whole question, and I say without hesitation that it is fair to the honest, hard-working man, where, from the savings of his monthly and weekly labor he puts by a little for a rainy day, the Government shall say that is exempt from taxation. And I call upon the friends of the poor man in this House to vote for the amendment, and not vote it down.

A MEMBER. You are looking to this side of the House.

Mr. TUCKER. I am looking on all sides. There are a great many of the friends of the poor, except when they want a friend.

Mr. BRIGHT. I desire to ask the gentleman a question. I ask if the rich man cannot deposit \$2,000, and if any number of them by so uniting cannot do a banking business without paying tax to the Government?

Mr. TUCKER. That is provided for. It is provided that this applies only to a deposit in the name of and belonging to any one person; and if any one tries by a subterfuge to put in, in his own name, what does not belong to him, the bank is taxed for it.

Now I believe I have made a candid confession, which, it is said, is good for the soul, and I move the previous question.

Mr. CONGER. I desire to ask the gentleman a question.

Mr. TUCKER. We have heard enough about this internal-revenue bill. I must insist on the motion for the previous question.

Mr. CONGER. I merely desire to ask the gentleman a question.

Mr. TUCKER. Very well.

Mr. CONGER. What effort was made in the committee to sustain the thrice-repeated action of this House in repealing the duty on matches, thus saving the poor men of the United States from unnecessary taxation?

Mr. TUCKER. I will answer the gentleman's question and not his speech. If he has finished his question and will sit down I will give him his answer.

Mr. CONGER. The gentleman need not be so very much affrighted by my standing.

Mr. TUCKER. Not in the least. I have seen much more dangerous persons than the gentleman from Michigan without being affrighted.

Mr. CONGER. If the gentleman will spare his courtesy and answer a plain question, I will be obliged to him.

Mr. TUCKER. I have always some courtesy to spare for the gentleman, for he needs it very much.

I will answer the question. In my judgment it would be a matter of impertinence on my part to answer a question as to what occurred in the committee of conference. I will not say whether it is a matter of impertinence on the part of any gentleman of this House to ask it. But I stated in opening that the members of the committee on the part of the House, as well as those on the part of the Senate entered into a full and free conference on all these matters and determined as I have reported. I do not feel that I am at liberty to detail the conversations and discussions that occurred before the committee of conference. As regards the matter referred to by the gentleman from Michigan, we have reported what at least I believe to be right, that the tax on matches should be retained in the present condition of the finances. I now move the previous question.

Mr. CONGER. I ask the gentleman, before he moves the previous question, to yield me two minutes.

Mr. TUCKER. No, sir; if I yield to the gentleman from Michigan, somebody else will want time.

Mr. CONGER. Then I move that the House adjourn.

Mr. TUCKER. How long does the gentleman want?

Mr. CONGER. Five minutes now; I only asked for two at first.

Mr. TUCKER. As the gentleman's principal has been growing so rapidly by the addition of interest, I decline.

Mr. CONGER. I move that the House do now adjourn. If a whisky bill cannot be talked about in this House, I think we had better adjourn.

Many members called for the regular order.

The question being taken on the motion to adjourn, there were—ayes 80, noes 120.

Mr. CONGER. I ask for tellers on the motion to adjourn.

Tellers were ordered; and Mr. CONGER and Mr. TUCKER were appointed.

The House again divided; and the tellers reported—ayes 55, noes 112.

So the House refused to adjourn.

Mr. CONGER. I now move to lay the conference report on the table, and on that motion I call for the yeas and nays.

Mr. SPRINGER. I rise to a question of order. It has been uniformly ruled that the motion to lay a conference report on the table cannot be entertained. I remember in a former Congress Mr. HOAR, of Massachusetts, made that point of order while I was in the chair. I did not know at that time that any previous decision had been made; but he produced the decision of Speaker BLAINE.

The SPEAKER. The Chair thinks many such decisions have been made.

Mr. SPRINGER. Upon the point of order made by Mr. HOAR, following the previous decision by Speaker BLAINE, I sustained the point of order as against the motion to lay a conference report on the table; and I believe that has been the uniform ruling, that a motion to lay a conference report on the table cannot be entertained.

The SPEAKER. The Chair recollects the two cases which have been referred to by the gentleman from Illinois. The Chair will cause to be read what appears in the Digest in regard to the decisions alluded to.

The Clerk read as follows:

The report may be laid on the table.—Journal, 1, 31, page 1590. But it has since been decided otherwise. (See Journals *passim*.) [And its effect will be to lay the bill also on the table.—Barclay.]

[This opinion of Mr. Barclay was never sustained by the House. Speakers COLFAX and BLAINE decided against it, and subsequent Speakers and Speakers *pro tempore* have coincided therewith. Speaker BLAINE, desiring the opinion of the House on this point, requested Mr. GEORGE F. HOAR to take an appeal; which was done, and the decision was, on division, sustained—yeas 98, nays 25.—Journal, 2, 42, page 1129.]

The later decisions are now recognized as the correct practice.

The SPEAKER. The Chair remembers, during his own occupancy of the chair, when a motion was made by the gentleman from New York [Mr. COX] to lay the report of a conference committee on the river and harbor bill on the table, that his decision conformed to the rulings of Speaker BLAINE and Speaker COLFAX.

Mr. GARFIELD. Does the Chair rule that the motion is in order?

The SPEAKER. The Chair rules that it is not in order. It would take the whole bill with it.

Mr. GARFIELD. I want to say a word upon the point of order. It seems to me a reasonable rule that while a proposition before the House is unfinished, the House ought to have a right to kill it.

Now, I had not intended in any way to delay action upon this bill. It was my purpose, and I expressed it to several gentlemen upon both sides of the House, while I did not intend to delay action, to propose such action as would defeat the bill, and that action would be a motion to lay it upon the table, and it seems to me that motion is in order.

The SPEAKER. Reports of committees of conference are regulated by the joint rules and action of the two Houses.

Mr. GARFIELD. But suppose the House refuses to concur in the report of the committee of conference?

The SPEAKER. The House can vote down the report of the committee of conference, and can refuse to appoint another committee of conference.

Mr. GARFIELD. It seems to me that the House has a right, and ought to have the right, to dispose of the bill finally upon the report of the committee of conference.

Mr. MILLS. The House can vote down this report and then refuse to concur in a request for a further conference.

The SPEAKER. Certainly.

Mr. GARFIELD. But the trouble is that it gives the Senate exclusive power over the House.

The SPEAKER. The whole theory of the rule goes to this extent, that where the two Houses differ, and the bill has been acted upon in each House, there may be a recess on the part of either House from the points of difference, and pass the bill, and that is a right the Chair thinks is in the direction of the conclusion of legislation.

The Chair recognizes the gentleman from Michigan.

Mr. CONGER. I do not desire to argue the point of order, nor influence the Chair to make any other decision contrary to a former decision. If I have mistaken the motion which would have been proper for me to make, I do not wish to insist upon it.

The SPEAKER. The theory of the decision would seem to imply that a motion to lay the conference report on the table carries the bill with it.

Mr. GARFIELD. Would it now be in order to move to recommit the bill? Without the slightest willingness even to delay the House I really desire that this bill shall not become a law, and I want to know if there is any mode possible by which this House can prevent it from becoming a law.

Mr. CARLISLE. They can do it by refusing to agree to the report of the committee of conference, and the Senate would still have the right to recede from its amendments.

Mr. GARFIELD. That would not reach the case. The Senate would have us in its power, and I ask therefore if it is not in order to move to recommit the bill?

The SPEAKER. The Chair thinks not; the demand for the previous question, if sustained, would cut off that proposition.

Mr. CONGER. Previous to that I move that the House do now adjourn; and, pending that motion, I move that when the House adjourns to-day it adjourn to meet at ten o'clock to-morrow.

The SPEAKER. The House has just voted on a motion to adjourn, and the Chair therefore will entertain the latter motion only.

Mr. CONGER. Business has intervened; the Chair has ruled upon the point of order.

The SPEAKER. The Chair thinks that that is not business in the sense the gentleman desires to give it.

Mr. CONGER. Then I move that when the House adjourns to-day it adjourn to meet at ten o'clock to-morrow, and on that I demand the yeas and nays.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] demands the previous question, and pending that the gentleman from Michigan [Mr. CONGER] moves that when the House adjourns to-day it adjourn to meet at ten o'clock to-morrow. The Chair thinks, however, that that would be a recess.

Mr. CONGER. I move, then, that the House take a recess until ten o'clock to-morrow.

Mr. TUCKER. I would ask the gentleman from Michigan if he feels at liberty to say that if I yield him five minutes he will then make no other dilatory motion?

Mr. CONGER. I have not desired to make any dilatory motion. I am something like Falstaff. I do not like to give a reason on compulsion. If reasons were as thick as blackberries I would not give the gentleman one. [Laughter.] I have desired to say a word or two upon this question.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Michigan?

Mr. TUCKER. I will yield to him for five minutes upon the condition that that will end the matter.

The SPEAKER. The Chair will recognize the gentleman from Virginia after the gentleman from Michigan shall have concluded.

Mr. COBB. I move that the House do now adjourn.

Mr. CONGER. I believe I have the floor. [Cries of "Regular order."]

The SPEAKER. The gentleman from Indiana will suspend his motion to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, resolutions of the House to print extra copies of the memorial addresses upon the life and character of the late Gustave Schleicher of Texas, of Alpheus S. Williams of Michigan, and of Julian Hartridge of Georgia.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, agreed to the conference asked by the House upon the disagreeing votes thereon, and had appointed as conferees on the part of the Senate Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS.

ORDER OF BUSINESS.

Mr. CONGER. Now, if I am recognized by the Chair—

The SPEAKER. The gentleman is recognized for five minutes.

Mr. CONGER. Then I will yield to the gentleman from Indiana [Mr. COBB] to make his motion.

Mr. TUCKER. If the gentleman yields the floor—

Mr. CONGER. I do not yield the floor.

Mr. COBB. I understand that the gentleman from Michigan [Mr. CONGER] yields to me to make the motion that the House do now adjourn.

The SPEAKER. That is not unusual.

Mr. COBB. With the understanding of course that when this question comes up again to-morrow the gentleman from Michigan will be entitled to the floor.

Mr. CARLISLE. The gentleman from Michigan [Mr. CONGER] is speaking in the time of the gentleman from Virginia, [Mr. TUCKER.]

The SPEAKER. He is, although the previous question is not yet operating.

Mr. COBB. Then I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 97, noes 92.

So the motion was agreed to; and accordingly (at five o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLAIR: The petition of C. Logan and others, citizens of New York, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

Also, the petition of the Methodist Episcopal church of Vineland, New Jersey, of similar import—to the same committee.

Also, the petition of John C. Eastlack and others, citizens of Mantou, Missouri, of similar import—to the same committee.

Also, the petition of the First Baptist church of Watertown, Massachusetts, signed by the pastor, of similar import—to the same committee.

By Mr. CLAFLIN: The petition of manufacturers, wholesale dealers, and others interested in the making of boots and shoes, to prevent the proposed extension of the McKay sewing-machine patent—to the Committee on Patents.

By Mr. CUTLER: The petition of the Fairmount Baptist church of Newark, New Jersey, signed by the pastor, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. FRYE: The petition of the Baptist church of North Reading, Massachusetts, signed by the pastor, of similar import—to the same committee.

Also, the petition of the First Reformed church of Orange, New Jersey, signed by the pastor, of similar import—to the same committee.

By Mr. GARFIELD: The petition of Joel S. Wright and others, citizens of Leesburgh, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. GLOVER: The petition of citizens of Knox County, Missouri, for legislation to prevent the adulteration of food—to the Committee on Agriculture.

By Mr. HARDENBERGH: The petition of citizens of Boston, Massachusetts, and vicinity, against the extension of the McKay and Mathies sewing-machine patent—to the Committee on Patents.

By Mr. HENDERSON: The petition of Mrs. H. McVay and 129 other women, of Granville, Putnam County, Illinois, for such legislation as will make more effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. HOOKER: The petition of citizens of Mississippi, for a post-route from Martin, via Utica, Raymond, and Clinton, to Jackson, Mississippi—to the Committee on the Post-Office and Post-Roads.

By Mr. MCKINLEY: The petition of Dr. A. M. Weidner, of McDonaldsville, Stark County, Ohio, for Congress to consider his great medical discovery for the saving of human life—to the committee on the origin, introduction, and prevention of epidemic diseases in the United States.

By Mr. MONROE: The petition of Aaron B. Nordyke and others, citizens of New Vienna, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. PHILLIPS: Concurrent resolution of the Kansas Legislature, praying that the copyright of decisions of the Supreme Court of the United States vest with the secretary of state of each State, and that the publication be let to the lowest bidder—to the same committee.

By Mr. RICE, of Ohio: Papers relating to the pension claim of John J. Purcell—to the Committee on Invalid Pensions.

By Mr. SINICKSON: The petition of 700 citizens of Vineland, New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of citizens of Butler County, Pennsylvania, for such legislation as will make more effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. TOWNSHEND, of Illinois: The petition of Mary C. Swan and 106 other women, of Enfield, Illinois, of similar import—to the same committee.

By Mr. WADDELL: The petition of citizens of North Carolina, for an appropriation to open Bogue Sound, Newport River, and White Oak River—to the Committee on Commerce.

IN SENATE.

THURSDAY, February 27, 1879.

The Senate met at eleven o'clock a. m.
Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The VICE-PRESIDENT. The Secretary will delay the reading of the Journal a few minutes until Senators come in.

Mr. WADLEIGH, (at eleven o'clock and five minutes a. m.) Mr. President, is it in order for me to make a report from a committee?

The VICE-PRESIDENT. It is not. The Journal has not yet been read. No quorum is present.

Mr. INGALLS. I ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll of the Senate.

The Secretary called the roll, and forty Senators answered to their names.

The VICE-PRESIDENT. There is a quorum present. The Secretary will read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HAMLIN. Mr. President, the Journal is a very fine composition and somewhat delightful. I do not know that there is but a single objection that I have to it at all, and it is that somebody sticks into the Journal and sticks into our report the word "who" where the word "which" ought to appear in regard to a committee, which is such a gross grammatical error that I think it ought long since to have been corrected. However, it is not my object to correct that error now, but to say that fine as is the composition, and novel as it will be to our ear this morning, I think the Senate will forego half an hour in reading it; and therefore I move that the reading be dispensed with.

The VICE-PRESIDENT. The Senator from Maine moves that the further reading of the Journal be dispensed with. It requires unanimous consent.

Mr. HAMLIN. I ask that.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HOAR. I rise to ask the correction of the Journal. The Secretary read that the Committee on Claims on my motion were discharged from the further consideration of the petition of William H. Sneed. The order of the Senate was that the petition be indefinitely postponed. I made precisely the same report as in the preceding case but the report was oral and not in writing. I move that the Journal be corrected in that manner.

The VICE-PRESIDENT. It will be corrected in that respect.

PETITIONS AND MEMORIALS.

Mr. CONOVER presented the petition of Robert Jones and 335 others, colored citizens of Columbia County, Florida, setting forth the great wrongs done to the colored people in that State, and praying that Congress will take some action in the premises; which was referred to the select committee to inquire into alleged frauds in the late elections.

Mr. GARLAND presented a memorial of the Legislature of Arkansas, in favor of an appropriation of \$20,000 by Congress for the improvement of the main channel of the Arkansas River at Pine Bluffs, in that State; which was referred to the Committee on Commerce.

Mr. HILL presented the petition of John F. Wheaton, mayor of Savannah, Georgia, and many others, citizens of that city, praying for the passage of a law authorizing the improvement of the route known as the inland route between Savannah, Georgia, and Jacksonville, Florida; which was referred to the Committee on Commerce.

He also presented the petition of Edward Hopkins and many others, citizens of Jacksonville, Florida, praying for the passage of a law authorizing the improvement of the route known as the inland route between Savannah, Georgia, and Jacksonville, Florida; which was referred to the Committee on Commerce.

Mr. WHYTE presented the memorial of Charles Dressel, of Baltimore, Maryland, praying for an allowance of a sum of money to compensate him for services rendered as second lieutenant of Company I, First Regiment Kansas Volunteers, during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 942) to authorize the Secretary of War to construct a bridge across the Potomac River at or near the Three Sisters Islands, reported it with amendments.

Mr. CONOVER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 246) for the relief John R. Nichols, late postmaster at Athens, Georgia, reported it without amendment.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4009) for the relief of John N. Bonesteel and James T. Conklin, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Patents, to whom was re-

ferred the claim of David Huestis, for the payment of the amount due him for the use of his patent for an improved method of obtaining a perfect shell or shot, submitted a report thereon accompanied by a bill (S. No. 1862) for the relief of David Huestis.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HOAR. I am directed by the Committee on Claims, to which was referred the bill (S. No. 1668) for the relief of John M. Dorsey and William F. Shepard, to make a favorable report and request that the bill be placed on the Calendar. I desire to say that the Committee on Claims of the Senate has twice in former years reported unanimously in favor of this bill. At the present session some of the members of the committee were unable to give the bill full examination, and the report is made with the understanding that it is not to be called up at this session of the Senate.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6250) granting a pension to Morris Dwight, reported it without amendment.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 1443) for the relief of vessels of the United States officered by aliens, reported it without amendment.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1642) to amend section 5356 of the Revised Statutes of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1669) for the relief of Austin G. Day, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. ANTHONY, from the Committee on Printing, to whom was referred an amendment to the sundry civil appropriation bill submitted by Mr. PADDOCK on the subject of forestry, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. ANTHONY. The same committee, to whom was referred the memorial of Professor Edward Fontaine, of Louisiana, with a resolution for printing certain maps, drawings, and explanations of the same, have instructed me to ask to be discharged from their further consideration. The matter is provided for in a joint resolution which was passed yesterday.

The report was agreed to.

CAPTAIN S. S. BLACKFORD.

Mr. ROLLINS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably the resolution referred to that committee a few days ago to pay Captain Blackford for injuries received in the discharge of his duty, and I ask that it be acted upon now.

The Senate proceeded to consider the following resolution submitted by Mr. MITCHELL on the 21st instant:

Whereas S. S. Blackford, in the proper discharge of his duties as captain of the Capitol police, while making an arrest in the Capitol on the 26th day of December, 1878, was seriously injured, having the top bone of his right and only arm fractured and his arm otherwise disabled, so as to render him almost entirely helpless for a period of more than six weeks, and from the results of which injuries he may never recover: Therefore,

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the said S. S. Blackford, out of the contingent fund of the Senate, the sum of \$500, to enable him to pay for medical and other expenses incurred and which may hereafter be incurred on account of said injuries.

Mr. KERNAN. Is there a written report upon that resolution?

The VICE-PRESIDENT. There is no written report.

Mr. ROLLINS. I will state the facts in the case.

Mr. KERNAN. I should be glad to hear some explanation of it.

Mr. ROLLINS. Captain Blackford is the chief of the Capitol police force. In the discharge of his duty not long since he undertook to arrest an intoxicated man. As this police officer has but one arm, the other having been lost in the service of his country, he could not properly defend himself. He was assaulted violently by an intoxicated man and injured very seriously. The party making the assault is now in jail awaiting trial. I believe his other arm was broken; so that having lost one arm in the service of the country he is now almost, for the time being at any rate, deprived of the use of the other arm.

Mr. KERNAN. It seems to be ungracious to object to such a measure. Of course for the arm lost in the service he gets a pension, and if we begin to pay men for casualties that occur in official duties of this kind there will never be an end to the practice. No city compensates its policemen by paying their bills when they get hurt while in its service. They seek that service and get paid for it. What I object to is that it is beginning a line of expenditure to which there could scarcely be too much objection. I have no doubt this man was a good soldier, but we should not for that reason pay him for injuries sustained in acting as a policeman.

Mr. ROLLINS. There are several precedents for this action.

Mr. INGALLS. This is not, as the Senator from New York would seem to intimate, an innovation. There are many precedents for the action that is now invoked on the part of the Senate. A memorandum has been handed me from the journals of the House and Senate, showing

that on the 14th of December, 1874, the House paid the expenses of a member of the Capitol police force who was injured, to the extent of \$350. The Senator will also doubtless remember the case of Mr. Cutler, one of our own employes, who was injured by an explosion of gas in the basement of the Capitol, being seriously injured by fire. The Senate voted him the sum of \$3,000 out of the contingent fund of the Senate. On the 1st of June, 1878, Mr. Lemon, another member of the Capitol police, was paid, for injuries received while he was in the discharge of his duties, the sum of \$3,000.

Captain Blackford is the captain of the police force and a man of singular ability, and, as the Senator from New Hampshire has stated, a one-armed man. Being assaulted in the discharge of his duties he was thrown violently to the ground, and in the course of the struggle was injured by the fracture of his remaining arm. All that he asks is a small sum sufficient to compensate him for the actual expense incurred in medical attendance while he was so injured and unable to attend to his duties.

Mr. KERNAN. I did not say that this was an innovation; I said it would be a precedent. I ought to have said that it would be another precedent. The case of the gentleman who was injured by the explosion of gas I suppose was put on a ground that would enable him to recover against any private employer, because if an employer furnishes an employe defective apparatus he is liable for any injury resulting therefrom. But my objection is to assuming that when men are in our service as messengers or policemen or otherwise, if they get into a difficulty in doing their duty, and may be beaten or hurt, we are to make it up to them. Now I am frank to say that I do not think that is what the legislature should do.

I have said all that I desire to say. I have as much sympathy as any one can have for this person, but we let these things run on and there will be no end of them.

Mr. ANTHONY. Mr. President—

Mr. HOAR. Will the Senator from Rhode Island permit me to have the Secretary read the physician's certificate, so that the Senate can have the exact case before them?

Mr. ANTHONY. Certainly.

Mr. HOAR. I ask the Secretary to read the physician's certificate which I send to the desk.

The VICE-PRESIDENT. The paper will be read.

The Secretary read as follows:

WASHINGTON, D. C., February 14, 1879.

This is to certify that I was called to attend S. S. Blackford, captain of the Capitol police, on the 26th day of December, 1878. I found him suffering from an injury to the forearm, including a fracture of the neck of the radial bone of his right and only arm, rupture of the ligament attached thereto, and attended with inflammation of the sheaths of the tendons and interosseous tissue. The lower third of the ulnar bone was also injured, as also the bones and cartilages of the wrist. This injury has caused Mr. Blackford much suffering, and disabled him for duty for five or six weeks, and still will require medical treatment for months to come, and is a disability which will in all probability affect him more or less during life.

E. C. MERRIAM, M. D.

Mr. HOAR. I want to correct a word read in the letter. The Clerk read it "the radial bone." [Laughter.] It is the "radial bone." If he had a "radical bone" in his arm, I could account for the opposition of the Senator from New York. [Laughter.]

Mr. INGALLS. All his bones are radical.

Mr. KERNAN. I want to say that I assume that the captain drew his pay while disabled, so that there is nothing in that except the suffering and doctoring.

Mr. ANTHONY. This is in the exact line of precedents established by the Senate.

Mr. KERNAN. I am afraid it is, and therefore we ought to stop it.

Mr. ANTHONY. I think it is within the fair limits of the contingent fund. I also think that my friend from New York is mistaken in saying that municipal corporations do not compensate policemen for injuries suffered while in the discharge of their duty. I do not know how it is in the wicked city of New York, but I know in the good city of Providence we always compensate policemen for injuries sustained by them in the discharge of their duty.

Mr. KERNAN. I have no doubt that in my good friend's State they will take care of every fisherman who is injured; but why should we pay a policeman his salary when he is disabled by injuries and then compensate him in addition for arresting a man? I have never heard of its being done.

Mr. HOAR. This is the case of a man in the personal service of the Senate, if I may use that phrase properly, and almost in its presence. It is not the case of duties performed by officers all over the country, but it is a case of one of the force which is necessary for the preservation of the order of the Senate. Now, in defending the Senate Chamber—the Capitol itself—against the invasion of an intoxicated person this injury was done. There is no citizen or employer of labor who would not compensate a person under the same circumstances.

The VICE-PRESIDENT. Will the Senate agree to the resolution? The question being put, there were on a division—ayes 20, noes 14; no quorum voting.

Mr. MITCHELL. I call for the yeas and nays.

Mr. ANTHONY. There is a quorum in the Senate if Senators will vote. I think we had better divide again.

Mr. HAMLIN. Divide once more.

The question being again put, there were on a division—ayes 21, noes 13; no quorum voting.

Mr. KIRKWOOD. We had better have the yeas and nays.

The yeas and nays were ordered.

Mr. EATON. Mr. President, I am ordinarily as much in favor as any Senator on this floor can be of paying the little claims that are made by officers of the Senate, but I have understood in regard to this very transaction a certain fact which would take this out of the ordinary cases. I understand it to be true that a man was arrested by two of the police officers connected with the force, when this captain came up and assaulted the man—not the man the captain. The captain would better have attended to his own business. When the man was being taken to the lockup by those who had arrested him, as I understand the case, this captain, forgetting his own position as the chief of the police, assaulted the man, and the man when he was down upon the floor got the officer by the legs and threw him down, and in the fall his arm was injured. Such I understand to be the case; and if it be so, this officer ought not to receive one dollar. He was in the discharge of his duty, but he forgot what was due to his position as the chief of the police and assaulted a man who was in charge of officers who had arrested him.

Mr. ROLLINS. I am led to believe that the Senator from Connecticut is laboring under a misapprehension.

Mr. EATON. Somebody is; that is certain.

Mr. ROLLINS. Certainly, if the Committee on Contingent Expenses had understood the facts to be as represented by the Senator from Connecticut there would have been no favorable report upon this preamble and resolution. The Sergeant-at-Arms of the Senate reports that Captain Blackford was in the discharge of his official duties, and there has been no representation whatever made to the committee such as the Senator from Connecticut now states.

Mr. HOAR. Will the Senator from New Hampshire yield to me a moment?

Mr. ROLLINS. Certainly.

Mr. HOAR. I know this officer personally very well. I believe him, and I think I may say I know him to be a man of truth and character. He tells me that the account which has been given to the Senator from Connecticut is wholly incorrect, and that somebody has wholly misstated the facts to the Senator from Connecticut; that there was no other officer present when the arrest was made; that he arrested the man alone, took him to the lockup alone, and there was no other officer present until he sent for some other assistant; and that no such transaction as has been related by the Senator from Connecticut happened.

Of course I do not know what the fact is. I know that the Senator from Connecticut would not state anything which he did not thoroughly believe; and I think I know that the captain of the police could make no assertion which was not true. That is what he tells me.

Mr. ROLLINS. I have the report before me of the Sergeant-at-Arms of the Senate.

Mr. EATON. I should be glad to hear it.

Mr. ROLLINS. This matter was referred to the Sergeant-at-Arms before any action was taken by the committee. This report consists of only three or four lines.

Mr. EATON. I think this resolution had better go over and let us ascertain the facts. I want this man to be paid if it be right to pay him, but my information came from such a source as I believe to be reliable.

Mr. MITCHELL. Will the Senator allow me one word before the resolution goes over?

Mr. EATON. I hope it will go over.

The VICE-PRESIDENT. The resolution will only go over upon motion. It has been entertained by the Senate for half an hour.

Mr. ROLLINS. In justice to Captain Blackford I desire to have the report of the Sergeant-at-Arms of the Senate read. The case was submitted to the Sergeant-at-Arms before any action was taken by the committee.

The VICE-PRESIDENT. It will be read.

The Secretary read as follows:

WASHINGTON, February 25, 1879.

To the Senate Committee on Contingent Expenses:

Captain Blackford, a faithful officer, was severely and cruelly disabled while in the discharge of his duty, and certainly simple justice, as well as numerous precedents, suggests the propriety of Government aid and recompense.

JOHN R. FRENCH,
Sergeant-at-Arms.

Mr. ROLLINS. That is upon the back of the sheet containing the statement of the captain of the case. The Sergeant-at-Arms indorses the facts as stated by Captain Blackford, which are entirely contrary to the representations which have been made to the Senator from Connecticut.

Mr. EATON. The Sergeant-at-Arms has no knowledge of this matter. I have just conversed with him. He certifies to what? To what the man desiring \$500 tells him. My friend from Massachusetts [Mr. Hoar] has certified to that already, and it did not need the certificate of the Sergeant-at-Arms. I move that this resolution be laid on the table for the present. I desire to vote for it, and I will take occasion to see the officer myself.

The VICE-PRESIDENT. The Senator from Connecticut moves that the further consideration of the resolution be postponed.

Mr. MITCHELL. I hope not.

Mr. EATON. I will call it up as soon as possible. I want to see into it.

The motion was agreed to.

EXERCISE OF ELECTIVE FRANCHISE.

Mr. TELLER. I am instructed by the special committee appointed to investigate the late election frauds to report upon the examination in Louisiana and South Carolina. I will say that the minority of the committee reserve the right at some subsequent period to file their views.

The VICE-PRESIDENT. The report will be received and printed.

Mr. TELLER. I submit the following resolution, and ask for its present consideration:

Resolved, That the select committee appointed under the resolutions adopted on the 17th of December, 1878, to inquire into certain alleged violations of the constitutional rights of American citizens in recent elections in any of the States of the Union be continued, with power to report at the next session of the Senate; and said committee shall have authority to sit during the recess of the Senate, and shall possess, during said recess and until its report shall have been made, all the power and authority heretofore conferred on it.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent for the present consideration of the resolution.

Mr. BAYARD. I object.

The VICE-PRESIDENT. Objection is made.

Mr. TELLER. I will state that it is the unanimous desire of the committee to have this action. The committee were together this morning, and all agreed to it. I think the objection will be withdrawn when this fact is understood.

Mr. BAYARD. I think the Senator scarcely comprehends the difficulty of understanding a resolution read rapidly from the desk. It is not my desire to avoid any question the Senator thinks proper to bring up, but I merely like to understand it so that I may vote on it intelligently. If it is printed and lies over until to-morrow, it can then be brought up.

The VICE-PRESIDENT. The resolution lies over.

JOSEPHINE C. OWEN.

Mr. HAMLIN. The Committee on Post-Offices and Post-Roads, to which was referred the bill (H. R. No. 1243) for the relief of Josephine C. Owen, postmaster at Randolph, New York, have directed me to report the bill without amendment and recommend its passage.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HAMLIN. Mr. President, I want to say to the Senate that this is a little bill, which has passed the House, in favor of a widowed lady with a large family of children. She has paid this money to the Post-Office Department like an honest woman. It comes within the rules that the Senate have laid down in the past in hundreds of such bills, and I ask that the Senate will allow it to pass now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Josephine C. Owen, postmaster at Randolph, New York, \$815, to reimburse her for the loss of postage-stamps and money belonging to the post-office, which were stolen from the vault of the bank in Randolph, where they had been deposited for safe-keeping, without negligence on the part of the postmaster.

EDUCATIONAL REPORT.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to print the report of the Commissioner of Education, have instructed me to report the same without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved by the Senate, (the House of Representatives concurring.) That of the report of the Commissioner of Education for 1877 there be printed 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Commissioner.

PARIS MONETARY CONFERENCE.

Mr. ANTHONY. The same committee, to which was recommitted a resolution to print additional copies of the proceedings of the international monetary conference, have instructed me to report it with an amendment. This resolution was passed by the Senate with an amendment, and an amendment was adopted to include the proceedings; and then it was reconsidered and recommitted to the committee to ascertain the expense. It will cost \$1,800. The committee recommend its passage.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment reported from the Committee on Printing was, in line 3, after the word "printed," to insert the words "and bound in cloth;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That 10,000 extra copies of the report and the proceedings of the Paris monetary conference, held last year, be printed and bound in cloth; 6,000 for the use of the House, 3,000 for the use of the Senate, and 1,000 for the State Department.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AGRICULTURAL REPORT.

Mr. ANTHONY. The same committee, to which was referred a resolution to print 300,000 copies of the Report of the Commissioner of Agriculture for 1878, have instructed me to report it back with amendments. The amendments reduce the number to 200,000.

By unanimous consent, the Senate proceeded to consider the resolution.

The amendments reported by the committee were, in line 2, to strike out "three" and insert "two;" in line 3, to strike out "two hundred and twenty-four" and insert "one hundred and fifty;" in line 5, to strike out "fifty-six" and insert "thirty-five;" in line 7, to strike out "twenty" and insert "fifteen," and at the end of the resolution to insert:

Provided, however, That the number of pages of said report shall not exceed six hundred.

So as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 200,000 copies of the Report of the Commissioner of Agriculture for 1878; 150,000 copies for the use of the House of Representatives, 35,000 copies for the use of the Senate, and 15,000 copies for the use of the Department of Agriculture: *Provided, however,* That the number of pages of said report shall not exceed six hundred.

Mr. INGALLS. How many copies were printed last year?

Mr. PADDOCK. Three hundred thousand copies. I cannot see upon what theory the Printing Committee report an amendment to cut the number down one-third below the usual number, which is 300,000. The report is the most useful report that has ever yet been offered by the Government. It embraces the subject of hog cholera, which has been very carefully and thoroughly investigated. It certainly seems to me that there is no printing Congress can order which is so useful to the country at the present time as this.

The VICE-PRESIDENT. The question is on agreeing to the amendments reported by the Committee on Printing.

Mr. PADDOCK. I hope the amendments will not be concurred in, and that the resolution will be adopted exactly as it was introduced and as it was drawn by the Commissioner himself and presented for the consideration of the Senate.

Mr. ANTHONY. If we pass resolutions to print the reports of the heads of bureaus as they are drawn by the heads of bureaus themselves, our printing will absorb a much larger part of the revenues of the country than it does now. The Senator from Nebraska is not aware of the reason which induced the committee to propose this amendment. The reason is in the direction of economy. This book, if printed according to the original resolution, will cost \$125,000, and as amended by the committee the edition will cost \$90,000. That is a very large proportion of the whole cost of the public printing. It seems to me if this report is so very valuable, which I do not doubt, as there is no copyright upon it it can be reprinted and sold to those who wish to purchase it.

Mr. SAULSBURY. I commend the economy of the Senator from Rhode Island in trying to save the expenses of the public printing. I have witnessed, I think, the expenditure of a large amount of money unnecessarily in the public printing ordered by this body. I wish to say, however, that there is no book printed by the Senate that is so generally desired as the Agricultural Report. While I believe that that report contains many things that are of no practical value, yet it is a book that is sought by the agricultural communities of this country. I reside in an agricultural community, and there is scarcely a farmer in all that section of country that I know of who does not gladly receive the Agricultural Report. I think we had better print those books which the people appreciate, and omit printing those which they do not appreciate. I have standing now to my credit in the document room a large number of volumes of the President's message and accompanying documents. That is a valuable document; that is a document which in the hands of certain persons is very desirable; but the great mass of the people do not desire it, and so with many other publications. This Agricultural Report, however, is one which the people do desire. While I myself believe that it is not nearly so valuable as it is estimated, I think we ought to gratify those people who are engaged in agriculture who may want the book. I therefore think that I shall not vote for the amendment of the Committee on Printing. While I am in favor of economy in the printing of documents for distribution, I think we ought to print those which are more generally desired, and omit those which are of no practical utility.

Mr. ANTHONY. I did not expect to be deserted by my friend from Delaware on a question of economy in printing. When he was a member of the Committee on Printing he was in favor of the most economical administration, and I regret to see that he has changed his policy. This book is undoubtedly very much desired by the agriculturists. Any book is desired that is given away; but how many people would pay forty cents a copy for the work? If we distribute three hundred thousand copies, what proportion of the farmers of the country can we reach with them? We should leave the great number ungratified, at any rate.

Mr. INGALLS. The Senator from Rhode Island is very much mistaken when he says that any book is desired that is given away. I have a very large number of books ready to be distributed to any person who will take them, and I cannot find any person applying for them. But in regard to this particular publication which is now before the Senate, I concur with the Senators from Nebraska and from Delaware in saying that it is exceedingly desired by my constituents, and the economy that would spare \$35,000 in printing the ordinary edition would be of that kind which saves at the spigot and wastes at the bung. I therefore hope the resolution will pass as originally introduced by the Senator from Nebraska.

Mr. SAULSBURY. I desire to add to what I did say on this subject that in my opinion it is a question of very doubtful propriety whether we should continue the Agricultural Department at all. It costs a vast amount of money, and for one I do not believe that the good resulting from it is an equivalent for the money expended in its support. But as we do continue it, while we have an agricultural report made, while we go to the expense of printing a certain number of copies of the reports, I think we ought at least to make something of a fair and liberal allowance to the agriculturists of the country who desire this work.

I concur in what the Senator from Rhode Island has said in reference to my own course upon the Printing Committee. I sought to limit the amount of the expenditures in that branch, but was unable to do so to the full extent to which I desired. My object and purpose, however, was to limit them by omitting the publication of works that are of no practical utility to the country. I desire the larger number of this report, because I believe the farming community want it, and it is appreciated by them perhaps more than any book that is published by the order of Congress.

Mr. MAXEY. Mr. President, even were it of advantage to the country to abolish the Agricultural Department, this is not the proper measure on which to accomplish that object. I concur in what was said by the Senator from Kansas, [Mr. INGALLS.] The State which I represent is an agricultural State, and I suppose I have twenty applications for the Agricultural Report to one for any other public document. I do not believe, as was intimated by the Senator from Rhode Island, that the people take it simply because they will take any book that is given to them. They want the book because it is of real value to the agricultural interests. Hence in my judgment if we have to print books there can be no book printed of greater service and that will effect greater general good than the printing of the Agricultural Report.

I hope, therefore, that the resolution as presented by the Senator from Nebraska and providing for the same number ordered by the House will be adopted.

Mr. MERRIMON. I beg to say, also, that there is no publication by Congress which is more sought after in my State than the Agricultural Report. I distribute carefully the whole number allowed to myself. I am not able by the entire number to supply a large portion of the farmers of the State which I represent. I trust that the number of 300,000 will be printed and distributed.

Mr. COKE. Mr. President, I concur fully with my colleague and with the honorable Senator from North Carolina, that the Agricultural Report is a most valuable one. I regard it as the most valuable book published by the Government. The number I receive for distribution is largely insufficient to meet the demand upon me. I hope the Senate will agree to the increased number proposed by the original resolution and agreed to by the House of Representatives.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Printing.

The amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the original resolution.

The resolution was agreed to.

PARIS EXPOSITION REPORTS.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the Secretary of State be, and he is hereby, authorized to have the reports of the commissioners of the United States to the Paris exposition of 1878, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office, and that in addition to the usual number there shall be 3,000 extra copies for the use of the Senate, 6,000 for the use of the House of Representatives, and 4,000 for the use of the Department of State.

CEMETERY LOT AT MONTGOMERY.

Mr. MORGAN. I ask the Senate to take up the bill (H. R. No. 3434) releasing title to a certain cemetery lot to the city of Montgomery, Alabama.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HOAR. Does it come from any committee?

Mr. MORGAN. From the Committee on Military Affairs.

The VICE-PRESIDENT. The bill is on the Calendar reported favorably from the Committee on Military Affairs.

Mr. MORGAN. The bill itself recites the facts.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3434) releasing title to a certain cemetery lot to the city of Montgomery, Alabama.

As by deed dated July 14, 1866, the city of Montgomery, Alabama, voluntarily granted to the United States a certain lot of land in the cemetery of that city to be used for the burial of United States soldiers, and for no other purpose, and as the United States, having removed the bodies of soldiers buried therein to Atlanta, have no longer need of the same, and as the said lot of land is now needed by the city of Montgomery for burial purposes, the bill releases all right, title, and interest of the United States in and to the cemetery lot to the city of Montgomery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. HOAR. I ask leave to take up the bill (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts. Nearly all of the similar bills on the Calendar were passed last night, and this is also from the Committee on Military Affairs.

Mr. MORRILL. I ask the Senator from Massachusetts to yield to allow a bill of public importance, that I do not think will take five minutes, to be considered.

Mr. HOAR. This I have called up now, and it will not take one minute. I will then yield.

The Senate, by unanimous consent, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "Massachusetts," to insert "if the same can be done without detriment to the public service;" so as to read:

That the Secretary of War be, and he hereby is, authorized to deliver to the town of Sutton, in the State of Massachusetts, if the same can be done without detriment to the public service, four condemned cannon, to be used in the erection of a soldiers' monument in said town.

Mr. MORRILL. I have no more objection to this than I should have to any other for the same purpose. I regard it as a great piece of deception to say that these condemned cannon are of no service to the Government, for whenever we are called upon to make new cannon of course we have to purchase the raw material at an expense of about thirty cents a pound, while these condemned cannon could be used for the purpose of making new cannon as the Government may require. Therefore I think that this indiscriminate and universal appropriation of condemned cannon is made not advisedly.

Mr. HOAR. We passed nearly all the similar bills reported from the Committee on Military Affairs, last night.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

COURTS IN KANSAS.

Mr. McDONALD. I ask for the present consideration of House bill No. 5300, being a bill to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas.

The VICE-PRESIDENT. The morning hour has expired.

Mr. McDONALD. This bill is reported favorably from the Committee on the Judiciary.

The VICE-PRESIDENT. The motion can only be entertained by unanimous consent. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 5, after the word "year," to insert the words "the terms of said courts to be held on the second Monday of January in each year."

Mr. McDONALD. I move to amend the amendment by striking out the words "in each year" as the same words occur in the text, and this is a repetition.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the committee was, in line 7, after the word "act," to strike out:

The time and length of the term to be fixed by the judges of said courts respectively.

The amendment was agreed to.

Mr. EDMUNDS. I merely wish to say that I find myself unable to concur with the committee in recommending the passage of this bill, and therefore I do not wish to be held responsible for any perfection or imperfection in the language of it. I do not think the public interests require the location of a court at that place, but rather in some western part of the State. But, of course, I do not intend to interpose any other opposition than that of having it go on the record that I do not agree to it.

The Secretary read the next amendment of the Committee on the Judiciary, which was, at the end of section 3, to add:

If no suitable building is provided without expense to the United States, then, and in that case, no court shall be held at said place.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SUBSIDIARY SILVER COIN.

Mr. MORRILL. I desire to call up Senate bill No. 1561 for the redemption of subsidiary silver coin. I will not press its consideration if it leads to any consumption of time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1561) for the interchange of subsidiary silver coins and United States notes.

The bill was reported from the Committee on Finance with amendments.

The first amendment was, in section 1, line 4, after the word "dollar," to insert "and not reduced in weight except by natural abrasion."

The amendment was agreed to.

Mr. THURMAN. I should like to ask the Senator from Vermont whether or not the effect of this bill would be to lessen the amount of change that is in circulation.

Mr. MORRILL. Not at all. It will be merely redeemed in one place and issued in another, redeemed where there is a surplus and put in circulation in other places where there is not.

Mr. THURMAN. There has been some complaint of the want of change, and if this bill would have the effect of lessening the amount in circulation it would be of very doubtful propriety.

Mr. MORRILL. That will not be the effect of it.

Mr. KERNAN. Allow me to make one suggestion. I have known that the banks in my city complained that they had a surplus of small silver. They tried last year to exchange it for silver dollars, but there was no authority to do so. I understand the bill is only to allow those who want to exchange the subsidiary silver coins to do so, so that those who wish them can get them.

Mr. HOWE. I wish the Senator from Vermont would allow the bill to lie over until to-morrow morning. I should like to look at it myself.

Mr. MORRILL. I will do so, of course, if the Senator desires.

THE CALENDAR.

Mr. ANTHONY. Mr. President, I call for the Calendar.

The VICE-PRESIDENT. The regular order is demanded, which is the consideration of the Calendar of general order, under the special order of the Senate, commencing at the point reached yesterday.

Mr. THURMAN. I wish to make an appeal to the Senate to give unanimous consent to take up House bill No. 6170, to divide the State of Louisiana into two judicial districts; a bill that will give rise to not a word of discussion, I imagine, and that ought to be passed at once. I ask unanimous consent to take up that bill.

Mr. ANTHONY. That will take all the morning hour, and will not be disposed of at the close of the hour.

The VICE-PRESIDENT. Objection is made. The Secretary will call the Calendar, commencing at the point reached yesterday.

The bill (H. R. No. 2284) for the relief of David W. Stockstill, of Sidney, Ohio, was announced as the first bill in order on the Calendar.

Mr. WALLACE. I gave notice several days ago that I would move to suspend the rule known as the Anthony rule to take up House joint resolution No. 176, to provide for the enforcement of the eight-hour law. I make that motion now.

The VICE-PRESIDENT. The Senator from Pennsylvania, in pursuance of notice given to that effect, moves to suspend the pending order for the purpose indicated by him.

Mr. WALLACE. It is the resolution in regard to the eight-hour law which I move to take up.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. EDMUNDS. I do not understand precisely what the motion is.

The VICE-PRESIDENT. The motion is to suspend the pending order, in pursuance of prior notice given.

Mr. EDMUNDS. I should like to know for what purpose?

The VICE-PRESIDENT. For the purpose of proceeding to the consideration of the joint resolution (H. R. No. 176) to provide for the enforcement of the eight-hour law.

The question being put, it was declared that the yeas appeared to prevail.

Mr. WALLACE called for the yeas and nays; and they were ordered.

Mr. HAMLIN. Now, Mr. President, let me ask, is there a joint resolution or a bill before this body for the practical purpose of doing what the Senator suggests?

Mr. WALLACE. The joint resolution can be read, and the Senator will understand it.

Mr. HAMLIN. What is it; a simple resolution declaring the opinion of the body?

Mr. WALLACE. There is a joint resolution, known as House resolution No. 176, which came here last year, was taken up by the Senate, partly considered, and then postponed. I simply now, in accordance with the demand of a large number of people in my own State, ask that the Senate vote upon the question.

Mr. HAMLIN. To take up that identical resolution? I have no objection.

Mr. MORRILL. Of course this cannot pass without a considerable amount of debate, and I hope, therefore, it will not be taken up.

Mr. WALLACE. I simply ask the yeas and nays on suspending the order and proceeding to the consideration of the joint resolution.

Mr. ANTHONY. I ask if the Senator's notice is good?

The VICE-PRESIDENT. The notice appears to be good.

Mr. EDMUNDS. Let the notice be read. It was, I think, a notice for last Monday without any *continuando*.

The VICE-PRESIDENT. The notice will be read.

The Secretary read as follows:

Mr. WALLACE renews notice given yesterday that he will on Monday, immediately after the morning business is over, move to suspend business under the An-

thony rule and all other orders to proceed to the consideration of House joint resolution No. 176, order of business No. 544, to provide for the enforcement of the eight-hour law.

The VICE-PRESIDENT. The notice is not good for this day if objection be made.

Mr. McMILLAN. Regular order!

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

Mr. WALLACE. What is the decision of the Chair?

The VICE-PRESIDENT. The Chair decides that the notice having been given for Monday last has expired and is not good for this day.

Mr. WALLACE. I have made every effort since that time to catch the eye of the Chair, but appropriation bills were pending and I could not get the notice of the Chair.

The VICE-PRESIDENT. The Chair is sorry for that.

Mr. WALLACE. Does the Chair rule that the notice is not good?

The VICE-PRESIDENT. The Chair rules that the notice is not good for this day, it having been given for a particular day and with no *continuando*.

NOTICE OF BUSINESS.

Mr. EATON. I desire to give the following notice, which I ask may be read.

The Secretary read as follows:

Mr. EATON gives notice that at or before the expiration of the morning hour on Friday, February 28, he will move the suspension of the Anthony and all other rules and the postponement of the pending and all other orders that the consideration of Senate bill No. 1629, to allow the Commissioner of Patents to extend the patent numbered 6535 of reissues, may be proceeded with.

DAVID W. STOCKSTILL.

The VICE-PRESIDENT. The Secretary will call the Calendar, commencing at the point reached on yesterday.

The Secretary read the bill (H. R. No. 2284) for the relief of David W. Stockstill, of Sidney, Ohio.

Mr. McDONALD. From what committee is that reported?

The VICE-PRESIDENT. The Committee on Military Affairs.

Mr. McDONALD. On what ground is the party entitled to have that money refunded?

The VICE-PRESIDENT. The Chair does not understand the Senator.

Mr. McDONALD. Is there a written report accompanying the bill?

The VICE-PRESIDENT. There is no written report.

Mr. McDONALD. Then I object to its consideration.

Mr. THURMAN. I hope my friend will not object to the consideration of the bill. I think there is a written report in the case. If not, the facts are recited in the preamble, which sufficiently explains the case.

The VICE-PRESIDENT. There is no written report.

Mr. THURMAN. The facts of the case are correctly stated in the preamble. The man was drafted; he got a substitute, and instead of discharging him they made him serve to the end of the war, and his substitute, too.

Mr. McDONALD. And he now wants paid back to him what he paid the substitute?

Mr. THURMAN. Yes, sir.

Mr. McDONALD. Why can he not recover it from the substitute?

Mr. THURMAN. How can he recover it from the substitute? The substitute was mustered into the service and served to the end of the war, and so was this man. The Government got the services of both. I hope every Senator will see the equity of the bill.

Mr. McDONALD. I suppose probably a large bounty was paid.

Mr. EDMUNDS. Let us hear that bill again, Mr. President.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. EDMUNDS. I must object to that bill.

The VICE-PRESIDENT. Objection is made, and the bill goes over.

LEONARD L. LANCASTER.

The next bill on the Calendar was the bill (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry, Wisconsin Volunteers; which was considered as in Committee of the Whole. It proposes to pay to Leonard L. Lancaster the full pay and allowances that would have been due him, provided the charge of mutiny had not been preferred, he having been honorably discharged on the 23d of February, 1866, at Detroit, Michigan.

Mr. EDMUNDS. Let us hear the report.

The Secretary read the following report, made by Mr. SPENCER on the 28th of January:

The Committee on Military Affairs, to whom was referred H. R. No. 2394, "Act for the relief of Leonard L. Lancaster, late sergeant Second Regiment Wisconsin Cavalry," have had the same under consideration, and submit the following report:

This is an act which provides that said Lancaster shall be paid certain pay and allowances claimed to be due him as a sergeant of Company L, Second Regiment Wisconsin Cavalry. The record sustains the report of the House Committee on Military Affairs, which is as follows:

[House Report No. 261, Forty-fifth Congress, second session.]

"Mr. STRAIT, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. No. 2394:

"The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2394,) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry, Wisconsin Volunteers, would respectfully report:

"This is a bill to provide pay and allowances for L. L. Lancaster as a sergeant in

Company L, Second Regiment Cavalry, Wisconsin Volunteers, that might have been due him provided he had not been tried on the charge of mutiny, and convicted thereof, by a general court-martial, in the month of July, 1865, and sentenced to be shot. This sentence was commuted to imprisonment at hard labor at Dry Tortugas for three years.

"On the 16th January, 1866, the President directed that the unexecuted portion of his soldier's sentence be remitted and he be released from confinement. This order of the President could not be executed, as Special Order No. 640, of December, 1865, Adjutant-General's Office, War Department, directed that said Sergeant Lancaster be released from confinement and sent to the chief mustering officer of Wisconsin, who was ordered to discharge him with loss of all pay, allowances, and bounty."

"It thus appears from evidence that he was confined or imprisoned but a short period, some two or three months; and it further appears that said Lancaster was 'honorably discharged' the service of the United States at Detroit, Michigan, on the 9th day of February, 1870, by C. S. Lesley, first lieutenant, United States Army, commissary of musters, with 'loss of all pay,' &c., the 'honorable discharge' to date February 23, 1866; and it also appears in evidence that he has never received any portion of the pay due him."

"It further appears by the sworn affidavit of Anson L. Austin that said affiant was the principal witness against said Lancaster in his said trial for mutiny in July, 1865; that he was well acquainted with said Lancaster, and that said Lancaster was in all respects a brave and faithful soldier from the organization of said regiment up to said July, 1865, and that he had done his duty in all respects faithfully and bravely, and had been engaged in all the battles of the regiment, and that in his testimony before the court which tried said Lancaster he swore that he had heard said Lancaster and another say that they had concluded to notify Colonel Dale that they would leave, and that if he denied or refused their leaving they would put Colonel Dale on a slab and send him down the Red River, and that when said Lancaster made that statement he was under the influence of intoxicating liquors to such an extent as to be no longer responsible for his acts or remarks, and that he so stated to the court, and that there was no intention on the part of said Lancaster to carry out said threat; that it was made while he was under the influence of whisky, and was not in the enjoyment of his sober mental faculties. Yet the court, upon this evidence, found said Lancaster guilty of mutiny, and sentenced him as aforesaid."

"It appears from the letter of the Adjutant-General of the United States Army, dated June 20, 1868, that Lancaster's case was laid before the Secretary of War, and he decided that as the records of the proceedings of said court-martial could not be found they could not be set aside, and the sentence having been fully executed and the pay stopped, it is conceived that it cannot be drawn from the Treasury without a special act of Congress covering the case, 'and an honorable discharge could not be given, as it would carry the allowance with it.' An honorable discharge was, however, granted, as before shown, on the 9th of February, 1870."

"By the letter from the Inspector General United States Army, War Department, dated January 3, 1870, 'the forfeited pay and allowances would have been restored to him had it not been beyond the legal power of the Department to restore them.' 'Your committee believe from the above facts that Sergeant Lancaster is justly entitled to his back pay and allowances, he having been granted an honorable discharge by the War Department, after the proceedings in his case had been reviewed. They therefore recommend the passage of the bill.'"

"Inasmuch as the proper officials of the War Department state 'that the forfeited pay and allowances would have been restored to him (Lancaster) had it not been beyond the legal power of the Department to restore them,' your committee recommend concurrence of the Senate in the House act."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PHILIP W. STANHOPE.

The next bill on the Calendar was the bill (H. R. No. 1901) for the relief of Philip W. Stanhope; which was considered as in Committee of the Whole.

The bill was read.

Mr. EDMUNDS. I should like to hear the report in that case.

The Secretary proceeded to read the report submitted by Mr. SPENCER on the 28th of January, 1879, but before concluding,

The VICE-PRESIDENT. The time within which the Calendar of general orders is to be considered, under the special order, has expired.

GENEVA AWARD—ORDER OF BUSINESS.

Mr. HAMLIN. I wish, Mr. President, to make one more effort to bring before the Senate what is called the Geneva award bill. I have struggled very industriously for several days to find an opportunity to present it. I do not want to take up the time of the Senate, for I am as sensible as any Senator can be that time is valuable and words should be golden. I move to postpone all prior orders for the purpose of proceeding to the consideration of that bill in order to test the sense of the Senate and to know whether they will allow it to come up. I ask for the yeas and nays on that motion.

Mr. BLAINE. I desire to say that my colleague, several days since, and myself following him, gave notice that he would urge this motion whenever it could be done without antagonizing an appropriation bill. There is no appropriation bill now before the Senate, and there cannot be for many hours.

Mr. INGALLS. May I interrupt the Senator one moment? House bill No. 6462 "making appropriations for the payment of the arrears of pensions, granted by act of Congress, approved January 25, 1879, and for other purposes," was reported on the 24th of February, and is now on the Calendar of general orders. It involves the expenditure of about \$25,000,000, is one of the largest appropriation bills reported to the Senate; and if the Committee on Appropriations propose to ignore it and make the arrears bill a nullity, I shall feel called upon, as chairman of the Committee on Pensions, to ask the attention of the Senate to that bill.

Mr. BLAINE. The Committee on Appropriations do not propose to ignore it in the least. They propose to give it as much precedence, and probably a little more than it would have in a separate bill. I can assure the Senator from Kansas that. When I spoke of an appropriation bill, I was speaking of the regular annual appropriation bills. My friend from Kansas knows very well that the bill to which he alludes is not included in them. That is a bill for an exigency, that will take but very little time to dispose of. It is a bill to

merely appropriate the money for what the Senate, by an almost unanimous vote, said should be done.

Mr. INGALLS. Then, if it will take but little time, let us do it now.

Mr. BLAINE. Let us first vote on this. The Senator from Kansas is no more anxious to pass that bill than I am, or probably no more anxious than are fifty Senators here. There is no possibility of that bill being overlooked or overslaughed, swallowed, or lost.

Mr. INGALLS. It has been studiously ignored up to this time.

Mr. BLAINE. I do not know what the Senator means by its being "studiously ignored." Has there been a vote not to take it up?

Mr. INGALLS. I have called the attention of the Senate to it on all proper occasions, and I went this morning to the chairman of the Committee on Appropriations in his own room and called his attention to it, and after some little hesitation on his part he assented to my calling it up.

Mr. DAWES. The Senator from Kansas may be assured that the Committee on Finance have given that matter some consideration and are prepared to press the bill in conjunction with him at the earliest possible moment, with some provisions attached to it that will secure the means.

Mr. INGALLS. This is the earliest possible moment.

Mr. BLAINE. I think the Senator from Kansas had better do that in co-operation with two other large committees that have some relation to the bill, the Finance Committee in regard to providing the means and the Appropriations Committee in regard to appropriating the money. It would be just as well to take it up in time as out of time.

Mr. INGALLS. The Committee on Appropriations seem to be in the relation of mother-in-law to this bill. They do not seem to be very attentive to their offspring.

Mr. DAWES. I want to suggest to the Senator from Kansas that passing that bill without having it accompanied with the means of paying the money will not attain the object the Senator has at heart. There must go along with the appropriation the means to furnish the money.

Mr. INGALLS. There are plenty of means to pay this appropriation if it is made, and I shall feel called upon to ask the Senate to vote down the motion of the Senator from Maine [Mr. HAMLIN] for the purpose of allowing the consideration of this appropriation bill that has been on the Calendar for three days.

Mr. BLAINE. That is a tremendous time! There is no bill before the Senate that has been here for three days, I suppose!

Mr. INGALLS. There has been no other appropriation bill reported that has not been taken up instantaneously.

Mr. BLAINE. A Senator who urges a bill out of time is just about as formidable an enemy to that bill as one who is opposed to it on its merits. The Senator from Massachusetts, [Mr. DAWES,] if not myself, has given very good reasons for not taking up the pension-arrears appropriation bill at this time; and if the Senator from Kansas will just restrain his zeal a little while, he will find some of us just as anxious to pass that bill, and to pass it in a shape that will make it effective and that will provide the means for carrying it out, as he can be.

Mr. INGALLS. The means are already provided. I have seen a letter from the Secretary of the Treasury in which the statement is made that there is already on hand from the estimated surplus revenue a very considerable portion of the amount that will be required to pay the appropriation in this bill.

Mr. BLAINE. Why! Do you not want all? Why say a "considerable portion?"

Mr. INGALLS. I do not want to have the promise held to the ear of these pensioners and broken to their hope. I want action on this bill.

Mr. BLAINE. Why does the Senator say there is on hand enough to pay a considerable portion? Does he want to pass an appropriation bill here that will pay only a portion of the arrears? Why not restrain his zeal for a few hours until we can pass an appropriation bill that will pay the whole? He admits that this will only pay a portion. The position of the Senator from Massachusetts is that the bill shall be so amended and so adjusted as to pay all.

Mr. INGALLS. Is it customary in appropriation bills to have them accompanied by methods directing the Secretary of the Treasury to provide the funds for paying them? Why is that exception to be made in this case? Why is this bill, of all the appropriation bills, to be accompanied by a bill from the Secretary of the Treasury to provide the means for paying the money appropriated?

Mr. DAWES. I will state to the Senator why. This is an exceptional case; this is an exceptional appropriation; and the letter the Senator has seen, certainly I have seen one, from the Secretary, says it is utterly impossible for him to meet this bill without provision; and he is anxious, and the Committee on Finance are anxious, to devise the best possible way of meeting this. A deficiency of \$18,000,000 results the moment the bill is passed without a proposition for furnishing the means to raise this money.

Mr. INGALLS. Nobody knows how much of a deficiency there will be. That is merely an estimate. It depends entirely upon the amount of revenue derived during the course of the fiscal year.

Mr. DAWES. Of course no one knows exactly; but the Secretary of the Treasury knows better than I do certainly, based upon the

present estimates. The estimates of the last year and the estimates submitted to this Congress for the coming year make no provision at all for the sinking fund; and it is absolutely necessary, in order to meet the bill referred to, that there should be some provision; and in order that we may keep the promise to the ear and not break it to the hope it is proposed—

Mr. HEREFORD. I rise to a point of order. Is the question debatable?

The VICE-PRESIDENT. It is debatable within certain limits. The Chair thinks the limits are being greatly exceeded.

Mr. HEREFORD. The matter before the Senate is a motion to take up the Geneva award bill. That has nothing to do with pensions or anything of that kind.

Mr. INGALLS. I certainly have a right to introduce arguments here to show why that bill should not be taken up. That is what I am trying to do at this present time.

Mr. BLAINE. But the Senator from Kansas has no right to intimate, or convey the intimation, that those who want the Geneva award bill taken up now have in mind the remotest fear that the pension bill will not be fully and duly attended to. There is no good management, I will say to the Senator from Kansas, in antagonizing a bill prematurely.

Mr. McDONALD. Mr. President—

Mr. INGALLS. The Senator from Maine will allow me to judge of my own management.

The VICE-PRESIDENT. The Chair will say to the Senator from Indiana [Mr. McDONALD] that two Senators are already occupying the floor, and its occupation by a third would lead to confusion. [Laughter.]

Mr. INGALLS. Who has the floor, Mr. President?

The VICE-PRESIDENT. The Senator from Kansas.

Mr. INGALLS. I made no intimation as to the motives of those who desire to take up the Geneva award bill, but I called the attention of the Senate to what appeared to me to be a very singular condition of affairs, and that was the statement of the Senator from Maine [Mr. BLAINE] that there was no appropriation bill that now required the attention of the Senate; and when I read the title of this bill and showed that it had been on the Calendar for the past three days, I am met with the statement that there will probably be a deficiency in the revenues of the coming year and that this bill must be accompanied by some measure from the Finance Committee to render it effective.

Mr. BLAINE. Certainly you are.

Mr. INGALLS. I submit that that is not the way appropriation bills are passed. If it shall appear that there is a deficiency in the revenue, and that further provision is necessary, the customary plan is to submit estimates in a deficiency bill for that purpose. It does not affect the question of the right of this bill to pass, whether there is to be a deficiency or not. It is a bill regularly reported and on the Calendar, and it ought to be acted upon, and I ask, as that is the case and the uniform custom, that it shall have the right of way at this time and receive the action of the Senate.

Mr. BLAINE. Then I understand the Senator from Kansas to mean that he would like to have the pension bill shoved through regardless of any provision whatever for paying the pensioners under it.

Mr. INGALLS. Just like any other bill.

Mr. BLAINE. I am in favor of making due and careful provision, so that when that bill goes on the statute-book as a law and gives a pensioner a check the dollar will be in the Treasury to pay it. If the Senator thinks he gains anything by pushing the bill through in advance of providing the proper means of paying it, of course he is welcome to his opinion.

Mr. INGALLS. And the Senator from Maine proposes to push a bill to take ten or twelve millions more out of the Treasury.

Mr. BLAINE. No; he proposes to divide money between persons who have a right to it, to which the Treasury of the United States has no right.

Mr. INGALLS. That is to be decided.

Mr. BLAINE. Very well, that is precisely what I am proposing.

Mr. DAVIS, of Illinois. I am always sorry to antagonize any motion made by my friend from Maine, [Mr. HAMLIN,] but in my judgment the report from the Judiciary Committee on the Geneva award ought not now to be taken up. It would occupy, in the interval between the appropriation bills, the whole time of this session of Congress; it would be largely debated as I know; and the discussion would fall upon wearied men who have to sit here night and day. It is not the proper time to consider it. There is a vast variety of bills upon the Calendar that will take but little time, that it seems to me ought to have the preference in the business of the Senate. They can be disposed of usually in half an hour at most, even where there is discussion. In that way a good deal of work can be gotten off the Calendar that ought to be gotten off. Great preparation has been made, a great deal of work has been done, many reports have been made from various committees, on Claims, on Military Affairs, &c., and their work goes for nothing unless there is action taken upon it by the Senate before the end of the present session.

I have no objection to discussing the principles of the bill reported by the Judiciary Committee. I am ready to discuss them now; I would rather do it now than next session; but I know perfectly that if we get into that discussion we can do nothing else, and I do not think it

is fair to the vast number of cases upon the Calendar to do it and then probably fail in the interval between now and the adjournment of the session.

Mr. THURMAN. I can hardly say anything that will not be a mere repetition of what has been so well said by the Senator from Illinois who has just taken his seat. This Geneva award question is no new question with some of the Senators here. It has been before the Senate again and again, and it has ever given rise to a very extended discussion; but a number of members have come into the Senate since the last discussion, and it will be necessary that that bill shall be discussed, and discussed very fully. The Senate know that there has always been heretofore, and there possibly is now, a very great diversity of opinion between the two branches of Congress, if it is proper for me to say that, on this subject. I am earnestly for the bill reported by the Judiciary Committee, and if the bill shall be taken up I shall feel it a duty I owe to myself and to those who think with me to give the reasons why that bill ought to pass. There are others who feel the same way, and I am very sure that the question will give rise to such discussions and so lengthy a debate that to go into it would in effect put aside everything else.

I for one am not willing to do that. If there were time to discuss the bill and to act finally and definitely upon it at this session, no one would be more ready than I to take it up, for I think there has been a grievous wrong done that this fund has not been distributed long ago. That is my opinion, and always has been. Therefore I worked very hard always to take up bills for the distribution of the fund and to have the fund disposed of. On every occasion that there was the least chance of having a bill passed on the subject, I have favored taking the bill up and having the subject acted upon, and I have tried again and again to get it taken up when I could not succeed in getting it taken up. But now I do know that if it be taken up at this time all the debate upon it and all the time that will be consumed by that debate will be just so much time lost. Under these circumstances I hope the bill will not be taken up.

One word more. I think the Senator from Kansas is perfectly right in insisting upon giving precedence to the bill that he has named over all other bills until some other appropriation bill shall come in.

Mr. BLAINE. Why except another appropriation bill?

Mr. THURMAN. I will not except any, except a bill to carry on the Government.

Mr. BLAINE. I thought the Senator would not except any.

Mr. THURMAN. No; I did not say that; I would not say that a bill to carry on the Government should not have precedence even over this; but there is time enough to pass all the appropriation bills if we go to work at them; and we ought to go to work in my judgment on the bill mentioned by the Senator from Kansas.

I very much fear, Mr. President, that, without certainly any design on the part of any Senator, for I do not impute motives to anybody—I am not accustomed to do that—there is danger of the bill which we passed called the arrears of pension bill being, in practical effect, postponed for one year; that is, so far as the receipts of the benefits of the bill are concerned. I do not think that ought to be so. If it was right to pass that bill, it is right to have that bill executed; and if further legislation is necessary, that legislation ought to take place before we adjourn.

I hope, therefore, Mr. President, without multiplying words, that the proposition to postpone all other orders and take up the Geneva award bill will not be adopted.

Mr. BLAINE. I hold in my hand the pension bill. It appropriates between twenty-five and thirty million dollars. If we pass that bill without some additional legislation to provide the means, the Senator from Ohio knows as well as any man in this Chamber that either the pensioners will go without their pay or some other department of the Government will be crippled and maimed. Now the Senator from Ohio says that this ought to be gone right on with; it should not wait for anything else; we should pass it through. His argument is regardless of any provision being made for the payment. He is in such haste to appropriate for the pensioner that he will not stop to provide the money to pay him. I want to provide the money to pay him and make the appropriation bill not an empty and hollow sounding promise but something that carries the cash with it.

Mr. THURMAN. Neither do I wish to make it an empty sounding, and the very fact, if it be so, stated by the Senator from Maine, shows the necessity of going on with this bill at once so as to give time to provide the means if the means are not already provided. Here we have two things to do: provide the means, and also make the appropriation. The sooner we get to work the better. If the means are already provided, then we have nothing to do but pass the appropriation bill; but if we must, in addition to making the appropriation, also provide the means to pay, then the sooner we get at it the better and the greater is the necessity for going to work on it at once.

Mr. BLAINE. But the Senator will observe that the Senator from Massachusetts, speaking for the Committee on Finance, stated that they were now maturing and having under consideration a measure providing the very means we want.

Mr. THURMAN. Very well; then let us get this bill out of the way so that we may have time to consider their bill when it comes.

Mr. BLAINE. But it is to go on this bill and be part of it.

Mr. INGALLS. I should like to know, if the Senator from Maine will be good enough to tell me, what necessity there is for making any

special provision for the payment of this sum any more than the payment of sums provided in any appropriation bill? Let me read the first clause:

Be it enacted, &c. That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, namely:

It is exactly the same clause that is in every appropriation bill; and if this bill passes, the sum appropriated is to be paid out of the general revenue of the Government. It does not require any specific method for the purpose of providing the funds for the payment of this any more than for the support of the Army or the Navy or the Indian department.

Mr. BLAINE. But if the honorable Senator from Kansas will permit me to ask him a question, suppose you pass appropriation bills that call for more money than there is in the Treasury?

Mr. INGALLS. It is very evident that if this bill passes, up to this time there is a great plenty of revenue to pay all the appropriation bills we have passed. It is the last appropriation bill if any, that will involve a deficiency; and if we pass this now, you can tack your measure on to the legislative bill or the sundry civil bill.

Mr. BLAINE. It would not be courteous for me to say that the honorable Senator speaks without knowledge—

Mr. INGALLS. No, sir; it would not.

Mr. BLAINE. But he speaks without observation, because the Secretary of the Treasury has advised the House, as he of course was compelled to do, that the \$136,000,000 in the Treasury for redemption purposes is not to be counted money not otherwise appropriated; it is money appropriated. Now, the passage of this bill, without some provision made for its payment, creates a deficiency. Who shall come out behind, whether it be the Army, whether it be the Navy, whether it be the salary of the honorable Senator from Kansas and my own, or whether it be the pensioner, I do not know; but somebody has got to be deficient. What I propose is that such due and careful legislation shall be had as will provide means for having all that we appropriate paid. The honorable Senator from Kansas knows very well that this twenty-five or thirty or forty millions, I do not know what it may be, that is required to pay the arrears of pension, is an extra appropriation, not contemplated within the estimates of the Government; and it is this extra appropriation that creates the deficiency; and I say let there go hand in hand with this extra appropriation the provision of the means for its payment; but do not let us have any such great haste to show our love for the pensioner by voting an empty and hollow enactment at that table, and not putting a dollar in the Treasury to answer it.

Mr. KERNAN. Nobody proposes to do that. The Senator says there is a bill in the course of preparation to provide the means. We can pass this bill making the appropriation, and the other will follow.

Mr. HOWE. Mr. President, standing where I do between these two Senators from Maine, I naturally hesitate a good deal in saying what, after all, I feel compelled to say, and that is that, in the first place, I see no possible objection to considering the bill moved by the Senator from Kansas now. They say it is a bill appropriating several million dollars, and that if you pass it there may not be revenues in the Treasury to meet it. That is a remark which can be made touching every appropriation bill which has been moved or which may be moved hereafter.

Mr. BLAINE. Not at all.

Mr. HOWE. I beg to differ with my honorable friend. It may be made just as well touching one appropriation bill as another.

Mr. BLAINE. It may be made, of course, but not with any propriety.

Mr. HOWE. With strict propriety and absolute truth, as absolute as in this case. Appropriate your \$25,000,000 called for by this bill; then do not pass your legislative appropriation bill, and are you sure the revenues will not meet your appropriations for this year? Or pass the legislative appropriation bill and refuse to pass the bill making appropriations for sundry civil expenses, and are you sure the revenues will not meet the appropriations? It does not follow that there will be a deficiency if you pass this bill and do not accompany it by a bill making loans or increasing revenue. Can you not tack your revenue measures on any other appropriation bill just as well as on this? And if the wants of the Treasury require it, I think it fair to presume that before all your appropriation bills have been enacted into laws, this new revenue measure which it is said is now lurking in the chamber of the Finance Committee will find its way on some of them.

So, Mr. President, I repeat what I said in the outset, that I see no reason in the world why we should not pass the bill moved by the Senator from Kansas this morning just as well as at any time; but I think I see grave reasons why we should not pass the bill moved by the Senator from Maine [Mr. HAMLIN] this morning, why we should not take it up this morning, why we should not proceed to consider it now.

In the first place, it is not a bill that is calculated to adapt the Treasury Department to the calls of your appropriation bills. It is not calculated to strengthen the Treasury. Its tendency is, if it gets into the shape of a law, to deplete rather than complete the Treasury.

Mr. DAWES. Is it not a bill to pay debts?

Mr. HOWE. A bill to meet the Geneva award is calculated to take money out of the Treasury rather than to put it in, which, says my honorable friend [Mr. HAMLIN] in an aside, is an argument against

paying a debt. No; it is not a good argument against paying a debt. It is an objection against paying what is not a debt; and in my judgment a large part of the money which will be disbursed from the Treasury under this bill, if it pass, has not the similitude of an obligation, legal or equitable. That is my judgment. I will not argue that now. But as to the balance which will be disbursed, though I myself am compelled to say that I think it does assume the form of a legal obligation springing from the terms in which the award was made at Geneva, and therefore I cannot resist it, I am obliged to acquiesce in it, and if called upon to vote I shall vote for paying that class of claims; yet those claimants in my judgment take—if they take at all and when they take at all—under the stern enactments of an award which I think does anything but justice to the claims of the United States. That is not for us to consider here. I am agreed to abide by that award; but when they come here to bid against other creditors of the Government, those whose claims rest upon blood shed, upon limbs shattered, asking but the pittance which your laws promised years ago, I am compelled to say that I think this last class of creditors should be heard first; and for this reason, among others: that when they recover they will recover without any compensation for delay; they will get no interest; but when these creditors take they will take with interest. If anybody must be deferred I think it should be those creditors to whom you pay interest, and not those to whom you will pay none, even if their credits were of the same high rank and order, which I think they are not. For this, among a great many other reasons which I think I might suggest, I shall be compelled to vote against proceeding to the consideration of this bill from the Judiciary Committee at this time. If nothing more pressing is urged I shall vote to proceed to the consideration of the bill suggested by the Senator from Kansas. But there are, I will say in conclusion, surrounding this Chamber this moment, and have been for long days and weeks, an unnumbered host of American citizens awaiting the tardy justice of the Government; many individuals having, in my judgment, rights which, put alone in the scale against all those who snatch at the millions granted under the award of the Geneva tribunal, would outweigh their claims, and while they stand here with their appeals unanswered I do not feel very strongly moved to vote for the consideration of this bill.

Mr. DAWES. A single word. The Senator from Wisconsin is anxious to have it appear, and in that I think the Senator from Kansas joins, that on the part of those who desire action upon the Geneva award, or on the part of somebody in the Senate, there is a disposition to postpone action upon the bill appropriating money for the arrears of pensions. There is not the slightest desire on the part of anybody to postpone that for a moment. It may be true in theory that if you make this appropriation and stop making appropriations for carrying on the Government, there will be money enough in the Treasury to meet this appropriation for the arrears of pensions. Probably the construction of the Treasury Department is that the acts take precedence according to their date, that money is considered as appropriated according to the date of the laws; but ordinarily, and in the ordinary practice of the Government and according to the usages of the Government from time out of mind, the ordinary receipts of the Government are set apart for the ordinary and current expenses of the Government, and when any extraordinary expenditure is needed like this, (in which all of us have participated with great heart and zeal,) if there should be a failure of receipts to meet the ordinary expenses and this extraordinary one, the common-sense way, the usual way, is to make special provision for the extraordinary appropriation, and let the ordinary receipts meet the ordinary appropriations. That is the desire on the part of those who are desirous of making a provision that will go along with the appropriation for these pension arrears, so that no contingency of other appropriations will deprive them of it, so that there shall appear upon the face of it that we set apart for this special purpose a special provision, so that the pensioner who looks to it, who has shed his blood or has lost his limb, and has all the claim upon us that the Senator from Wisconsin can urge, will see that we mean it, that we are in earnest, and that we have provided that the dollar shall be on hand in the Treasury when he goes there for that dollar.

The Senator from Wisconsin has begun to talk about the Geneva award as money in the Treasury already to meet the current expenses. I had supposed it would come to that sooner or later. The longer the distribution of that award among those for whom it was rendered was put off, the sooner would begin to be the talk that that was money in the Treasury like the common receipts of the Government. Sir, seventy-five or so years ago the Government purchased Louisiana and undertook in the arrangements for that purchase to pay \$5,000,000 to those who had suffered in the loss of their property at the hands of a foreign government. The United States have postponed it from year to year, now seventy-five or eighty years, and the men who suffered those losses are dead and gone; their children are dead and gone; the papers have passed away; the worms have eaten up the evidence; and that money is in the Treasury yet. So I fear this Geneva award is likely to follow in the course of the French spoliation claims and remain in the Treasury, unless we can meet the question and dispose of it according to the intention of those who rendered the award and according to the purposes of the arbitration itself.

Now, sir, I shall vote for the pending motion, with no desire to

postpone for an hour the proper appropriation for the arrears of pension, but only with a desire to meet this question which the Senator from Illinois says it will take so much time to dispose of, and he thinks the discussion will be lost, as we can take up other matters and discuss them. Let me ask how much time in this Congress and in the last Congress has been spent in this House and in the other upon the consideration of this question that will be lost and must be begun *de novo*, and be all gone over again, if we do not act now? There is scarcely any measure now before Congress that has taken so much time in its consideration, all of which will be lost now unless action be taken upon this House bill that has gone through the other branch. Whatever may be the decision of the Senate, it will remain the basis of a conference report, so that there may be a final determination of the question, and save us the reproach which is beginning to come upon us of considering this fund as part of the money in the Treasury to be spent for current expenditures.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. HAMLIN] that the pending orders be postponed and that the Senate now proceed to the consideration of the Geneva award bill. Upon this question the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HAMLIN. I have been requested to say that the Senator from New York [Mr. CONKLING] is now detained on the duties of a committee. That is the reason he is not here.

The roll-call having been concluded, the result was announced—yeas 25, nays 40; as follows:

YEAS—25.			
Anthony,	Chandler,	Jones of Nevada,	Rollins,
Barnum,	Dawes,	Lamar,	Sargent,
Blaine,	Dorsey,	Matthews,	Spencer,
Booth,	Eaton,	Mitchell,	Wadleigh.
Burnside,	Grover,	Morrill,	
Cameron of Pa.,	Hamlin,	Patterson,	
Chaffee,	Hoar,	Plumb,	
NAYS—40.			
Allison,	Dennis,	Kernan,	Ransom,
Bailey,	Edmunds,	Kirkwood,	Saulsbury,
Bayard,	Eustis,	McCree,	Shields,
Beck,	Ferry,	McDonald,	Teller,
Bruce,	Gordon,	McPherson,	Thurman,
Butler,	Harris,	Maxey,	Voorhees,
Cameron of Wis.,	Hereford,	Merrimon,	Wallace,
Coke,	Howe,	Morgan,	Whyte,
Davis of Illinois,	Ingalls,	Oglesby,	Windom,
Davis of W. Va.,	Jones of Florida,	Paddock,	Withers.
ABSENT—11.			
Cockrell,	Garland,	Kellogg,	Sannders,
Conkling,	Hill,	McMillan,	Sharon.
Conover,	Johnston,	Randolph,	

So the motion was not agreed to.

PERSONAL EXPLANATION.

Mr. EDMUNDS. I ask unanimous consent to make a personal explanation.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS. I wish to state that not being well last night I was not here at the evening session. On reading the RECORD just now, I see that the Senator from Alabama who sits nearest me [Mr. SPENCER] stated in reference to a bill for an additional judge in Dakota thus:

This bill has been petitioned for by the General Assembly of the Territory of Dakota, by a memorial sent here, and the chairman of the Committee on the Judiciary has examined the bill and is satisfied with it.

I merely wish to say that the Senator from Alabama was mistaken. I stated to him in a conversation about it that I had not examined the bill, and he misunderstood me. I could not, therefore, have been satisfied or dissatisfied with the bill. It may be perfectly right or otherwise. I merely wished to say this, Mr. President, because I did not know what the necessity for the bill was.

APPROPRIATIONS FOR PENSION ARREARS.

Mr. INGALLS. I move that the Senate now proceed to the consideration of House bill 6462.

The VICE-PRESIDENT. The Senator from Kansas moves that the Senate now proceed to the consideration of the bill, which will be reported by its title.

The Secretary read the title of the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. INGALLS. Now I yield to the Senator from Indiana.

PROPOSED EVENING SESSION.

Mr. VOORHEES. In accordance with the suggestion and request of many Senators, as well as in accordance with my own sense of public duty, I desire to submit to the Senate a proposition: that when we cease business this afternoon it be to take a recess until half past seven o'clock, to proceed with the Calendar to-night, commencing where we left off last evening in the general call, taking up unobjected cases.

Mr. INGALLS. The Senator should say "this morning," because we have proceeded since last evening with the general call of the Calendar.

Mr. VOORHEES. I had forgotten that.

The VICE-PRESIDENT. Will the Senator from Indiana please state his proposition again?

Mr. VOORHEES. It is that this afternoon when the Senate rises it take a recess until half past seven o'clock for the purpose of taking up this evening the Calendar and considering unobjected cases, commencing at the point where we left off this morning.

The VICE-PRESIDENT. Is there objection?

Mr. HAMLIN. If the Senator from Indiana will qualify his motion or suggestion by confining it to taking up unobjected cases from the House, I will not object; but I regard it as the sheerest folly to come here and spend the night in passing Senate bills expecting that they are going to get favorable action in the House. There is good sense in coming here and completing such legislation as we may. Now, if the Senator will confine his motion to action upon bills from the House, I shall interpose no objection; but if he does not, I interpose an objection and I will not come here for any legislation so foolish, in my judgment.

Mr. WITHERS. With reference to the proposition made by the Senator from Indiana, I would simply recall the fact that yesterday morning I gave notice that I would ask the Senate some time to-day to take up for consideration and action the resolutions passed by the House of Representatives on the occasion of the death of B. B. Douglas, of Virginia.

Mr. VOORHEES. I beg the Senator's pardon. I did not hear that announcement. Had I heard it I would have taken it into consideration. I will now modify the proposition by making it for to-morrow evening instead of this evening.

Mr. HOAR. I desire to inquire if that proposition now adopted will not have the effect of depriving the Senate of the right to devote those hours to an appropriation bill, unless they shall unanimously rescind this order?

The VICE-PRESIDENT. The Chair will suggest to the Senator from Indiana that he renew his proposition to-morrow.

Mr. VOORHEES. I give notice then that I will renew this proposition at the proper time to-morrow for to-morrow evening.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4414) to amend the laws relating to internal revenue.

The message also announced that the House had passed the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses, with amendments in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 19) for the relief of Captain James M. Beeber;

A bill (S. No. 333) for the relief of Thomas J. Choate, Erastus Foster, Milton Ladd, Clarence E. Haney, William A. Hill, Kneeland F. Huckaby, and William Blackburn, late privates in Company F, Third Regiment Arkansas Cavalry Volunteers;

A bill (S. No. 401) for the relief of Charles H. Mosely;

A bill (S. No. 713) for the relief of Martin Clark;

A bill (S. No. 793) for the relief of Edwin R. Clarke;

A bill (S. No. 837) for the relief of the officers and privates of the New Mexico Mounted Volunteers;

A bill (S. No. 1268) to authorize the Secretary of War to convey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac;

A bill (S. No. 1365) to place Lewis Leffman, ordnance-sergeant United States Army, on the retired list; and

A bill (S. No. 1475) for the relief of the sureties, &c., of Samuel M. Reynolds, late additional paymaster of United States volunteers.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 61) for the relief of the Richmond Female Institute, of Richmond, Virginia; and

An act (S. No. 217) for the relief of John A. Shaw.

EXECUTIVE SESSION.

The VICE-PRESIDENT. There is a bill before the Senate, House bill No. 6462, which will be read.

Mr. EDMUNDS. Before the Secretary reads the bill I think it desirable for the public interests that there should be a short executive session, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty minutes spent in executive session the doors were reopened.

TENTH CENSUS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses; and they were referred to the special committee on the tenth census.

AMENDMENTS TO BILLS.

Mr. MORRILL, from the Committee on Finance, submitted an amendment to be proposed to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Finance, reported an amendment to the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes; which was ordered to be printed.

Mr. HOWE, from the Committee on the Library, reported an amendment to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB, Mr. RANSOM, and Mr. BRUCE submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. EUSTIS, Mr. THURMAN, Mr. McPHERSON, Mr. INGALLS, (by request,) and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. McDONALD, Mr. HOWE, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BECK and Mr. BUTLER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. ROLLINS submitted an amendment intended to be proposed by him to the bill (H. R. No. 4810) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes; which was ordered to be printed.

S. W. FERGUSON.

On motion of Mr. LAMAR, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1844) to remove the political disabilities of S. W. Ferguson, of Mississippi.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed by a two-third vote.

ORDER OF BUSINESS.

Mr. VOORHEES. I made an appeal last night just as we were adjourning in behalf of a real and genuine charity. There is a bill here, in the order of business No. 1057, for the relief of Mark Walker, which is recommended by the Secretary of War in a letter to the Military Committee. That committee made a unanimous report upon the bill, it being for the relief of a man who is perhaps on his death-bed and who is eating the bread of charity. I hope that there will be no objection to giving the two minutes it will take to pass the bill, so that it may go over to the other end of the Capitol and become a law.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Is there objection to the request of the Senator from Indiana?

Mr. INGALLS. When the Senate proceeded to the consideration of executive business several hours ago it was with the understanding that besides the executive session merely formal business should be transacted, and the Senate should then resume the consideration of the bill making appropriations for the arrears of pension. Several hours have been consumed in executive business; and I feel, in view of the fact that the Committee on Appropriations will soon have another bill to report, that I must call for the regular order and resist all appeals made to me by Senators upon either side of the Chamber. If there is any case that calls for sympathy it is that of those who are the beneficiaries of this bill.

Mr. VOORHEES. Of course if the Senator from Kansas desires to object he can do so; but the bill could have been passed and this man relieved while the Senator was talking about it.

Mr. INGALLS. I ask for the reading of the bill.

The PRESIDING OFFICER. The Secretary will report the bill.

Mr. VOORHEES. I beg the Senator's pardon; I thought he was insisting on his objection. The bill is order of business 1057, Senate bill No. 1791, for the relief of Mark Walker.

The PRESIDING OFFICER. Does the Senator from Kansas withdraw his objection to the present consideration of the bill named by the Senator from Indiana?

Mr. INGALLS. I call for the reading of the arrears of pensions appropriation bill, which is the regular order. I say to the Senator

from Indiana there will be no trouble about getting time to pass his bill after this bill is disposed of.

APPROPRIATION FOR PENSION ARREARS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes.

The Secretary proceeded to read the bill.

The PRESIDING OFFICER. The amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the bill.

The first amendment of the Committee on Appropriations was, after line 25, to insert:

The pension agents shall receive for their services and expenses in paying the arrears upon pensions allowed previous to January 25, 1879, including postage on the vouchers and checks sent to the pensioner, thirty cents for each payment; and the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated for the payment of the same.

The amendment was agreed to.

The next amendment was, after the word "pensions," in line 41, to strike out "granted by special act of Congress, unless the special act fixes the rate and duration of the pension, and pensions;" so as to read:

That section 1 of the act of January 25, 1879, granting arrears of pensions, shall be construed to extend to and include pensions on account of soldiers who were enlisted or drafted for the service in the war of the rebellion," &c.

The amendment was agreed to.

The SECRETARY. The next amendment is, in line 46, after the word "hostilities," to insert:

Mr. DAWES. I am instructed by the Committee on Finance to offer an amendment to that amendment by adding after the last words of the amendment the following—

Mr. INGALLS. Will the Senator allow the amendment of the Committee on Appropriations to be first acted upon?

Mr. DAWES. I thought this could be added to that, but it makes no difference.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the amendment recommended by the Committee on Appropriations has not yet been reported to the Senate. The Secretary will report the last amendment of the committee.

The SECRETARY. The Committee on Appropriations propose to add after the word "hostilities," in line 46, the words, "and before being mustered out;" so as to read:

Account of soldiers who were enlisted or drafted for the service in the war of the rebellion, but died or incurred disability from a cause originating after the cessation of hostilities, and before being mustered out.

Mr. DAWES. I do not know but that it would be just as well to let that amendment be acted on first.

The amendment was agreed to.

Mr. DAWES. Now, Mr. President, I offer the following amendment from the Committee on Finance:

After the word "out," in line 47, at the end of the bill, insert: *Provided*, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.

Mr. DAVIS, of Illinois. That is right.

Mr. DAWES. That is to meet the uncertainty of the phraseology of the law, whether it would not go back to the date of the discharge, whether the disability occurred before or no.

Mr. INGALLS. When that amendment is acted upon I desire to submit an amendment from the Committee on Pensions.

The amendment was agreed to.

Mr. INGALLS. I offer, from the Committee on Pensions, an amendment to the bill, which I ask to be reported.

Mr. MORRILL. Will the Senator from Kansas allow me to offer an amendment that comes in here appropriately?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Vermont?

Mr. INGALLS. Not now, please.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Kansas, [Mr. INGALLS.]

The SECRETARY. It is proposed to add to the bill the following:

That as soon as practicable after June 30, 1879, the Commissioner of Pensions shall divide the United States and the Territories into districts, the number of which may afterward be increased or diminished, as the exigencies of the service shall seem to require, provided that the number shall at no time exceed sixty, and designate convenient posts in each of said districts where the commission provided for by this act shall attend to make medical and surgical examinations, and to take testimony in pension cases. The commission shall attend at each of said posts at least once in each year, and, wherever exigencies of the service demand, a more frequent attendance shall be provided for. The designation of posts for each district, with the time of attendance of the commission at each, shall be embodied in an order or orders of the Commissioner of Pensions, and published in a newspaper having a general circulation in the district. Whenever any change in the posts or the time of attendance thereat by the commission is made, it shall be published in the same manner.

SEC. —. The Commissioner of Pensions shall detail one of the pension surgeons and one of the pension clerks provided for by section 3 of this act to duty in each of said districts to make medical and surgical examinations authorized by the pension laws, and to take the testimony in pension cases, under the direction of the Commissioner of Pensions. The pension surgeons and pension clerks who shall be detailed upon any such commission shall be authorized to administer oaths to claimants, their witnesses, and the pensioners who shall appear before them, or either of them, and they may proceed together or separately in the performance of their duties, as the Commissioner of Pensions shall direct. The testimony taken by the commission in the cases shall be reduced to writing, as near as may be in

the language of the witnesses, and shall be subscribed and sworn to by them in presence of the commission, or some member thereof. When the claimant shall have produced all the testimony he desires to furnish, the same shall be forwarded to the Commissioner of Pensions for the settlement and adjustment of the claim. If it shall appear to the Commissioner of Pensions in any case or class of cases that the attendance of a claimant or his witnesses before the commission is impossible, or would be an extreme hardship, or that such attendance is unnecessary to a proper adjustment of the claim, the testimony may be taken or medical examination made in such other manner as the Commissioner of Pensions shall prescribe, but no additional expense to the Government shall thereby be incurred. And when, in his opinion, the interests of the Government require it, or justice will be better subserved thereby, the Commissioner of Pensions may require not exceeding three of said pension surgeons to meet together for the purpose of making medical and surgical examinations of pensioners and claimants.

SEC. — That the Secretary of the Interior shall appoint to the Pension Office as many pension surgeons who have had not less than ten years' active experience in the practice of medicine and surgery, as shall be necessary to carry out the provisions of this act; and, when practicable and not inconsistent with the interests of the service, surgeons who have had experience as Army or Navy surgeons shall be appointed. The Secretary of the Interior shall also appoint to the Pension Office a sufficient number of pension clerks to meet the requirements of this act, who shall be persons learned in the law, and who shall have had experience in the practice of their profession. Such pension surgeons and pension clerks shall hold their commissions at the pleasure of the Secretary of the Interior; and when any vacancy shall occur, by removal, death, resignation, or otherwise, the same may be filled as a new appointment.

SEC. — The Commissioner of Pensions shall cause to be examined by a surgeon, as often as once in two years, all invalid pensioners whose disabilities are liable to become of less degree than that for which the pension was allowed; and he may cause any invalid pensioner to be examined by a surgeon at such times and as often as he shall deem it for the interests of the Government. If, upon the medical examination of any invalid pensioner, it shall appear that the disability on account of which his pension was allowed is less than the degree pensioned, the Commissioner shall readjust and re-rate the pension as justice may require.

SEC. — If, after a pension has been allowed, the Commissioner of Pensions shall have good cause to suspect that the same has been procured through fraud or misrepresentation, or for any other reason is of opinion that it ought not to continue, after first giving reasonable notice to the pensioner of such intended investigation, he shall cause the case to be investigated by the members of the commission for the district.

SEC. — The pension surgeons and pension clerks provided for by this act shall each receive a salary at the rate of \$2,500 per annum, and in addition thereto shall be allowed their actual and necessary transportation expenses, upon bills to be approved by the Commissioner of Pensions.

SEC. — Declarations in pension claims may be made before any member of a pension commission provided for by this act, as well as before the officers named in section 4714 of the Revised Statutes.

SEC. — Section 4776 of the Revised Statutes is hereby amended so as to read as follows: "The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who shall have been in the active practice of medicine and surgery, who shall perform such duties in the adjustment of pension claims as shall be prescribed by the Commissioner of Pensions. His salary shall be \$2,500 per annum."

SEC. — All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of January, 1890, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons, and children under sixteen years of age.

SEC. — Sections 4709, 4744, 4771, 4772, 4773, 4774, 4775, and 4777 of the Revised Statutes are hereby repealed, to take effect June 30, 1879.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is on agreeing to the amendment of the Senator from Kansas, [Mr. INGALLS.]

Mr. ANTHONY. I think this is a pretty long rider to an appropriation bill. I should like to have the chairman of the Committee on Pensions explain what is the meaning and effect of this amendment. Nobody can understand it from merely hearing it read.

Mr. EDMUNDS. Mr. President, I make the point of order that it is legislation on a general appropriation bill.

Mr. INGALLS. I respond to the point of order that this is not a general appropriation bill.

Mr. EDMUNDS. I think it is.

Mr. INGALLS. And further that this amendment is reported by a standing committee of the body.

Mr. EDMUNDS. That does not help it any. It is legislation, and I make the point of order that it is not germane either. I insist upon all the points in Rule 29, Mr. President.

The PRESIDING OFFICER. The Chair will examine the rule.

Mr. MITCHELL. While the Chair is doing that, I ask permission to offer an amendment to an appropriation bill.

The PRESIDING OFFICER. The amendment will be received.

Mr. ANTHONY. I hope we shall have some explanation of this amendment, for it changes the whole pension law.

Mr. INGALLS. I do not understand whether the Chair has yet decided upon the point of order.

Mr. ANTHONY. I understood the Chair to say that the amendment would be received.

The PRESIDING OFFICER. The question of order of the Senator from Vermont embraces some five or six points, and the Chair is examining the rules and the bill before he gives his opinion. [A pause.] The Chair is of opinion that this is not a general appropriation bill. The term "general appropriation bill" derives its meaning from the usages of the two branches of Congress. In the House of Representatives the bills treated as general appropriation bills are specially mentioned and described in their rules, and obliged by the rules to be reported within a particular time. The Chair is of opinion that the phrase "general appropriation bill," according to the rules of the

Senate, applies to the regular annual appropriation bills, and to no others. The Chair will, if desired, submit the question whether the amendment is germane to the bill to the Senate.

Mr. EDMUNDS. If the Chair has decided that this is not a general appropriation bill, then the point of objection that the amendment is not germane falls within the same condemnation. I hope the Chair will be consistent with itself and overrule the whole thing.

Mr. TELLER. I desire to offer an amendment to the sixth line of section 1 of the amendment of the Senator from Kansas. I move to strike out the word "sixty" and insert "seventy-six." It seems to me the number of districts should be greater than sixty; and seventy-six would be an average of two to each State.

Mr. INGALLS. I have no objection to that amendment.

The PRESIDING OFFICER. The Senator from Colorado moves to amend the amendment.

Mr. INGALLS. The Committee on Pensions offer no objection to the amendment.

The PRESIDING OFFICER. The amendment to the amendment is accepted by the Senator from Kansas.

Mr. EDMUNDS. That does not help it. The Senator from Kansas cannot accept this amendment.

Mr. INGALLS. I stated that the Committee on Pensions interpose no objection to the amendment of the Senator from Colorado.

Mr. EDMUNDS. I was only addressing myself to the Chair, that he ought to put the question on the amendment to the amendment.

The PRESIDING OFFICER. By unanimous consent the Senator from Kansas can modify the amendment as proposed by him. Is there objection?

Mr. EDMUNDS. I object to any unanimous consent about the matter.

Mr. VOORHEES. For what is unanimous consent asked?

Mr. INGALLS. To the modification of the first section of the amendment submitted by me, by providing that the districts into which the United States shall be divided under these provisions shall not exceed seventy-six, which would allow, I suppose, as the Senator from Colorado intends to convey, two of these districts to each State in the Union. It is entirely discretionary under the proposed measure with the Secretary of the Interior as to what number of districts the Government shall be divided into, not to exceed seventy-six, if the amendment of the Senator from Colorado is adopted.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The SECRETARY. In section 1 of the amendment, line 6, it is proposed to strike out "sixty" and insert "seventy-six;" so as to read: *Provided*, That the number shall at no time exceed seventy-six.

The PRESIDING OFFICER put the question on the amendment to the amendment, and declared that the ayes appeared to prevail.

Mr. EATON. I ask for a division, unless there can be some explanation given why the number of districts should be increased to seventy-six.

Mr. INGALLS. It is wholly discretionary with the Secretary of the Interior.

Mr. EATON. I do not know that I care to give him that discretion. I want to know why sixty districts are not enough. In my judgment a good many less than sixty would be enough.

Mr. TELLER. I desire to say that the number of districts, by the amendment of the Senator from Kansas, cannot exceed sixty. In the West, for instance, if we take the Territories, there is a large extent of country. In the East the districts could be divided according to the States, such a State as New York perhaps having two, and some of the smaller States one district; yet when you get away out into the western country, where the State may be twice as large as New York, and the Territories are immense, it should be discretionary with the Secretary of the Interior to make as many posts as are necessary in order to enable the applicants to readily arrive at the post. He may have less than sixty, but he is not to exceed the number that I propose, seventy-six.

Mr. EATON. I am not satisfied with giving the power of making seventy-six districts to the Secretary of the Interior. It adds to the expense very much indeed. If I have read the amendment aright, and I have had but a moment to read it, I certainly am averse to increasing the expenditures which may be absolutely necessary under this bill. We ought to have, as my friend from Kansas would say, as narrow a limit as possible.

Mr. INGALLS. Will the Senator from Connecticut allow me to say a word?

Mr. EATON. Certainly.

Mr. INGALLS. It is the belief of the Secretary of the Interior, of the Commissioner of Pensions, and of the Committee on Pensions that the adoption of this amendment will very materially diminish the expenses of the administration of this branch of the public service. Under the present system the number of employes is about three hundred and eighty, and the annual working expenses of the bureau are \$697,630. It is believed that after this experiment has been tried for a single year the working force of the home office, as it may be called, in this city will be diminished at least one-half. If the provisions of the amendment to the bill should be carried out as reported by the Committee on Pensions the expense would be as follows, namely: One hundred and twenty surgeons and clerks, at \$2,500 each, \$300,000; the actual expense of transportation as provided by the bill, at \$300

each, \$36,000; which would leave from the present sum necessary to carry on the office the sum of \$367,630 to be distributed and expended here.

I may say that this is no novelty. It is an intended experiment, for the purpose of carrying out several reforms that have long been contemplated. Substantially this measure has been reported to the Senate at least during the last two Congresses, but the Senate has hitherto refused to act upon it. The attention of the committee, and of the Senate, and of the country, has been called to the fact that there are under the present system very great frauds perpetrated upon the Government, amounting, as the Commissioner of Pensions says, to not less than 10 per cent. of the entire pension-roll, or about \$3,000,000; or as the Committee on Pensions believe, to not less than from 15 to 20 per cent. of the entire amount expended for pensions, which would be somewhere about five or six million dollars. Under the present method of determining as to the validity of claims against the Government it is impossible, without great additional expense, to detect these frauds and save the expense that the Government is subjected to on account of them; but if this system of examining surgeons can be adopted, by which the country shall be divided into districts, where the testimony shall be taken by the surgeons and clerks, the witnesses themselves being present and the applicants being present, it is believed that not less than from three to five million dollars can be saved annually when the experiment has once been put successfully into operation.

I shall be glad to explain the details of the measure if any Senator desires to hear them; but for the present I have only to say that this is an experiment honestly intended in the direction of the reform of abuses that are admitted to exist in the administration of the Pension Bureau. I hope, therefore, that the Senate will see fit to adopt it, so that at least it may go to the committee of conference if the House should disagree, for the purpose of ascertaining whether something can be done to cure these admitted evils.

Mr. EDMUNDS. One reason that I should have for voting against this amendment would be, what the Senator from Kansas has just stated, that he wishes this ridden on to this appropriation bill in order that it may go to a committee of conference.

Mr. INGALLS. I said if the House should not agree to it.

Mr. EDMUNDS. Yes; but I do not wish to delegate any more powers to a conference committee than are absolutely indispensable, because we know the embarrassment under which we labor when a conference committee reports.

I am very sorry that this bill to appropriate the money necessary to pay the arrears of pensions, which has nothing to do with the subjects mentioned in the amendment at all, should be used as a means of carrying this amendment. The bill is to pay arrears of pensions to people whose claims have already been decided upon and established. Their names are found in the pension-rolls, and it is a mere question of computation under the law to find out how much each pensioner is entitled to. Therefore, it appears to me that this amendment has no proper relation whatever to this appropriation bill, which is merely to authorize the Treasury to pay out the money necessary to carry into effect the act of Congress which authorizes these persons to be paid the arrears of their pensions that the statute of limitations prevented their being paid before. That is the state of the case.

Now, Mr. President, for the Senator from Kansas to propose to carry this measure, be it good or bad, on to this appropriation bill is, as it appears to me, an unwise thing, without reference to what might be thought to be the merits of it if it stood by itself. The Senator says that it has been often presented to the Senate, and the Senate would not act upon it. So much the worse in respect of our being asked to act upon it now perforce by an amendment moved on an appropriation bill it appears to me. If this had been a measure reported, and that had merely failed at some period for want of time at the last moment, that everybody was for, there might be some argument adduced to put it on the appropriation bill; but the trouble has been whenever it has been presented before, on examination and discussion the Senate has been unwilling to try what the Senator from Kansas calls an experiment. He calls it truly an experiment, an experiment that I believe will turn out to be very expensive to the Government of the United States, and that will not have the effect to diminish frauds or to reduce expenditures, but quite the reverse as to the amount it will cost when you get it into operation. It builds up an entirely new system when we ought to have gone through in a very large degree with the administration and disposition of pension claims. Of course there are a great many that are behind, but twelve, or thirteen, or fourteen years after the end of the rebellion there ought not to be a very large mass of cases still to be acted upon that have any merit in them.

Mr. INGALLS. There are about one hundred and forty thousand unacted upon.

Mr. EDMUNDS. There are about one hundred and forty thousand unacted upon, and probably one hundred and thirty thousand of that number are the cases of those who cannot furnish the proof that the law required, as liberal as the law has been to enable parties to establish their claims. The Pension Office is not like a court of law that dismisses a case upon trial and it goes off the calendar, but a case that the Commissioner of Pensions refuses to allow goes into the files and there it is a rejected or suspended case, and anybody who can get a member of Congress or Senator to stir it up or can get an additional

affidavit filed can start that case up again; and so you can see for the next one hundred years there will be one hundred and forty thousand cases in the Pension Office that have not been proved. They will be there one hundred years hence.

That does not help it, Mr. President, and I appeal to the Senator from Kansas whether in his judgment it is quite wise to undertake to carry this proposition upon a simple appropriation bill, the law having been passed, and what these people are entitled to being a mere matter of computation in each individual case. Is it wise to try to carry this new system on a bill to appropriate the money to carry out the law allowing the arrears? It has no relevance to it, and it appears to me that it is very unwise for the Senate to take this sudden step by way of an amendment.

Now, Mr. President, in order to test the sense of the Senate whether it is willing to go into the consideration of this scheme at this late day in the session, if I can do so without carrying the bill with it (which I do not wish to do) I move to lay this amendment on the table, which I believe the rule provides for.

Mr. INGALLS. If the Senator will withdraw that motion for a moment, as it is not debatable—

Mr. EDMUNDS. Certainly I withdraw it.

Mr. INGALLS. This not being a general appropriation bill, laying the amendment on the table would carry the bill, which I suppose the Senator from Vermont of course does not desire to do.

Mr. EDMUNDS. I do not.

Mr. INGALLS. Therefore I suggest to him that if he desires to test the sense of the Senate, he should make some motion which will dispose of the amendment without imperiling the fate of the bill.

Mr. EDMUNDS. I will take the ruling of the Chair upon the point.

Mr. INGALLS. I understood the Chair to decide that this was not a general appropriation bill.

Mr. EDMUNDS. I will make the motion and then if the Chair rules it will carry the whole bill, I shall withdraw it, for I do not wish to table the bill.

The PRESIDING OFFICER. The Chair will state that the bill in the first instance came from the Committee on Appropriations, and the amendment which was offered by the Senator from Kansas was in the first place introduced and referred to the Committee on Appropriations, dealing with the bill as if it were a general appropriation bill. The attention of the Chair was not called especially to that subject before. Therefore, when the Chair held that unanimous consent was necessary for the Senator from Kansas to modify the amendment, the Chair supposed that it was an amendment which the rules required to have been first referred to the Committee on Appropriations; but the Chair, on his attention being called by the Senator from Vermont, is satisfied that this is not a general appropriation bill within the rules of the Senate. Therefore, it follows that the Senator from Kansas may accept of his own motion an amendment suggested to his amendment without the consent of the Senate; and it also follows that this motion to lay on the table could not be made without carrying the whole bill with it if it should succeed.

Mr. THURMAN. I understand the Chair to rule that this is not a general appropriation bill. I do not know where is the distinction between a general appropriation and a special or particular appropriation bill. It seems to me under our rules, but I say it with great submission, that upon any appropriation bill (and this is plainly an appropriation bill) it is competent to move to lay an amendment on the table.

Mr. INGALLS. I call the attention of the Chair to the last clause of Rule 29, which says:

And any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

The irresistible inference from that would be that if the bill be not a general appropriation bill, laying the amendment on the table would also make the same disposition of the bill.

The PRESIDING OFFICER. The Chair has so stated.

Mr. THURMAN. Will the Senator from Kansas please tell me what is a general appropriation bill?

Mr. INGALLS. A general appropriation bill, as I understand, is one acted on by the Committee on Appropriations under what is known as the long-established custom of the Government as a general appropriation bill. I should call a special appropriation bill a river and harbor bill, for instance, or a bill making appropriations to pay particular claims.

Mr. THURMAN. Now the Senator has hit the nail on the head. An individual appropriation bill is one thing; but when a bill comprises a whole mass of individuals like the pensioners of the United States, to call that a special appropriation bill strikes me as very singular.

Mr. INGALLS. The rule does not apply to that.

The PRESIDING OFFICER. The Chair has already ruled, when the Senator from Ohio was not in his seat, that the term "general appropriation bill," in the opinion of the Chair, includes the twelve annual appropriation bills which are reported year by year for the general expenses of the Government, and that it does not include bills like this which come up only on a special occasion and are not of annual recurrence and are not to carry on the general operations of the Government. The practice of the Senate, which has existed for some years, in regard to a somewhat similar bill to carry out the decisions of the southern claims commission, is to the same effect. That

bill is never treated as a general appropriation bill, but is referred to the Committee on Claims, and not to the Committee on Appropriations.

Mr. EDMUNDS. If the Senator from Ohio will yield to me a moment I should like to call the attention of the Chair, on the question of what is a general appropriation bill, to the twenty-seventh rule of the Senate, which says:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

Now I submit to the Chair with some confidence that that is the express recognition of the fact that a river and harbor bill is a general appropriation bill.

The PRESIDING OFFICER. Undoubtedly.

Mr. EDMUNDS. That is a bill that the laws of the United States do not require to be passed, as they do the legislative bill, for instance to pay the obligations of the Government for salaries that are fixed by law, or any other of that class of bills; but it is a bill that rests every year in the discretion of Congress.

Now, here is a bill to carry into effect and furnish the money to carry out a general law of Congress which has provided that the whole class of the people of the United States who fall within certain descriptions shall be entitled to certain sums of money, just as the legislative bill provides that a whole class of certain of the people of the United States who fall within certain descriptions, that is those who hold office, shall be paid their salaries. I wish the Chair would submit—because I do not desire to appeal; it is too late for that—I wish the Chair would submit the question to the Senate whether this falls within the principle of a general appropriation bill.

The PRESIDING OFFICER. The Chair will do so cheerfully. The Chair will submit to the Senate the question as requested by the Senator from Vermont. Is the pending bill a general appropriation bill within the meaning of Rule 29?

Mr. KIRKWOOD. I do not know anything about the question of order, and I do not know whether I have the right to say anything in regard to the matter now.

Mr. EDMUNDS. You cannot debate the merits.

Mr. KIRKWOOD. If I have not the right to allude to the merits of the measure, I have nothing to say, but I should like to say a few words touching it if it be in order.

Mr. INGALLS. I think we had better decide the question of order first.

The PRESIDING OFFICER. Is this a general appropriation bill within the meaning of the twenty-ninth rule? Those of that opinion will say "ay;" those of the contrary opinion will say "no," [putting the question.]

The question being put, there were on a division—ayes 13, noes 25; no quorum voting.

Mr. WITHERS. There are several Senators in the Chamber who have not voted either way. I ask that there be another division on the question to secure the expression of the opinion of a quorum of the body.

The PRESIDING OFFICER. The Chair will again put the question.

The question being again put, there were on a division—ayes 14, noes 30.

The PRESIDING OFFICER. The point of order is overruled by the Senate.

Mr. INGALLS. What is the question now, Mr. President?

The PRESIDING OFFICER. The Chair understands the Senator from Kansas to accept the amendment of the Senator from Colorado. Then the question is on the amendment proposed by the Senator from Kansas as modified.

Mr. EDMUNDS. That strikes out "sixty" and inserts "seventy-six," I believe?

The PRESIDING OFFICER. That is the modification.

Mr. VOORHEES. I feel it due to myself to say a few words in regard to the amendment proposed by the chairman of the Committee on Pensions. There is no question that the business of the Pension Office is in a deplorable condition, and there is no question that something ought to be done. What that something is has given my mind a great deal of trouble. The amendment offered by the chairman of the Committee on Pensions comes as a proposition from the committee it is true; yet it was never considered while I was present; and, while I do not mean to oppose a measure emanating from the committee, I desire to express my dissent from the pending measure. I do not believe that it will accomplish what ought to be accomplished in the settlement of pension cases. It is a thorough and radical change of the manner of doing business. Instead of organizing an outside traveling corps of special officers, I believe it would be best to reorganize the inside of the Pension Office and make it more fit to do the business there. This amendment contemplates the appointment of some two or three hundred additional Federal officers. They are to travel in pairs. It provides for the appointment of a doctor and a lawyer in pairs to travel together, each being paid the handsome salary of \$2,500 a year. Look at section 3:

That the Secretary of the Interior shall appoint to the Pension Office as many pension surgeons, who have had not less than ten years' active experience in the practice of medicine and surgery, as shall be necessary to carry out the provisions of this act—

That is a very broad and sweeping power—

and, when practicable and not inconsistent with the interests of the service, surgeons who have had experience as Army and Navy surgeons shall be appointed.

There can be no objection to that.

The Secretary of the Interior shall also appoint to the Pension Office a sufficient number of pension clerks to meet the requirements of this act, who shall be persons learned in the law, and who shall have had experience in the practice of their profession. Such pension surgeons and pension clerks—

One learned in medicine and the other in law—a disciple of Esculapian and one of Blackstone—

shall hold their commissions at the pleasure of the Secretary of the Interior; and when any vacancy shall occur, by removal, death, resignation, or otherwise, the same may be filled as a new appointment.

Mr. WINDOM. Will the Senator from Indiana yield to enable me to report an appropriation bill?

Mr. VOORHEES. Certainly.

REPORTS OF COMMITTEES.

Mr. WINDOM. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1880, and for other purposes, with sundry amendments, and I ask unanimous consent that the committee may be permitted to readjust the amendments before they are printed.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Minnesota.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, reported it with amendments.

DEATH OF REPRESENTATIVE B. B. DOUGLAS.

Mr. VOORHEES. I am under obligations to my friend from Virginia [Mr. WITHERS] for reminding me, as he has just done, that at this time he desires the Senate to take notice of the death of Mr. Douglas, late a member of the House, and I yield at once for that purpose.

Mr. WITHERS. I ask that the resolutions sent from the House of Representatives relative to the death of the late B. B. Douglas be now reported to the Senate.

The PRESIDING OFFICER. What disposition is proposed to be made of the pending bill in regard to appropriations for pensions?

Mr. WITHERS. Let it be temporarily laid aside.

Mr. INGALLS. I ask the Senator from Virginia if it is his intention to move an adjournment after the conclusion of these services, or to ask for a recess until the evening?

Mr. WITHERS. I propose to move an adjournment, but I will conform to the wishes of the Senate. It is customary to move an adjournment.

Mr. VOORHEES. I presume an adjournment follows an observance of this character as a matter of course. ["Certainly."]

The PRESIDING OFFICER. Is there objection to laying aside the pending bill temporarily for the purpose indicated? The Chair hears none. The resolutions of the House of Representatives will be reported.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 23, 1879.

Resolved, That this House has heard with deep regret of the death of Hon. BEVERLY B. DOUGLAS, a Representative from the State of Virginia.

Resolved, That the House do now suspend the consideration of all other business in order to pay appropriate respect to the memory of the lamented deceased.

Resolved, That in token of regret the members of this House do wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House do communicate these resolutions to the Senate of the United States.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

Mr. WITHERS. Mr. President, I offer the resolutions which I send to the Chair.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read as follows:

Resolved, That the Senate receives with sorrow the announcement of the death of Hon. BEVERLY B. DOUGLAS, late a member of the House of Representatives from the State of Virginia, and tenders to the family and kindred of the deceased the assurance of sympathy under their sad bereavement.

Resolved, That as a mark of respect for the memory of the deceased the members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. DOUGLAS a certified copy of these resolutions.

Mr. WITHERS. Mr. President, the continued and protracted indisposition of my colleague, the senior Senator from Virginia, has prevented earlier action on the House resolutions just reported, commemorative of the death of BEVERLY B. DOUGLAS, late Representative of the first congressional district of Virginia. This delay, not more to be regretted than its cause, will necessitate a briefer tribute to the memory of Mr. DOUGLAS than would otherwise be accorded his distinguished merit and many virtues.

The suddenly fatal attack which on the morning of the 22d of December last closed the mortal career of one so highly appreciated and honored by his fellow-citizens shocked the sensibilities of the pub-

lie and added another to the list of departed statesmen, since so sadly increased by successive fatalities until the mortality among the members of the Forty-fifth Congress has become so unprecedented as to have excited universal comment, not indeed unmingled with a degree of suspicion which if unfounded was certainly not unnatural.

Stricken down in the full vigor of matured manhood, by the unseen enemy which ever dogs our steps, prompt to seize on any unguarded avenue of approach, to sap or storm the citadel of life, he passed away, unconscious of the presence of sorrowing friends or the devoted ministrations of an affectionate and idolized daughter, and was borne to his last earthly resting place in the sacred bosom of his native State, where the dark and somber pine forests, in never ending cadence, sigh their mournful requiem.

BEVERLY B. DOUGLAS was born in New Kent County, Virginia, on the 21st day of December, 1822, and was called away on the 22d of December, 1878, having but just completed his fifty-sixth year. His career in life was neither uneventful nor unsuccessful. Descended in direct line from the historic family of the same name in Scotland, he was in many respects a worthy scion of that noble stock. His educational advantages were ample. His record in academy, college, and university, both in America and in Europe, gave assurance of a life of usefulness and distinction. A proficient in the technical lore of the two learned professions of medicine and law, he might have pursued either with every prospect of success. Influenced, doubtless, by his natural tastes and inclinations, he selected the latter, and with his characteristic energy and industry devoted himself assiduously to his practice, first in his native county of New Kent, and subsequently in King William. He speedily established his reputation as an accurate reasoner, a skilled debater, and a master of the science of law. His practice rapidly extended through the counties adjacent, and few members of the profession were more generally known or more highly esteemed.

Many years had not passed ere his own inclination and the partiality of his fellow-citizens, who correctly appreciated his capacity for more valuable service in the public councils, called him into the political arena, and from that time to the day of his death he was a prominent figure in the forefront of Virginia politicians.

His first public service, I believe, was as a member of the constitutional convention of Virginia in 1850, and here though confronted with many of the first men of Virginia he was speedily recognized as a debater of more than ordinary power, and the close of the session found him the recognized leader of the democratic party in his section of the State. In 1852 he was elected a member of the senate of Virginia and was successively re-elected by an admiring and confiding constituency for twelve consecutive years. In this arena his powers as a debater shone conspicuously and he was universally regarded by his political opponents as one of the most formidable antagonists to be encountered in the arena of debate.

His services on the hustings were more than usually arduous, conspicuous, and effective. As congressional and State canvasser, and as presidential elector, he constantly confronted, not only within his own district but throughout the State, the chosen champions of the old whig party, who, neither deficient in ability nor unknown to fame, found in DOUGLAS "a foe man worthy of their steel," and the brightest lance among them all won few trophies from the hard-hitting and thoroughly-panoplied champion of the "unterrified democracy." When Virginia was called on to furnish her quota of troops to assist in the subjugation of the seceding States, Mr. DOUGLAS, true to those doctrines of State sovereignty which he had ever advocated and sustained, felt no hesitation in dedicating his sword to the maintenance in the field of the principles he had ever inculcated in the council, and though exempt from military service by virtue of his legislative position, he at once entered the army, and, with a courage which never failed and a faith which never faltered, did his *devoir* as became a "Douglas bold," on many a well-fought field.

Returning at the close of hostilities to his country home he was at once recalled to public position at a time when the future of Virginia was shadowed by clouds and darkness and her most vital interests were threatened with destruction. In the extraordinary canvass of 1868, and the equally active contest of the succeeding year, Major DOUGLAS figured conspicuously and contributed not a little to the final triumph of conservatism over radicalism. These services were recognized and rewarded, and in 1869 he was nominated and elected a member of the Forty-fourth Congress from the first district of Virginia, and with quiet assiduity at once devoted himself to the efficient discharge of the novel duties of his high position. The business capacity and discriminating intelligence with which, as chairman of the special committee, he conducted a most laborious and difficult investigation into the management and affairs of the Freedman's Bank, marked him at once as the possessor of energy, industry, and capacity. His report on the subject will ever stand a monument of patient research and fearless declaration.

He was re-elected without opposition to the Forty-fifth Congress, a conclusive evidence of his efficiency as a Representative and the appreciative confidence of his constituents. To this brief biographical sketch I shall add but little. The rapidly closing hours of the present Congress admonish us that extended eulogy, however consonant with our feelings and appropriate to his character, may not now be indulged.

BEVERLY DOUGLAS was not without his foibles and his faults.

Not often can the world look upon a character free from imperfections, nor will the generous and noble delight to dwell on these imperfections and neglect to do homage to those high and lofty virtues which, as in the character before us, illuminate with ennobling light the memories which yet linger with us.

A personal acquaintance extending through many years enables me truthfully to characterize Major DOUGLAS as a gentleman possessed of many of the highest attributes of manhood. Generous to a fault, brave, kind-hearted, hospitable, and, above all, truthful, he scorned a mean action, but was ever ready to minister to the wants of the friendless, and with ready charity to apologize for the weak and erring, where weakness and error was stained with no taint of dishonor. He was no fair-weather friend. Once his confidence was won, nothing but dishonor could break the ties which bound him to his fellow-man, and misfortune or adversity only intensified his feelings and stimulated his affections. With such an array of virtues, who will refuse to throw the mantle of charity over his one great weakness, and remember him through all time as the kind, liberal, brave, and noble gentleman, who was "tender and true," as became one of his noble lineage.

Mr. THURMAN. Mr. President, it is with unfeigned embarrassment that I speak on this occasion. My embarrassment is caused by the fact that I not only had no personal acquaintance with the deceased, but I am not aware that I ever saw him; and I have learned, Mr. President, in the long years that I have lived, that there is nothing more dangerous and often unjust than the opinion we form of men we have never known. I am not a man of prejudices, and yet I confess that ten years ago I came into this Senate with very strong prejudices against men whom I afterward learned to esteem, if not to love; and I have come to the conclusion that no man is certain to form a correct opinion of another unless he has known him.

In the oldest church existing in Christendom it is the custom not to canonize any one until a hundred years have passed away, so that, without prejudice, without passion, a correct opinion of his character may be formed. And yet, Mr. President, I doubt whether there is any opinion of a man's character so well founded as that which is formed by the men who know him intimately and well. Therefore it is that I speak with diffidence about our departed friend; and yet, although I never knew him personally, I knew him, as we all did, by reputation. Those who knew him well and who were his personal friends and his political associates have said to me that he was a man of singular ability and great acquirements—not only in one profession, but in two of the greatest professions in the world. Mr. President, he came of that race, the Scottish race, of whom it has been said that logic is their inheritance; and from what I have heard of him, he not only inherited the logic that belongs to that race, but also the eloquence that belongs to another race and by which such wonderful power is acquired over the human heart.

Mr. President, I am well satisfied that a man so loved by those who knew him, so honored by the intelligent constituency among whom he lived, so distinguished in every public station he ever held, so much respected in every private circle, was a man whose memory it becomes us to cherish.

Mr. HEREFORD. Mr. President, again has the pale horse, mounted by his rider, Death, passed through the Halls and corridors of this Capitol of the nation and carried captive one of our brethren. Again and again of late has his terrible tramp resounded through these Halls, causing the thoughtful to stop for a while and ask themselves the question, Who next?

Neither rider nor horse ever tire. Night and day, over land and sea, ever since man became mortal, all through the lapse of countless ages have they been on their heartless errand.

We have for a while ceased from our labors for the living to commune with the dead, to pay the last sad tribute of respect to the late BEVERLY B. DOUGLAS, one of the Representatives of the State of Virginia.

Of his life and character you have heard from the lips of one of his colleagues in this body, [Senator WITHERS.] It was meet and proper that he should have done so, and well has the task been performed.

I had the pleasure of serving in the House of Representatives with him and knew him quite well. It was not difficult to know him well. He had no concealments. He was open, frank, and bold, in all of his dealings, both in public and private.

There was nothing mysterious about him. He could truthfully have said,

My outward action doth demonstrate
The native act and figure of my heart.

Mr. DOUGLAS was a fine scholar, a good lawyer, an eloquent advocate, and a powerful debater, handling all the weapons with peculiar facility and power, whether of wit, humor, sarcasm, ridicule, logic, or the most brilliant flights of oratory. He was brave and chivalrous. He had a great big heart, throbbing with noble and generous impulses, which sometimes carried him too far for his own good. There are some men to whom we are involuntarily drawn the first time we meet them. Such a man was Mr. DOUGLAS.

He was often honored by his State, and as often acquitted himself with distinction. Mr. DOUGLAS was a man of strongly marked characteristics. When dealing with an adversary his resistless will was

as impetuous as the torrent; but with his friends the hurricane of those passions was hushed as in peace, and breathed calmly and gently as a summer zephyr. A more devoted father I never knew—kind, considerate, and tender; the home is now cheerless, fatherless, and motherless. But to him who believes in the Christian religion there is one consolation in the midst of these afflictions, that there is a time coming when "Old Time, the father of centuries and the tomb-builder of generations, will drop his broken scythe and break his glass, career and fall, a giant in ruins."

Then such believer can stand over the fallen giant and exultantly exclaim, "O death, where is thy sting? O grave, where is thy victory?" But we must close. Our friend—

Serenely to his final rest has passed,
While the soft memory of his virtues yet
Lingers, like twilight hues when the bright sun has set.

Mr. WITHERS. Mr. President, the Senator from North Carolina [Mr. RANSOM] was expected to deliver some remarks on this occasion, but he has been taken sick too severely to enable him to perform his part in the allotted task. I ask that the remarks which he may have prepared to submit may be printed in the RECORD with those that have been delivered.

The PRESIDING OFFICER. (Mr. COCKRELL in the chair.) Is there objection to the request of the Senator from Virginia? The Chair hears none. [See Appendix.]

Mr. WITHERS. Now, sir, I ask the adoption of the resolutions which I submitted.

The PRESIDING OFFICER. The Senator from Virginia moves that the resolutions submitted by him be adopted.

The resolutions were unanimously adopted.

Mr. WITHERS. As a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was agreed to; and (at six o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 27, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

The SPEAKER called Mr. CARLISLE to the chair, as Speaker *pro tempore*.

PERSONAL EXPLANATION.

Mr. RANDALL, (the Speaker.) Mr. Speaker, I rise to a personal explanation. I ask the Clerk to read that which I send to the desk. The Clerk read as follows:

[Correspondence of the Public Ledger.]

NEW YORK, February 25.

The Commercial Bulletin, in its Washington dispatches to-morrow, will publish an extraordinary statement (dated September 2, 1876) from Special Treasury Agent Williams, which, as it is likely to excite the attention of Congress, deserves notice as a matter of news. The substance of it is as follows:

"The evidence is in the Treasury building to show that two appropriation warrants were illegal, signed to get money to continue operations of the Engraving and Printing department, which was directly in the interest of SAMUEL J. RANDALL, who is a large stockholder in the paper-mill which is alone authorized to supply the Bureau of Engraving and Printing with paper for bonds, bank-notes, &c., and was accomplished through the influence of RANDALL, William Hemphill Jones, and George B. McCartee. I understand that Comptroller Robert W. Taylor signed the warrant through the influence and misrepresentations of Jones, and it is said, Conant signed as Acting Secretary in Bristow's absence, and with a full knowledge of the illegality of them. Of this latter I am not prepared to say, but think it true; but that there was two such warrants issued, amounting, together, to about \$270,000, (\$263,000 is the real amount,) there is no doubt, and the warrants can be produced.

"H. L. WILLIAMS,
"Special Agent."

"To Major WILLIAM B. MOORE,
"Supervising Special Agent, United States Treasury."

Your correspondent invited the attention of Ex-Secretary Bristow (now in this city) to these extraordinary charges, and he had no hesitation in pronouncing them utterly without foundation, so far as his knowledge extends. "No one who knows Mr. RANDALL," he says, "will for one moment believe what Williams says, and as to the other parties alluded to, they are men of tried integrity." That Mr. RANDALL will at once take the proper notice of the statement Mr. Bristow has no doubt, seeing that Williams is still retained as an officer of the Government in the Treasury Department.

Mr. RANDALL, (the Speaker.) Immediately upon reading that communication last evening, I sent to the editor of the Philadelphia Ledger the telegram which I ask the Clerk to read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 26, 1879.

WILLIAM V. MCKEAN, Esq.,
Editor Ledger, Philadelphia:

There is not one syllable of truth in Williams's statement as to Engraving and Printing Bureau published in New York correspondence of to-day's Ledger, nor a semblance of justification for such infamous slander as far as I am concerned or know.

Publish full and unequivocal contradiction to-morrow.

SAM. J. RANDALL.

Mr. RANDALL, (the Speaker.) I think it due to the House to say at this time that never in my life have I had one dollar of interest as a stockholder, or in any other way, directly or indirectly, in any paper-mill in the United States or elsewhere; nor has any one, either nearly or remotely connected with me, ever had any such interest. I have never had, directly or indirectly, as a stockholder or in any other way, any interest in any bank-note company in the United States or elsewhere.

And I want to add, further, that I never in my life spoke to Mr. Bristow, Mr. Conant, Mr. Jones, Mr. Taylor, or any other person in reference to an appropriation warrant for any purpose whatever; and of course I never spoke to any one in regard to, nor did I know of, the two appropriations mentioned in the article which has been read by the Clerk, until I came to read that article. I now submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That a select committee of five members of this House be appointed by the present occupant of the chair, whose duty it shall be to make immediate inquiry into the statements made in the letter dated September 2, 1876, addressed to William B. Moore, supervising special agent of the United States, and signed by H. L. Williams, special agent, which said letter has been heretofore read to this House, and which contains a statement as to alleged fraudulent appropriation warrants said to have been issued at the instance of a member of this House in favor of the Bureau of Engraving and Printing; that said committee have power to send for persons and papers, administer oaths, and report at any time to this House the result of said inquiry.

Mr. HALE. If the gentleman from Pennsylvania, the Speaker of this House, feels that any investigation is needed for his own vindication and to set any question that has been raised by anybody as to his personal integrity in a clear light before the country and at rest forever, then I am in favor of the passage of this resolution upon the ground that he desires it. But I want to say here for myself, and I think I can speak for many, that I do not believe that the Speaker needs it. I do not believe that any duty is imposed upon the Speaker of this House, because of unauthorized and unfounded and unjustifiable and slanderous newspaper declarations, to put himself upon a formal vindication.

His record has been long and well known to the country upon all matters relating to appropriations, jobs, and schemes to deplete the Treasury. I am glad to say that for ten years, though he and I have had hot political battles, it has been one of the pleasures of my experience to act hand in hand with him in opposing raids upon the Treasury from the beginning. I do not think he needs this committee for his vindication, but I am willing to take his suggestion in regard to it.

Mr. RANDALL, (the Speaker.) I am very much indebted to the gentleman from Maine [Mr. HALE] for the kind manner in which he has spoken of me, and I want to say to him that I deeply appreciate his words. But upon this subject my mind is made up. I believe that this is necessary and due to me as a Representative of the people upon this floor; it is due to you, members of this House; it is due to the House of which I am the Presiding Officer; it is due to the country, that my vindication in these respects should be made of public record, for I have no fear in the face of God or man of the result.

Mr. MILLS. Might I suggest to the gentleman from Pennsylvania that this Congress will expire in a few days?

Mr. RANDALL, (the Speaker.) For that reason I have inserted the word "immediate" in the resolution, so that the committee may proceed at once.

Mr. HALE. I hope the gentleman from Pennsylvania did not understand me as opposing his wishes in this matter.

Mr. RANDALL, (the Speaker.) No, sir; I did not. I understand the gentleman to be my friend.

Mr. KELLEY and Mr. THOMPSON rose.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] yield the floor to any one?

Mr. KELLEY. I desire to say a few words.

Mr. RANDALL, (the Speaker.) I do not wish to take up too much of the public time with this matter.

Mr. KELLEY. I will not consume much time. Mr. Speaker, I am the immediate colleague of the Speaker of this House. We have served together here sixteen years, and I know the esteem in which he is held in Philadelphia. We have at intervals of two years during those sixteen opposed each other politically before the people, as we had done for long years before. I desire to say to him and this House that I fear the measure he proposes will if granted do nothing but dignify a scoundrel by bringing his name before Congress and the public. My colleague has done well in denouncing the infamous lie and demanding this investigation; but I agree with the gentleman from Maine [Mr. HALE] that it is entirely unnecessary for the vindication of the reputation of the Speaker. I am able to assure this House that whatever political asperity may be felt toward my colleague in Philadelphia, I do not believe there is among the nearly one million inhabitants of that city one man who may read it who will not throw this infamous slander from him with the remark, "RANDALL may be a bitter partisan, but he who charges him with want of personal integrity is a liar." [Applause.]

Mr. THOMPSON. Mr. Speaker, my apology for the intrusion at this time is not alone that my colleague and I are Pennsylvanians; not only that we have known each other for more than twenty years—there is another reason. Eighteen years ago, when we were both

young men, when life was just opening to us, so to speak, when the whole future was spread before us, it was our lot to meet as republican and democrat in the Legislative Assembly of the State of Pennsylvania, and it was our fortune to be engaged in the deliberations of that body for two sessions—he a democrat, as he is now: I a republican, as I have always been. While we disagreed widely upon political questions, and while sometimes doubtless feelings of unpleasantness were the result of political controversy and disagreement, there has not lived in that time in the State of Pennsylvania, nor does there live now, any man, whether republican or democrat, whether politician or otherwise, who has for a single moment entertained a suspicion that the honesty of my colleague was not as clear as a sunbeam.

I read this article this morning with pain, not because it did or could injure my colleague, but because an aspersion, unfounded, false, and slanderous, was made upon a political opponent, yet a personal friend. I concur in the expressions which have been made that personally and politically my colleague needs no vindication from a charge of this kind by the examination or report of a committee, and he has dignified it in a manner which I think he might have omitted with justice to himself and with entire safety to his reputation wherever he is known and wherever he may in the future be known.

If, however, my colleague thinks this is a personal matter in regard to which he should have justification at the hands of a committee—while I believe that the report of fifty committees unanimous in his favor, unanimous in denouncing the slander in terms as strong as the English language can command, would be useless as regards removing suspicion which no charge of this kind ever has created or ever can create against my colleague—yet if he asks as a personal favor the adoption of this resolution, I for one will cordially urge my friends on this side to join in adopting it, not with the view of vindicating his reputation, which is entirely unnecessary, nor with the view of investigating the truth or falsity of this accusation, which no one believes, but for the purpose of putting upon the records of this House our detestation of an offense without excuse, without palliation, and almost without a parallel.

Mr. RANDALL, (the Speaker.) Mr. Speaker, I now ask a vote. I hope the House will unanimously agree to the resolution. I do not ask this action with reference to to-day, because the people who live with me and about me know my character; but I desire that an impartial official report upon the truth or falsity of this statement shall go into history. I will only add that I am very much obliged to the gentlemen who have spoken of me so kindly.

The resolution was adopted unanimously.

The SPEAKER *pro tempore*. The present occupant of the chair will take occasion at as early an hour as possible during the day to announce the committee provided for by the resolution.

Subsequently, the Speaker *pro tempore* [Mr. CARLISLE] announced as the committee Mr. CANDLER of Georgia, Mr. LYNDE of Wisconsin, Mr. THROCKMORTON of Texas, Mr. FRYE of Maine, and Mr. MONROE of Ohio.

The SPEAKER then resumed the chair.

ORDER OF BUSINESS.

Mr. TUCKER. I rise to call up the unfinished business of last evening, the report of the committee of conference on the internal-revenue bill.

Mr. YOUNG, of Tennessee. I rise to make a privileged report.

The SPEAKER. There is a privileged report already under consideration—the report of the conference committee—a matter of the highest privilege.

Mr. TUCKER. I yield for a moment to my friend from Pennsylvania, [Mr. BRIDGES.]

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] rose to make a privileged report and the Chair declined to recognize him on the ground that there was one privileged report already pending.

Mr. TUCKER. I think, then, the gentleman from Pennsylvania will have to excuse me.

The SPEAKER. If the gentleman from Virginia does not wish to proceed at once, the gentleman from Pennsylvania and the gentleman from Tennessee might be recognized by unanimous consent.

Mr. CONGER. I have the floor, and the gentleman from Virginia has no right to consent or object as the floor cannot be taken away from me.

The SPEAKER. That is in the nature of an objection.

Mr. CONGER. I wish to be recognized.

The SPEAKER. The Chair will recognize the gentleman from Michigan as soon as the consideration of the conference report is resumed.

Mr. CONGER. Then I do not insist.

Mr. TUCKER. I do not propose to shut out my friend from Michigan at all.

VENTILATION OF THE HALL.

Mr. YOUNG, of Tennessee. I am instructed, Mr. Speaker, by a select committee to submit the following report:

The Clerk read as follows:

Mr. CASEY YOUNG, from the Select Committee on Ventilation of the Hall, submitted the following report:

The select committee charged with the duty of inquiring into the present method of heating, lighting, and ventilating the Hall of the House of Representatives, and whether or not its acoustic properties can be improved, have given the subject a

most patient and careful investigation, aided by all the information attainable from any source within their reach, as well as by the assistance and advice of the most experienced and competent scientists with whom they have been able to confer.

The defects in the structure of the Hall of Representatives, in respect to heat, light, ventilation, and acoustics, have been the subject of grave and serious complaint ever since its completion, and the difficulties in overcoming them have never yet been solved in a manner entirely satisfactory to those who have undertaken it, with anything of a correct apprehension of the character and magnitude of the task. Many efforts have been made in the past fifteen years to accomplish this result, and at a considerable cost, and while those who have conducted some of them were of opinion that no improvements in the particulars mentioned were either necessary or practical, and while others of them believed that they had succeeded in effecting all that was desired, your committee have concluded that both classes were mistaken, and that the most radical changes and improvements are urgently demanded for the comfort and health of members, and that but few, if any, have been made since the original completion of the Hall until within a very recent period.

The committee do not believe that the Hall with its present architectural structure can ever be ventilated so as to be entirely healthy or free from many objections and inconveniences, but they are of opinion that it may be so greatly improved that the health of those who occupy it will not be subjected to any serious danger. The same, too, is true, but in a less degree, as to light and its acoustic capacity, though they think that these latter may be so remedied that little inconvenience will result from them in the future.

The committee have availed themselves as far as possible of the labor of those who preceded them in the same line of duty, and especially of that performed by a subcommittee from the Committee on Public Buildings and Grounds during the second session of the Forty-fourth Congress, to whom the matter was referred by resolution of the House, (No. 389.) The following report of this subcommittee gives in a succinct form the result of their labors up to that time, and together with the recommendation upon which the same was based, is submitted for the information of the House.

[House Report No. 462, Forty-fourth Congress, second session.]

Mr. YOUNG, from the Committee on Public Buildings and Grounds, submitted the following report:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 4, 1876.

Sir: The subcommittee charged with the duty of devising the necessary means for the proper ventilation of the Hall of the House of Representatives, under House resolution 389, beg leave to report that, after having carefully examined a great number of plans and propositions submitted to them upon that subject, they arrived at the conclusion that it was advisable to refer the entire matter to a board composed of scientific Government officers, and they therefore requested Professor Joseph Henry, of the Smithsonian Institution; Lieutenant Colonel Thomas L. Casey, of the Army Engineer Corps; Professor Billings, of the Medical Department of the Army; Mr. F. Schumann, Assistant Supervising Architect of the Treasury Department, and Mr. Edward Clark, Architect of the Capitol, to act as members of said board, and to advise the subcommittee of the most practical and economical method of attaining the object in view.

The committee would further report that from the investigations which they have made, and the concurrent testimony of many scientific gentlemen, they are of the opinion that the present ventilation afforded the Hall of the House of Representatives is so imperfect and defective as to be dangerous to the health of those who occupy it for any considerable length of time.

The board of Government officers above referred to have made a preliminary report to the subcommittee, setting out the defects in the present system of ventilation, and recommending the application of certain remedies for immediate temporary relief, which will, according to their estimate, require an expenditure of \$4,600. This report is accompanied by a letter from Professor Henry, president of the board, both of which are hereto attached, and marked, respectively, Exhibits A and B.

The subcommittee would respectfully recommend that the suggestions set forth in these papers be adopted, and that Congress be asked to appropriate the amount of money asked for, in order that the work may be commenced at once. All of which is respectfully submitted.

CASEY YOUNG, Chairman,
CARTER H. HARRISON,
H. M. PLAISTED.

Subcommittee on Public Buildings and Grounds.

Hon. WILLIAM A. HOLMAN,
Chairman House Committee Public Buildings and Grounds.

A.

WASHINGTON, D. C., April 20, 1876.

Report of a board of United States officers convened by request of the Subcommittee on Public Buildings and Grounds to advise with regard to the ventilation of the House of Representatives.

The board find, as the result of examination of the various reports submitted to them, and of personal inquiry and observation, that the principal cause of trouble at present in the main Hall is the insufficient supply of air. The impurities now existing in the air which is supplied through the main duct from the exterior opening are considered to be of small importance in comparison with the defect in quantity.

This insufficient supply the board finds to be due to the want of sufficient openings and register-surface in the floor of the House, owing to the closure of a part of the original openings. The result of this is that not more than about twelve thousand feet of air per minute can be forced in without producing draughts and currents, to the discomfort of many of the members.

The board is of the opinion that for the use of those upon the floor of the House alone not less than fifty cubic feet of air per minute per man should be furnished, and that this supply should be calculated for not less than four hundred persons, making the supply required, excluding the galleries, twenty thousand cubic feet of air per minute.

In the opinion of the board the remedy is to increase the number of openings in the floor of the House by cutting holes in the back risers of the platform of the outer tier of seats, and by placing registers in all parts of the House except that immediately occupied by the seats and desks; such registers to be of sufficient number and size to, if possible, triple or even quadruple the present area of opening. This can be done at once, without in any way interfering with the session of the House.

The board find further that, as the exhaust-fans are taking more air out of the Hall than enters it by the floor fresh-air supply, the deficiency is practically made up by a passage of air from the corridors and lobbies, which air is rendered impure from several sources. A part of these impurities comes from the basement and cellar, from the kitchen restaurant, water-closets, and perhaps, at times, from the main sewer beneath the building.

The board recommend that immediate steps be taken to ventilate this sewer into the main furnace-shaft, that ventilation be applied in the basement, that the water-closets in the cellar be entirely removed, and other provisions made for the accommodation of those employed in the cellar; and that the whole of the two stories beneath the main floor, and the space beneath the floor, if possible, be subjected to a thorough cleansing and disinfection.

The board also find that at times the doors between the fan-room and engine-room, and between the engine-room and kitchen, are left open, the result of which is that the air from these rooms is then drawn directly into the fresh-air supply of the House; and the board therefore recommend that bulkheads be built cutting off all communication between the engine-room and the kitchen, and that the engineer be instructed to keep the door of the fan-room constantly locked, except at those times when he is himself present in the fan-room.

The total expense of the changes and alterations recommended above is estimated at \$4,650; and by making them, it is believed that the discomfort of the House, arising from defective ventilation, will be greatly relieved for the remainder of the present session. To put the heating and ventilation of the House into proper and satisfactory condition, so that it shall be efficient in both winter and summer, will require other means, with regard to which the board will report hereafter.

All of which is respectfully submitted.

JOSEPH HENRY,
Secretary of the Smithsonian Institution, President of the Board.
THOS. L. CASEY,
Lieutenant-Colonel Corps of Engineers, U. S. A., Member of the Board.
EDWARD CLARK,
Architect United States Capitol, Member of the Board.
F. SCHUMANN,
Civil Engineer Treasury Department, Member of the Board.
JOHN S. BILLINGS,
Assistant Surgeon, United States Army, Secretary of the Board.

B.

WASHINGTON, D. C., April 20, 1876.

SIR: Herewith inclosed I have the honor to transmit the preliminary report of the board of United States officers, convened in accordance with the request of your committee, to consider the best means to improve the ventilation of the House of Representatives. This report is a preliminary one, and is intended to recommend measures which can be at once applied, and will afford relief for the remainder of the session, without much expense and without causing much inconvenience to Congress.

In connection with this report I am requested by the board to state that it is desirable that certain instruments shall be constructed for the purpose of registering accurately the work done by the ventilating machinery of the House. They also desire to employ an expert machinist to examine in detail the steam-heating apparatus and pipes, and to determine what, if any, part of this is available for future use. For these purposes the board requests that the sum of \$1,000 be allowed, to be expended under their direction for the purposes above indicated.

Very respectfully, your obedient servant,

JOSEPH HENRY,
Secretary of Smithsonian Institution, President of the Board.
Hon. CASEY YOUNG, M. C.,
Chairman Subcommittee on the Ventilation of the House of Representatives.

From causes which your committee do not deem it necessary to mention, the recommendations referred to in this report were not fully carried out, but such as were had the effect of greatly improving the ventilation of the Hall. When the matter was placed in charge of the present committee they found the inquiry submitted to them to be one that involved so much of scientific research and requiring so intimate a knowledge of many chemical and atmospheric conditions with which it was almost impossible to acquaint themselves in the limited time they could devote to it in the interval between their other public duties that they deemed it advisable to retain the services of the board organized by the previous committee, and accordingly requested the gentlemen who composed it to continue to serve, which they very cheerfully consented to do. Professor Henry having died in the mean time, Professor Spencer F. Baird, his successor at the Smithsonian Institution, was elected to succeed him as chairman of the board.

After a further investigation of the whole subject by these gentlemen they submitted a report to your committee, containing the following recommendations:

First. That the openings in the floor of the Hall, for the admission of fresh air, be so increased in number and extent as to admit a much larger quantity than it is at present possible to introduce.

Second. The construction of open fire-places at intervals on the inside of the interior walls of the Hall, both as a means of producing radiant heat and aiding in purifying the atmosphere.

Third. That the Hall in the rear of the Speaker's seat be closed at each end, and that larger openings be made into it through the wall intervening between that and the Hall of the House of Representatives, as also through the second wall into the reception-room, Speaker's room, and reporters' room, the partitions between all those rooms to be removed, and the whole, together with the hall in the rear of the Speaker's seat, to be converted into an open lobby for the use of members alone, in order that they may have access to the outer air and sunlight from the south.

Fourth. That the duct by which fresh air is supplied to the Hall of Representatives be changed so as to carry it in a direct line to the west wall of the building, to connect with a tower twenty feet high, to be built at the foot of the second terrace, through which fresh air may be drawn in the Hall.

Fifth. The removal of the desks from the Hall, and the substitution of chairs with a small drawer and wings attached, for the purpose of writing, by which the outer seats will be brought thirteen feet nearer the Speaker's seat, thus giving more space for fresh-air openings in the floor, and making practicable the building of open fire-places along the interior wall without giving inconvenience to members occupying the rear circle of seats. A drawing showing the arrangement of the seats after this proposed change is herewith submitted.

The board is also of the opinion that the substitution of hot water for steam would greatly improve the heating of the hall, in view of the health and comfort of members, but they do not deem it so important as to render proper the additional expense of \$25,000 which it would involve, at least until it is ascertained whether or not the other proposed changes and alterations will effect the desired object.

The supplemental report of the board, containing the recommendations referred to, is herewith submitted, together with all former reports made on the subject.

Your committee are of the opinion that all the recommendations made by the board, and above set out, except that referring to a change in the heating appliances, are important, and should be made as early as possible, as their investigations have satisfied them that the health of the members and others occupying the Hall renders this imperatively necessary.

The whole cost of such changes as the committee deem it proper to make now, according to the estimate made by the Architect of the Capitol, is \$25,000, and it can be done during the approaching recess of Congress.

The committee, therefore, respectfully submit the following resolution:

Resolved, That Prof. Spencer F. Baird, of the Smithsonian Institution; Lieutenant-Colonel Thomas L. Casey, of the Corps of Army Engineers; Mr. Edward Clark, Architect of the Capitol; Mr. F. Schumann, civil engineer, Treasury Department, and Prof. John S. Billings, surgeon, United States Army, be, and they are hereby, constituted an advisory board, without additional pay or compensation, with power and authority to make and carry out, through the Architect of the Capitol Extension, during the approaching recess of Congress, all the changes and alterations in the heating, lighting, and ventilating the Hall of the House of Representatives that are set out and recommended in the report submitted by them and adopted by the select committee appointed by resolution of the House to inquire into the

present method of heating, lighting, and ventilating the Hall of the House of Representatives; and the said board may employ a clerk during the time they are engaged in the performance of such work.

And be it further resolved, That for the purpose of paying the cost of said changes and alterations the sum of \$30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the contingent fund of the House, to be expended under the direction of said board.

[House Report No. 119, Forty-fifth Congress, second session.]

Mr. YOUNG, from the select committee on ventilation of the Hall, submitted the following report:

SMITHSONIAN INSTITUTION,
Washington, D. C., January 26, 1875.

SIR: I have the honor, in behalf of the advisory commission on the heating and ventilation of the Hall of the House of Representatives, appointed by your honorable committee, to transmit to you herewith the final report of the commission, accompanied by sundry papers received from your committee, and also a report on the heating and ventilation of the British houses of Parliament, and a report on the original plan of heating and ventilating the Capitol. The report of the commission herewith transmitted has involved much original investigation and the examination of the most reliable authorities on the subject. The members of the commission have inspected the buildings in this country most celebrated for effective ventilation, and have availed themselves of a visit to Europe, on other business, made by Dr. Billings, one of the members of the commission, to obtain the latest information on the same subject from that country.

It is hoped, therefore, that this report, with its appendices, will be deemed of sufficient importance to warrant its publication in full, with proper illustrations, for the use of the public. The subject is one of great difficulty, and in regard to which much general misconception prevails, as well as a want of a knowledge of the established principles upon which the art of heating and ventilation depends.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH HENRY, *Chairman.*

Hon. CASEY YOUNG,
Chairman Committee on Ventilation of the House of Representatives.

Final report of a board of United States officers, convened by request of a special committee of the House of Representatives of the Forty-fourth Congress, to advise with regard to the ventilation of the main Hall of the House.

I.—PREFATORY REMARKS.

In this, their final report, the members of the board think it proper to state as briefly as possible the condition of the ventilation of the House at the time they were requested to advise upon the subject, the action which has been taken in accordance with their recommendations, and the results obtained, as recently shown by a series of experiments and trials made under their direction.

As they have reason to think, from an examination of the various plans for the improvement of the ventilation of the House which have been submitted to them, that the principles which should govern all attempts to secure satisfactory ventilation in large and at times crowded assembly halls like that of the House are either unknown to or forgotten by many of those who undertake to advise in such matters, they believe that a brief preliminary sketch of these principles will be useful in this place.

Ventilation consists in the removal of foul air and the introduction of pure air, meaning by pure air the mass of the atmosphere surrounding a given locality, without reference to a fixed chemical standard.

The principal impurities in large assembly halls are derived mainly from respiration and cutaneous excretions, and consist of organic matter suspended in the air in the form of a fine dust, or in that of vapors probably of complex constitution, but with regard to the exact nature of which very little is known.

Carbonic-acid gas, which is given off by an adult at the rate of about six-tenths of a cubic foot per hour, has no importance as an impurity in the present case, for it is odorless and harmless unless present in much greater proportion than it ever exists in such halls as that of the House of Representatives. This carbonic-acid gas, like all other gaseous impurities derived from respiration, is present in about the same proportions at all heights in the room, the percentage being nearly the same in samples of air taken from the top and from the bottom in ordinary apartments. In the Hall the carbonic acid is slightly in excess at the top. It is a gross error to suppose that this gas falls to the floor of the House, for although when pure it is heavier than atmospheric air of the same temperature, yet air expired from the lungs is lighter than the surrounding air at ordinary temperatures, and the law of the diffusion of gases effectually prevents any separation.

With reference to the laws of the movements of gases, we need refer to but three in addition to that of their diffusion just mentioned:

1. Currents of air are in most cases due to heat: warm air, expanding, becomes lighter than cold air, which flows in beneath and pushes it upward.

2. As a rule, a current of air having a velocity of less than two feet per second is imperceptible and does not give a sensation of draught.

3. Air in motion has a strong tendency to adhere to and follow the outlines or surfaces along or over which it passes. If a current of air enter a room horizontally, near the bottom, it will adhere to and flow over the floor almost like water, for a considerable distance.

The standard of purity of air in an audience hall which is recommended by the board is that fixed by the late Dr. Parkes, namely, that the ratio of carbonic acid (which is selected simply because it can be conveniently measured) shall not exceed 6 parts in 10,000, and to secure this it has been shown that about fifty cubic feet of fresh air per man per minute must be introduced and thoroughly distributed.

The problem of ventilation of the Hall might therefore be stated as follows: How to introduce and distribute from thirty thousand to sixty thousand cubic feet of fresh air per minute—corresponding to from six hundred to twelve hundred occupants—and to do this in such a way that the occupants shall not be annoyed by heat, cold, or currents of air.

Even were this done, perfect ventilation would not be obtained, for this would only provide for dilution of the impure air, while in perfect ventilation the impurities are not so diluted, but completely removed as fast as formed, so that no man can inspire any air which has shortly before been in his own lungs or in those of his neighbor.

To secure such ventilation as this, horizontal currents must be avoided and all the air in the room should be made to move directly upward or directly downward. It is utterly impossible to thoroughly ventilate such a hall as that of the House, if fully occupied, by any so-called natural ventilation by means of doors and windows.

The majority of such halls now in existence are heated and ventilated by currents of air passing from below upward; but the Chamber of Deputies at Versailles is arranged for downward ventilation, and to judge from the documents laid before the board, this method would seem to be preferred by many theorists on the subject. As the ventilation of the English Houses of Parliament has been the subject of many experiments, the board thought it well to ascertain the methods now in use and approved there. At the request of the board, and through the courtesy of Dr. John Percy, F. R. S., who has charge of the heating and ventilation of these buildings, a report was prepared upon the present apparatus by Mr. J. H. E. Waters, E. M., a copy of which is furnished as an appendix to this report.

The relative merits of the upward versus the downward system of ventilation in

large halls in which the center of the room is occupied by a number of people may be estimated from the following considerations:

1. The direction of the currents of air from the human body is, under ordinary circumstances, upward, owing to the heat of the body. The velocity of these currents is small, but it may be estimated as being certainly not less than one inch per second. This current is an assistance to upward and an obstacle to downward ventilation.

2. The heat from all gas-flames used for lighting tends to assist upward ventilation, but elaborate arrangements must be made to prevent contamination of the air by the lights if the downward method be adopted.

3. In large rooms an enormous quantity of air must be introduced in the downward method, if the occupants are to breathe pure and fresh air. The whole body of air in the room must be made to move uniformly downward; for if at any point this be not the case, the products of respiration will rise at those points, and diffusing, contaminate the air which is coming down to be breathed. The uniform rate of descent should certainly be not less than three inches per second, in order to overcome the ascensional tendency of the currents from respiration, the heat of the body, &c., which implies that for every one hundred square feet of floor area at least nine hundred cubic feet of fresh air are to be brought in per minute. As the floor of the Hall and galleries of the House contain 12,927 square feet, it follows that the amount of fresh air required would be 193,500 cubic feet per minute, or about three times the amount which is found to give satisfactory results with the upward method.

4. In halls arranged with galleries the difficulty of so arranging downward currents that, on the one hand, the air rendered impure in the galleries shall not contaminate that which is descending to supply the main floor below, and, on the other hand, the supply for the floor shall not be drawn aside to the galleries, is so great that it is almost an impossibility to effect it.

For these and other reasons the board are of the opinion that the upward method should be preferred. In the upward method there are two special difficulties to be met in halls of this kind. The first is dust, derived mainly from the shoes of the occupants. This, becoming dry, is ground into fine powder, some of which is kept floating in the air by the upward currents. By careful supervision, and by the use of carpets which can be easily detached and frequently shaken, as is done in the English House of Parliament, this evil can be so much mitigated as not to be noticed.

The second difficulty is due to the discomfort produced by perceptible currents of air. The cause of this is insufficient area and improper position of the openings for the admission of fresh air. If the area of openings be too small, the air must pass through them with too great velocity in order to obtain the required quantity. In a hall liable to be so fully occupied as this, there are few points at which fresh-air openings can be placed the current from which will not impinge on some part of the body of some occupant, and if it does so impinge the velocity should not exceed two feet per second, in order to avoid sensations of draught. The supply of air for the House should be, as we have seen, from six hundred to twelve hundred cubic feet per second, whence it follows that the total area of openings should be nearly five hundred square feet. It is desirable to diminish the effect of these openings as much as possible by placing at least a part of them at points where the currents will not reach a person for several feet, or until they have become somewhat diffused. In attempting to effect this, it is very important to remember the law of the adhesion of gases to surfaces, to which we have alluded, and it is from omission to do this that a large part of the discomfort of members of the House has arisen. It should be distinctly understood that the board states these general principles only as applicable to large assembly halls where a number of people are gathered in the center of the room, for under other circumstances some of them do not hold good.

II.—CONDITION OF THE VENTILATION OF THE HOUSE AT THE TIME THE BOARD WAS CALLED TOGETHER.

The condition of the ventilation of the House at the time of the organization of the board was stated in the following report, forwarded April 20, 1876:

"The board find, as the result of examination of the various reports submitted to them and of personal inquiry and observation, that the principal cause of trouble at present in the main Hall is the insufficient supply of air. The impurities now existing in the air which is supplied through the main duct from the exterior opening are considered to be of small importance in comparison with the defect in quantity.

"This insufficient supply the board finds to be due to the want of sufficient openings and register surface in the floor of the House. The result of this is that not more than about twelve thousand cubic feet of air per minute can be forced in without producing draughts and currents, to the discomfort of many of the members. The board is of the opinion that for the use of those upon the floor of the House alone, not less than fifty cubic feet of air per minute per man should be furnished, and that this supply should be calculated for not less than four hundred persons, making the supply required, excluding the galleries, twenty thousand cubic feet of air per minute. In the opinion of the board, the remedy is to increase the number of openings in the floor of the House by cutting holes in the back rise of the platform of the outer tier of seats, and by placing registers in all parts of the House except that immediately occupied by the seats and desks: such registers to be of sufficient number and size to, if possible, triple or even quadruple the present area of opening.

"This can be done at once without in any way interfering with the sessions of the House. The board find further that, as the exhaust-fans are taking more air out of the Hall than enters it by the floor, fresh air to supply the deficiency is practically made up by a passage of air from the corridors and lobbies, which air is rendered impure from several sources. A part of these impurities comes from the basement and cellar, from the kitchen, restaurant, water-closets, and perhaps, at times, from the main sewer beneath the building.

"The board recommend that immediate steps be taken to ventilate this sewer into the main furnace-shaft, that ventilation be applied in the water-closets in the basement, that the water-closets in the cellar be entirely removed and other provisions made for the accommodation of those employed in the cellar, and that the whole of the two stories beneath the main floor, and the space beneath the main floor if possible, be subjected to a thorough cleansing and disinfection.

"The board also find that at times the doors between the fan-room and engine-room, and between the engine-room and kitchen, are left open, the result of which is that the air from these rooms is then drawn directly into the fresh-air supply of the House; and the board therefore recommend that bulkheads be built cutting off all communication between the engine-room and the kitchen, and that the engineer be instructed to keep the door of the fan-room constantly locked, except at those times when he is himself present in the fan-room.

"The board further recommend that no person be admitted to the galleries who is not cleanly in person and clothing.

"The total expense of the changes and alterations recommended is estimated at \$3,650; and by making them it is believed that the discomfort of the House arising from defective ventilation will be greatly relieved for the remainder of the present session.

"To put the heating and ventilation of the House into proper and satisfactory condition, so that it shall be efficient in both winter and summer, will require other means, with regard to which the board will report hereafter."

Further details will be found in a report prepared by Mr. Robert Briggs, at the request of the board, which report is herewith submitted as an appendix to this paper.

The apparatus for heating and ventilation of the House was constructed and arranged by Mr. Briggs, under the direction of Captain (now General) M. C. Meigs, United States Army, and his report sets forth clearly the plan adopted, and renders unnecessary any detailed description of it in this paper.

The recommendations of the board were duly carried out under the direction of the Architect of the Capitol, and the results are shown in a letter of which the following is a copy:

"WASHINGTON, D. C., June 3, 1876.

"Sir: I have the honor to state that the measures which have been taken for the temporary improvement of the ventilation of the Hall of the House of Representatives, in accordance with the recommendations made in the report of the board dated April 20, 1876, have produced the good effects which were expected.

"The area of openings for the admission of fresh air to the floor of the Hall having been largely increased, it is now possible to introduce sufficient air for the use of the members without causing unpleasant draughts, at least during warm weather.

"The main sewer has been ventilated and is now being trapped; satisfactory ventilation has been provided for the kitchen, and other changes have been effected which make it certain that no dangerous degree of impurity exists in the air supply of the main hall. This has been done without exceeding the estimate of cost submitted.

"The board is informed that it is desirable that an estimate should be submitted at once for work which should be done during the present summer.

"Taking into consideration the facts that the instruments for testing the air supply, which have been ordered, will not be ready for several weeks; that the board desires to make certain experiments and obtain further information before submitting its final report or making recommendations which might involve extensive changes in the present arrangements of the heating and ventilating apparatus; and, lastly, that such changes could hardly be made in the short time before the meeting of the next session of Congress, and would require the long interval coming after a short session, i. e., from March to December, to have the work done as it should be, it is therefore recommended:

"I. That the present heating apparatus be put in sufficiently good repair to serve for the coming winter session.

"II. That flues be constructed to furnish a much larger supply of air to the galleries than is now given, and that the distribution of air to this part of the House be greatly extended; authority should also be given for the making additional openings in the floor of the House, if it should be found desirable.

"III. That the lobby in rear of the Speaker's chair be ventilated by large flues passing from the ceiling of the lobby to the loft.

"The total cost of these repairs and improvements is estimated at \$8,000.

"The board has under consideration the details with regard to the flues, &c., above recommended, and plans are now in course of preparation in the office of the Architect of the Capitol, which plans are sufficiently advanced to enable the board to make the above recommendations, without deeming it necessary to go into details. It is, however, proper to mention that these changes will be required as a part of whatever system of ventilation may be adopted.

"Very respectfully, your obedient servant.

"JOSEPH HENRY,

"Secretary Smithsonian Institution, President of the Board.

"Hon. CASEY YOUNG, M. C.,

"Chairman of the Subcommittee on Public Buildings and Grounds, having in charge the ventilation, &c., of the House of Representatives."

Owing to want of funds, very little was done toward carrying out the recommendations of the board during the summer of 1876. In the autumn of that year one of the members of the board, (Dr. Billings,) visiting Europe on other business, embraced the occasion to examine the methods of heating and ventilation in hospitals and in large halls of assembly.

Upon his return the results of his observations were communicated to the board, and may be briefly summed up in the statement that he found the most satisfactory results obtained in the English houses of Parliament and in the grand opera-house of Vienna.

In both these a system of direct upward ventilation is employed, and in both there is a careful and constant scientific supervision of the working of the apparatus. The means of moving the air in the houses of Parliament are mainly large aspirating chimneys, which at times are supplemented by a large impelling air-pump. In the opera-house a fan is the impelling power.

The results obtained by the downward system in the Chamber of Deputies at Versailles were not found to be satisfactory, since the room becomes uncomfortably warm and oppressive after about two hours' session of the chamber.

The conclusions of the board were presented to the committee in the following report:

"WASHINGTON, D. C., February 2, 1877.

"* * * The board find that the measures which have been taken to give an increased supply of fresh air to the Hall of the House of Representatives, in accordance with its recommendation in its previous report, have been followed by good results, and that the test of actual experience, during both cold and warm weather, has shown that the Hall can be satisfactorily heated and ventilated with the system now employed, namely, that of upward currents, and that this can be done without causing discomfort to the occupants.

"The recommendations of the board heretofore presented were intended to meet the great want existing, viz, that of an increased supply of air without the production of unpleasant draughts, and also to remove or mitigate certain sources of impurity which were found to exist in the basement of the building. These recommendations have been only in part carried out, owing to want of funds; for although the sum estimated for by the board, viz, \$8,000, was duly appropriated from the contingent fund of the House at the close of the last session, yet it appears that this appropriation was only partially available, since the contingent fund was exhausted.

"For this reason it has been found impossible by the Architect to provide the means for that increased supply of fresh air to the galleries which the board considers necessary.

"The board has collected information as to the practical results obtained in large halls of assembly in this country and in Europe by the systems of heating and ventilation adopted, and from these as well as from the observations and experience of its members it has arrived at certain conclusions as to what should be done looking to the permanent arrangement for heating and ventilating the south wing of the Capitol, which may be stated as follows:

"I. That it is not desirable to change the present or upward system of ventilation of the Hall of the House of Representatives for any system of so-called downward ventilation, and it is not possible to apply any so-called natural system of ventilation by means of windows and openings in the ceiling and walls only to a large assembly hall like this.

"II. That while the quantity of fresh air which can now be supplied to members on the floor without causing unpleasant draughts is probably sufficient under ordinary circumstances, it is desirable that there should be means to increase it when needed.

"III. That the supply of air to the galleries should be largely increased, and that there should be means provided for furnishing cooler air to the galleries than is supplied to the floor of the Hall.

"IV. That the system of brick flues beneath the floor of the House should be removed and galvanized iron flues substituted, so far as necessary.

"V. That a duct should be constructed to bring the fresh air required for the

use of the House to the injecting fans from a point on the lower terrace and through an ornamental shaft about thirty feet high.

"VI. That an attempt should be made to regulate the amount of moisture in the air supplied, and to cool the air in warm weather.

"VII. That for this purpose, as well as for other reasons, the course of the present fresh-air duct should be changed and the heating coils removed from their inaccessible and inconvenient position, and that the point for admission of fresh air beneath the floor shall be central instead of in one corner, as at present.

"VIII. That additional means of ventilation should be supplied for the upper lobbies.

"IX. That an attempt should be made to so arrange a system of outlets for foul air in the roof that the wind can only produce an increased flow of air. If this can be done successfully, the exhaust-fans now in use will become available for ventilation of the basement and lobbies.

"X. That means of communication by a system of electric signals be provided between the floor of the House and the engine-room.

"XI. That the whole matter of heating and ventilation of the south wing of the Capitol should be placed under the control of one person, who is to be held responsible for their proper working. Under the present system, or rather want of system, the board do not believe that any apparatus can be made to work satisfactorily.

If it is desired that the board shall continue to interest itself in the heating and ventilation of the House and in the devising of the best means of carrying out its recommendations, it is extremely desirable that the person who is to have charge of the apparatus when completed should be in some way associated with the board, not only to carry out the experiments and observations which it may deem necessary, but to become familiar with what is to be done, and with the apparatus and machinery decided to be best adapted for doing it.

XII. Plans have been prepared by the Architect of the Capitol for the alterations recommended, and these are herewith submitted. The total cost of making these changes and of putting the heating apparatus in good order, including the purchase of twenty thousand feet of new steam pipe, is estimated at \$33,000.

The conclusions of this report were accepted, and the sum estimated for was appropriated, as appears from the following extract from the act making appropriations for sundry civil expenses, approved March 3, 1877, (Stat. at L., vol. 19, 1877, p. 348.)

"For improving the Capitol grounds, and for paving roadway and foot walks in the Capitol grounds, \$100,000: *Provided, however*, That a sum not exceeding \$33,000 of this appropriation may be used for the improvement of the heating and ventilating of the House of Representatives, to be expended by the Architect of the Capitol, in accordance with the report of the board of United States officers, convened by request of the Committee on Public Buildings and Grounds; and that said board of officers be requested to advise the Architect in the premises; and that hereafter the subject of ventilation and heating the House of Representatives be placed under the direction of the Architect of the Capitol."

An account of changes and improvements made under this authority will be found in the annual report of the Architect of the Capitol for the year 1877. The work was not entirely completed at the time of the meeting of the extra session of the Forty-fifth Congress, and the board could not conveniently test the working of the new system until after the Christmas holidays, and felt the less necessity for doing so immediately on account of the assurance received from members that the results were fairly satisfactory. January 7, 1878, at twelve m., the board met in the Hall, and carefully investigated the actual working of the heating and ventilating apparatus. With the fan running at 80 revolutions per minute, the velocity of entrance of air at the several registers varied from two to six feet per second. The total area of fresh-air openings in the floor of the Hall, including gratings and nettings, is about 350 square feet, and of this it is estimated that 157 square feet is clear opening. Taking the average velocity of incoming air at 4 feet per second, this would give 37,680 cubic feet of air per minute. The supplies to the galleries, calculated in like manner for 72 square feet of clear opening, would be 17,280 cubic feet per minute. The total air supply therefore was sufficient for about 1,100 persons, allowing 30 cubic feet of air per minute per man. That this is about the average work of the apparatus is shown by the appended table of observations made by the engineer. The observed velocity of the air in the main duct may be averaged at 750 feet per minute, and as the area of this duct may be taken at 75 square feet, it will be found, on calculation, that this nearly corresponds with the observations of the board.

Upon this the board would remark that the quantity supplied is ample for all ordinary conditions of the House, and that it is evident that were the fan run at one hundred and twenty revolutions per minute, which can readily be done, the supply, so far as quantity is concerned, would be sufficient for the largest number which can be contained in the Hall and galleries. The velocity of the air at the point of entrance is, however, too great. By means of fumes of muriate of ammonia, smoke, burning frankincense, &c., it was shown that the currents of air after diffusion rose almost perpendicularly, traversing the height to the ceiling, thirty-six feet, in from seven to fifteen seconds.

The external temperature was 16° F.; the average temperature of the floor of the Hall 68° F.; of the north galleries 68°; of the south galleries 69°. In the air-duct, after passing the heating coils, the temperature was 78°, and of the wet-bulb 57°. In explanation of this latter fact it should be stated that the air immediately after leaving the heating coils passes over a surface of hot water to be moistened. Additional means of furnishing moisture and removal of dust have been provided in the shape of a spray apparatus. The use of this for five minutes raised the wet-bulb thermometer to 59° F., and lowered the dry-bulb to 76°. Considering that the air as it entered the heating apparatus was almost absolutely dry, the above results of the apparatus for furnishing moisture may be considered as very satisfactory.

The area of openings for the escape of foul air in the ceiling of the Hall is 672 square feet, and the area of openings in the roof, fitted with louvers, is 160 square feet on each side.

The area for the outflow of air is therefore in excess of that for influx. The amount of air which passes out of the Hall through the ceiling is decidedly in excess of that which enters it through the fresh-air registers on the floor, and this excess is supplied through the doors leading into the lobbies and galleries, where a very marked inward current was found. Experiments made by the engineer show that the average velocity of the air through the openings in the ceiling, when the exhaust-fans are not in operation and the louvers are open, is about 145 feet per minute, or that about 90,000 cubic feet of air per minute pass out in this way. With the exhaust-fans running, the velocity is about 162 feet per minute, giving over 108,000 cubic feet per minute.

The cause of this is the aspirating power exerted by the column of warm and comparatively light air which fills the House. The Hall of the House of Representatives is like a huge chimney with a contracted top, which is, however, not sufficiently contracted to correspond to the area of special openings below for fresh-air supply, and which must therefore exercise a strong suction upon all openings connected with it, and in this way becomes, to a certain extent, the ventilating-shaft for the external lobbies, halls, and stairways, including those of the basement.

Even when the louvers are closed and the exhaust-fans are not running the shaft into which these fans discharge exercises a strong aspirating influence upon the Hall after a current is once established, the effect being that of an inverted siphon.

This is shown by the following tests, made January 15, 1878: All the fans were at rest and the louvers in roof closed. The temperature of the external air was 40°; in the Hall, 70°; in the exhaust-chimney, 68°.

The velocity of air in the main supply-duct was 250 feet per minute, giving a supply of 18,750 feet per minute. The average velocity of air, in the fresh-air registers, was about 80 feet per minute. The average velocity of the air escaping from ceiling openings was 60 feet per minute, giving about 40,000 cubic feet per minute. The velocity of the upward current in the exhaust chimney near the top, was 355 feet per minute, the area of the chimney being 33.5, giving nearly 12,000 cubic feet per minute. A part of the supply of air to this chimney comes from a ventilating-pipe connected with the restaurant kitchen in the cellar. This pipe has an area of 50,265 square inches; the velocity in it was 570 feet per minute, and the temperature 94°.

It is evident that the closure of the louvers could have been by no means complete, but it is also evident that the exhaust-chimney exercises a force in the Hall which is too considerable to be neglected.

As the result of their observations, and from an examination of the data as to temperature, velocity of currents, &c., furnished by the engineer, the members of the board conclude as follows:

I. That the present system of heating and ventilation of the House of Representatives is based upon correct principles, and should not be changed for any of the so-called systems of natural or downward or lateral ventilation.

The air now delivered to the Hall is pure, and can be furnished in such quantity, of such temperature, and of such degree of humidity as is desirable for the comfort and health of a great majority of the inmates of the Hall. We say the great majority, because, in a large assembly of men of various ages, constitutions, and habits, it is impossible to please every one and yet keep the room at a uniform temperature.

The special defect which yet remains to be remedied is in the mode of delivery of the fresh air upon the floor. The area of fresh-air openings is insufficient, and ought to be at least doubled if the position of the registers in the risers is to be unmodified. As it now is, horizontal currents from the openings in the risers are sweeping from the circumference toward the central area, adhering to the floor, and moving with a velocity of over two feet per second if the requisite amount of air-supply is furnished.

Under the direction of the Architect a trial has been made of three different methods to prevent this inconvenience. The first is to place a perpendicular strip of metal a few inches in front of the openings in the risers. This strip acts as a deflector, and throws the currents upward. The second is to place a series of register openings just in front of the risers. The ascending current from these openings meeting with the horizontal stream forms a resultant current which rises from the floor at an angle of about 45°.

The third method is to place a series of register openings just above the risers and in front of each desk, and, after examining the results, it is this method which is recommended by the board as giving the best results. The results of the first method are also good, but it gives no increase in area of fresh-air openings. The second method gives unsatisfactory results, as the current of air produced strikes the back of a person seated in the chair in front.

It is therefore recommended that, on the front edge of each platform, and extending entirely around the semicircle just in front of each row of desks, be placed a strip of register openings of about six inches in width. This will add, sixty-five square feet area of fresh-air opening to the floor of the Hall. In addition to this, the board advise that additional register openings be placed in those parts of the floor of the Hall not usually occupied by members, which, in all, shall amount to about eighty square feet of clear opening in the floor. This will make the total area of clear opening in the floor about three hundred square feet. The amount of clear opening in the galleries should be in like manner increased by about fifty-three square feet, thus giving one hundred and twenty-five square feet of opening in this position, or four hundred and twenty-five square feet in all.

When this is done, the board is confident that the full amount of air required can be introduced without causing currents of so great velocity as to be uncomfortable to any occupant.

The velocity of the currents of foul air escaping at the ceiling of the Hall and from the louvered openings not only may but ought to be at least double the velocity of the entering currents.

It follows that the area openings in the ceiling and in the louvers ought to be about half that of the fresh-air openings; i. e., not more than two hundred and twelve square feet. In fact, the lower openings upon one side of the roof only, having an area of one hundred and sixty square feet, are probably ample for this position, where a velocity of seven or eight feet per second is desirable. The area of openings in the ceilings should be somewhat greater than this, but the present area of six hundred and seventy-two square feet is certainly at least double that which is required, and the board, therefore, recommend that this area be reduced gradually until the quantity of air passing out be found to be not more than equivalent to that entering from the fans. By doing this the tendency to entrance of air from the surrounding lobbies and halls will be done away with, and the air from the basements must find some other outlet.

II. It is the opinion of the board that the exhaust-fans should not usually be employed to increase the aspiration from above the Hall, although in certain conditions of the wind, requiring the partial or even entire closure of the louvers, they may be used as at present. But during much the greater portion of the time these exhaust-fans can be most usefully employed in drawing air from the basement and thus securing its satisfactory ventilation, and preventing air-currents from it from passing into the House.

III. The board recommend that the gallery-seats on the south side shall be made to correspond with those on the north side, by having perforated wood substituted for the upholstery which now covers them.

IV. It is the opinion of the board that the carpet on the floor of the House should not be, as at present, a fixture, but that it should be so arranged as to be frequently taken up and cleaned, and that the necessary means should be provided for this purpose.

V. It should be made possible and easy, by means of a system of rods, levers, &c., to move the louvers in front of the heating coils, and thus regulate the temperature of the air without entering the air-duct, as is necessary at present.

VI. Means of communication should be provided between the engineer and some one on the floor of the House by means of a telephone or some equivalent mechanism.

VII. The board would call special attention to their recommendation No. XI, in their report dated February 2, 1877. Skilled supervision is an absolutely essential feature of the system of heating and ventilation provided for the House.

The members of the board take pleasure in saying that they have found the present chief engineer, Mr. Lannan, uniformly courteous and attentive, that all the apparatus under his charge is in excellent order, and that in making the various tests, experiments, and observations requested he has shown marked intelligence and accuracy.

Finally, it is proper to remark that the amount of work executed by the Architect to complete the system of heating and ventilation exhausted the appropriation made for that purpose, and therefore it was impossible to carry out the views of the board to their full extent. The work that was done was that which was the most essential, and at the same time the most costly, but much of the benefit and comfort which were to be expected from this expenditure will be lost if the work be not completed. Fortunately what remains to be done involves comparatively small expense, and it is to be hoped that the necessary means will be granted for its prompt completion.

The amount estimated as necessary to complete the work in accordance with the above recommendations is \$3,000.

The board transmit herewith the reports and plans which have been placed in their hands, with the exception of certain reports withdrawn at the request of the authors and returned to them.

All of which is respectfully submitted.

JOSEPH HENRY,
Secretary of the Smithsonian Institution, President of the Board.
THOMAS LINCOLN CASEY,
Lieutenant-Colonel, Corps of Engineers, Member of the Board.
EDWARD CLARK,
Member of the Board.
F. SCHUMANN,
Chief Engineer, Member of the Board.
J. S. BILLINGS,
Surgeon, United States Army, Secretary of the Board.

APPENDIX A.

Account of the heating and ventilation of the houses of Parliament, prepared under the direction of Dr. John Percy, F. R. S.

The present system of ventilation in the houses of Parliament is a modification by Dr. Reid, Sir G. Gurney, and Dr. Percy, F. R. S., of the system adopted by the committee of 1830, appointed to inquire into the causes of the frequent complaints from members of bad ventilation and defective communication of sound. For this purpose the whole of the spaces beneath the floors of both houses (Lords and Commons) and above the ceilings were planned and prepared by the architect, Sir C. Barry.

J. H. ERNEST WATERS, E. M.

The problem was the adequate renewal of the air in a manner not to prove disagreeable or injurious to the assembled members. It was, however, some years before a satisfactory arrangement of the system was arrived at, and even now complaints are occasionally heard which, though in rare cases may be well founded, result, it is certain, more generally from special constitutional conditions of individuals.

The difficulty of affording general satisfaction is increased by the fact that the same external temperature does not equally affect the same individuals at all times, without considering the great diversity of temperament that must necessarily exist in a large assembly.

To maintain a healthy condition of the atmosphere where men are aggregated, a quantity of air equal to 20-30 cubic feet per minute to each individual is now generally considered necessary, (Tomlinson,) although the amount required by each person will vary according to circumstances.

Dr. Reid regarded ten cubic feet as usually sufficient, but occasionally admitted as much as sixty cubic feet per minute.

An estimation of the supply of fresh air needed, in order to prevent the amount of carbonic acid present from exceeding its usual limit ($=0.008-0.005$ by volume) is easily made, this proves nothing with regard to the volume of air required to remove the organic matter and watery vapor given off from the surface of the body.

It is upon the assumption by some people that this matter is heavier than air that systems of "downward" ventilation have been held preferable, but this has not been confirmed by the results obtained.

There is one fact which admits of no doubt, namely, that, provided the temperature and moisture be suitable, the amount of air admitted (without draughts) cannot be too great. Dr. Parks, in his work on Practical Hygiene, observes:

"Wherever practicable, we should be content with nothing short of an unlimited supply."

The velocity desirable in the air current varies with the temperature. In hot weather air even at 75° may be made pleasant to the feelings by increasing the velocity. The exact ratio, however, between velocity and temperature is difficult to determine.

Experience has shown that, in warming a large chamber, the chief point is that the whole of the air supply be admitted at the temperature required, and not (as is usually done) warm the larger volume of cold by admitting to it a smaller quantity of hotter air.

In proportion to the number of openings by which a given amount of air is supplied to a chamber can the velocity be increased without draughts.

The amount of moisture present is a point of very great importance. In hot weather, if the air be heavily charged with moisture, a sensation of languor and lassitude is induced; on the other hand, when an insufficient quantity of water is present, a sensation of dryness in the throat and bronchial irritation is experienced, as during the prevalence of the dry east winds of this country.

The commission appointed by the House of Commons in 1856 stated that it was absolutely necessary that water be present in the air to the amount of a little less than three grains per cubic foot with a temperature of 59°; nearly four grains per cubic foot with a temperature of 60°, and to more than five grains per cubic foot with a temperature of 70°.

An excess of this amount has the important effect stated above. Much controversy has taken place on the merits and demerits of ventilation by mechanical propulsion of the air, and by exhaustion by heat. The latter is now generally considered to be the best, wherever practicable, and has been adopted in the houses of Parliament exclusively, (except during the hottest weather, when efficient ventilation by the furnaces is difficult.)

The principle is identical with that employed so largely in collieries, namely, the heating of the column of air in a shaft placed in communication with the exhaust-air channels and flues.

The advantages of the system are absence of machinery and mechanical appliances, no skilled labor is required, and, if judiciously and well arranged, it is not affected by external gusts and currents of air, and also that by availing ourselves of natural forces at our command expenditure is proportionately lessened.

A noticeable and important defect in most systems of mechanical ventilation is the pulsatory movement induced in the air current and the noise consequent on the least neglect on the part of the machine attendant.

In the case of a large assembly, as in the houses of Parliament, whatever system of ventilation be employed, it is only by constant supervision on the part of the attendants to atmospheric changes and the varying number of members present that an equable temperature with good ventilation can be maintained and the demands of the assembly satisfied.

The improvements adopted consisted in the addition of chambers immediately below the floors of the houses and above those in which the heating apparatus are placed, with the view of preventing local currents and eddies, and the possibility of a perceptible movement in the air in any one part. General diffusion of the fresh air being the desideratum, the floors of the houses are formed of cast-iron gratings, which are overlaid with (in the House of Lords) hair carpet or coarse hemp netting, (in the House of Commons.) These gratings, forming the ceilings of the equalizing chambers, allow of the free admission of a large quantity of air with a perfect absence of draught.

Below the equalizing chambers, and communicating with them by grated openings, is another chamber, containing the heating arrangement or other apparatus for such treatment of the air as the state of the atmosphere may necessitate. The whole of the space occupied by the heaters is surrounded by a gauze screen, which acts as a filter to arrest any coarse particles of dust, &c., that would otherwise pass into the house. In summer the air is more or less freed from dust, &c., by passing through fine water-spray.

The velocity (i. e., the quantity) of the air passing is regulated by a sliding door or valve, placed in the foul air exit, above the ceiling of the house. This is ac-

tuated by hydraulic arrangement, and is under the control of the attendant stationed in the air chamber under the house.

The panels of the ceilings are raised, leaving spaces around their edges, through which the foul air from the house is drawn off up to the upcast shafts.

In the Commons, each set of gas-burners is connected by a vertical tube with a main flue, (running the length of the ceiling,) in connection with the upcast shaft, into which the products of combustion pass.

The position of the air-supply channels is a point for careful consideration. It was formerly considered that by drawing the air from the top of one of the towers a purer supply would be obtained than if taken from the ground level. This has, (in London,) however, proved to be a fallacy; the air thus obtained was the most contaminated with smoke and other impurities.

In the House of Commons the air inlets are situated in the "star" and "commons" courts, and are of limited area as compared with those of the House of Lords, thus making it more difficult to insure uniformity of the air current in its passage upward. Special attention is given to the cleanliness of these courts, especially during hot weather. The surface is laid in asphalt and is sluiced with water several times daily, and any horse manure, &c., immediately removed. During the hottest weather the air has been cooled by passing it over blocks of ice placed on wooden racks in the air-ways.

The surface of the ice exposed, however, being small in proportion to the volume of air passing, the temperature was but slightly reduced, usually not more than one degree, (1°,) yet the air thus treated, it is thought, produced a sensation of freshness, (which possibly might be due to the condensation by the ice of the excess of moisture present.) This was particularly noticed on one occasion, when the temperature of the air was nearly the same before and after passing the ice.

The accompanying table of extracts from the official journal of 1875 shows the equable temperature maintained in both houses through a considerable range externally:

Table of temperature in the House of Commons.

Date.	Time.	Speaker's chair.	Members' gallery.	Bar.	Retiring-rooms.	Division lobbies.	Commons lobby.	Out of doors.	Dew-point.
February 9, 1875.....	10.00 a. m.	61	61	60	61	57	57	33	61-53
	5.00 p. m.	61	61	61	65	63-64	59	35	.....
February 12, 1875.....	10.00 p. m.	64	66	64	68	65-66	62	36	60-52
	10.00 a. m.	62	62	62	62	58	58	44	61-53
March 2, 1875.....	5.00 p. m.	62	63	62	63	62	61	45	.....
	7.00 p. m.	64	65	64	63	65	64	46	.....
April 5, 1875.....	10.00 a. m.	59	58	58	54	54	54	33	61-52
	5.00 p. m.	61	60	62	61	60	61	36	.....
May 3, 1875.....	11.50 p. m.	65	64	65	61	63	65	36	61-53
	10.00 a. m.	58	58	58	56	56	56	50	.....
June 1, 1875.....	5.00 p. m.	61	62	62	63	62-63	61	46	.....
	11.50 p. m.	63	65	63	63	62-63	61	46	.....
July 6, 1875.....	10.00 a. m.	61	61	61	62	59	62	62	.....
	5.00 p. m.	62	63	62	62	62-63	63	63	63-58
August 14, 1876.....	11.50 p. m.	62	66	64	65	63-64	64	57	.....
	10.00 a. m.	63	64	63	65	65	63	64	65-59
	5.00 p. m.	66	66	66	66	64-66	66	68	.....
	11.50 p. m.	64	67	65	68	64-66	65	58	.....
	10.00 a. m.	60	66	66	66	66	66	65	65-52
	5.00 p. m.	68	69	68	70	68	67	72	.....
	10.00 p. m.	68	70	69	70	68	68	66	.....
	10.00 a. m.	71	72	71	74	71	74	76	70-65
	5.00 p. m.	73	74	74	76	73	75	81	.....

Table of temperature in the House of Lords.

Date.	Time.	Lobby.	Bar.	Table.	Throne.	Princes' chamber.	East corridor.	West corridor.	New corridor.	Out of doors.
February 9, 1875.....	10.00 a. m.	58	60	60	60	58	56	55	52	33
	2.00 p. m.	60	63	63	63	61	60	56	54	33
February 12, 1875.....	6.00 p. m.	61	64	62	64	64	64	58	57	.....
	10.00 a. m.	60	62	62	62	60	61	58	56	44
March 2, 1875.....	2.00 p. m.	60	63	63	63	63	63	60	58	.....
	7.00 p. m.	62	64	64	65	65	63	62	61	.....
May 3, 1875.....	10.00 a. m.	58	60	60	60	57	58	56	54	33
	2.00 p. m.	60	61	61	62	62	62	60	60	62
June 1, 1875.....	6.00 p. m.	61	63	63	64	65	63	60	58	.....
	10.00 a. m.	60	62	62	62	62	62	60	60	62
July 6, 1875.....	2.00 p. m.	62	64	64	63	62	62	62	62	.....
	10.00 a. m.	60	62	62	62	61	63	60	59	64
	6.30 p. m.	61	64	63	63	63	62	62	61	.....
	10.00 a. m.	64	65	65	65	65	65	64	63	65
	2.00 p. m.	65	67	67	67	66	65	64	64	.....
	7.30 p. m.	66	69	69	67	67	66	66	65	.....

DESCRIPTION OF THE DRAWINGS.

[The red tint denotes fresh air, the blue foul.]

No. 1.—Sectional elevation of the House of Lords, showing ventilating and warming arrangements.

The fresh air is admitted by the lower openings AA (from the court-yards on both sides of the house) to the warming chamber, on the floor of which the heating batteries BB are arranged in four equidistant and parallel rows. These are surrounded by a gauze filtering-screen, as indicated by the dotted line, (in No. 22.) The spray jets issued in summer for cooling and purifying the air are placed in the arcades outside immediately in front of each set of louvers. The heated (or cooled) air ascends through gratings CC in the openings to the equalizing chamber D, from

whence it is distributed to the house (through the grated floor) and to the galleries, (by the openings and flues EE.)

The vitiated air is drawn off through the open work in the ceiling to the foul-air space, in communication with the upcast shafts, and also through openings behind the bar F to the Victoria tower by the down-pull H, as clearly shown on the drawing.

No. 2.—Horizontal section through equalizing chamber of House of Lords.

The lettering is the same as in No. 1.

The batteries K are for heating that part of the house immediately beneath the throne; M are steam-pipes for heating the air-supply to the division-lobbies. The "steam-cockles" N formerly constituted the chief means of heating the air-supply to the House of Lords, but they are now rarely used, and are, moreover, difficult to clean and keep in repair.

No. 3.—Sectional elevation of House of Commons.

The heating batteries are placed in the chambers AA and in the air passages leading thereto. (In the former they are arranged in a single line around the chamber; in the latter they are placed one above another in rows, in the manner shown in drawing No. 6.)

The fresh air passes upward through the grating shown, to the equalizing chamber BB, from whence it is distributed to the house through the perforated floor and the grated openings CC in the steps at the end of the members' seats.

The foul air passes off through the open work in the ceilings and by the flues EE to the channels in communication with the upcast shafts.

The inclosed space G (colored purple) is, during the sitting of the house, used as a fresh-air inlet (as the rest of the floor of the house) by opening the doors III and closing the panels II.

When, however, a quick clearance of the foul air is desirable, (as during the short evening adjournment,) the doors III are shut and the panels II opened, when exhaustion will take place to the upcast shaft through the channel K.

No. 4.—Cross-section through the House of Commons.

No. 5.—Horizontal section through the equalizing chamber.

The lettering is the same as in No. 3.

No. 6.—Improved arrangement of the "Gurney" steam "battery."

The battery is of simple construction and consists of a number of zinc plates soldered on a central steam-pipe, leaving the space of an inch between each.

The plates being heated by conduction from the central pipe, offer a large heating surface to the air.

The batteries of plates are adjusted, three or four deep, in iron frames, and the whole suspended on a girder running the length of the chamber. The rollers A A allow of full expansion of the metal on heating.

The air is sufficiently charged with moisture by allowing water to drop from the small pipe B on to the copper steam-pipe C, the steam thus generated passing in with the air-current.

This method (which answers perfectly) was introduced by Dr. Percy, after many experiments had been made, as a difficulty was experienced in producing steam quite free from odor.

The condensed water from the batteries, after passing a steam-trap, is returned to the boilers. A valuable feature in these batteries is the quick and easy manner in which the heat may be "shut off," thus giving the attendant immediate and complete control over the temperature of the air supply. This is effected by placing a light cloth over the battery, covering the top and sides, and thus preventing the passage of air between the plates.

Before the introduction of these machines, a complicated system of hot-water coils and pipes was employed, but the time required to heat (and cool) the immense quantity of water always circulating in these, and the difficulty of keeping down or quickly modifying the temperature when in action, was a constant source of trouble, and led to an entire change in the system, and the exclusive adoption of the "batteries" above mentioned.

The small space occupied by a battery, as compared with a hot-water coil of equal heating power, admits of the utilization of spaces (recesses beneath windows and the like) for warming which would, in the case of coils, be inapplicable. In both houses steam-pipes (1" bore) are carried along the sills of the windows inside, in order that in winter the cooling effects of the large surface of glass may not cause cold currents to descend.

In the House of Commons, during the hottest weather, a difficulty was experienced in passing a sufficient quantity of air by means of the furnaces, (or only by keeping up inordinately large fires therein.) This is in part due, doubtless, to the limited number and area of the air inlets and the extent of the channels the air is required to pass before and after supplying the house.

To remedy this defect an air-machine was placed in the lower chamber to act instead of or to assist the furnaces.

The machine is double-acting. The blowing chambers are rectangular in section, (8' x 6' 6"), and are placed side by side, the two occupying the width of the vault in which they are placed. The pistons are supported on double piston-rods running through stuffing-boxes at both ends.

The machine is driven by noiseless friction gearing from a small vertical engine of four horse-power, and is capable, at sixteen strokes per minute, of renewing the air in the house in nine minutes; or, in round numbers, six times every hour. The valves are of simple construction, of thin sheet India rubber, bending on wire seatings.

The boilers are of the type known as "Lancashire," twenty-five feet long and seven feet diameter, double flues, two feet nine inches throughout.

In winter three of these are kept going to supply the heating and other apparatus throughout the building.

H. ERNEST WATERS, M. E.

APPENDIX C.

Table of observations on temperature and movements of air in the House of Representatives made by William Lannan, chief engineer.

Date.	Revolutions of fan.	Velocity of air in main duct per minute.	Velocity of air through openings in ceiling into attic per minute.	Outdoor temperature.	Temperature of air in main duct.	Temperature of air in shaft ascend to floor.	Temperature of air in Hall of Representatives.				Temperature of air in attic.
							Speaker's desk.	North side.	West side.	East side	
November 17, eleven o'clock	84	830	175	56	56.5	63	65	65.5	64.5	65.5	68.5
November 17, one o'clock	78	776	210	61	60.5	68	69.75	70.5	69	70	75
(At eleven o'clock the Hall contained 150 people; at one o'clock tolerably filled.)											
November 19, eleven o'clock	76	760	205	41	43.25	72.75	66	64	66	64	68
November 20, eleven o'clock	76	794	240	42	49	66	68	68.5	68	67.5	73
November 20, one o'clock	76	776	205	42		68	65	65	64	65	65
(At eleven o'clock about 100 people in Hall; at one o'clock moderately filled.)	76	770	235	46		65	67	68	67	67	69.5
November 21, eleven o'clock	76	800	230	38		79.5	69	66.5	69	66.5	64.75
November 21, two o'clock	76	810	230	42		79.25	71	71.09	71	70	70
(At eleven o'clock 150 people in Hall; at two o'clock moderately filled.)											
November 22, eleven o'clock	76	822	230	47		74	67	67	68	68	65
November 22, two o'clock	76	778	230	48		78	71	71	71	72	70
November 23, eleven o'clock	76	790	205	52		75.5	69.5	69.75	69.5	69.5	69
November 23, two o'clock	74	791	225	55		76	72.66	73.5	72	72	72
November 27, eleven o'clock	54	590	200	48		71.5	68	68	67.5	68	72
	55	619	210	50		79	72.5	71	72	71.5	72
November 30, eleven o'clock	58	582	230	30		88.5	72	72	72	73	66
December 1, eleven o'clock	58	607	190	34		73	68	68	70	69	66
December 1, two o'clock	74	750	212	37		78	74	72	74	73	72
December 3, eleven o'clock	52	570	210	38		78.5	68.5	69	68.5	64	65
December 3, two o'clock	60	620	220	41		71	72	72	72	73	71
December 4, eleven o'clock	66	600	210	38		72	69	69	68	68	66
December 4, two o'clock	56	543	220	44		71	72	73	73	72.5	70
December 5, eleven o'clock	56	653	190	49		64	69.5	69	69	69	68
December 5, two o'clock	76	750	205	57		68	72.5	73	73	72	72
December 6, eleven o'clock	62	703	218	41		69.5	68	67.5	68	67	65
December 6, two o'clock	48	648	205	44		73	70	70	69.5	71	69.5
December 7, eleven o'clock	54	620	180	39		71	69	68.5	67.5	68	65
December 7, two o'clock	46	560	160	42		74.5	72.5	73	72	72	71
December 10, eleven o'clock	60	681	180	38		73	68	67.5	68.5	67.5	64
December 10, two o'clock	58	601	190	44		73.5	70	71	71.5	71	70
December 11, eleven o'clock	60	405	160	40.5		72.5	68.66	68.5	68.5	68.5	68
December 11, two o'clock	76	733	190	53		73	72	72.5	72	72.5	72
December 12, eleven o'clock	58	589	160	50		67.5	70	69.5	69	69.5	68
December 12, two o'clock	60	638	175	54		71	72.5	72	72	72	72
December 13, eleven o'clock	56	636	170	49		69	68	67.5	68	67.5	66
December 13, two o'clock	60	654	170	52		70.5	71	71	71	71	70
December 14, eleven o'clock	63	739	198	43		70	69	69	69	69	67
December 14, two o'clock	64	820	214	46		69	72	72	71.5	71.5	70
December 15, eleven o'clock	76	807	250	42		71.5					67
December 15, two o'clock	76	888	210	51		73					71
January 3, eleven o'clock	75	795		26		60	64	62	64	63	

Exhaust-fans in operation.	182	N. E. cor.	150	Exhaust-fans not in operation.
	202	S. E. cor.	171	
	162	S. W. cor.	140	
	182	N. W. cor.	165	
	140	N.	120	
	140	E.	135	
	150	S.	112	
	143	W.	120	

Mr. YOUNG, of Tennessee. I will endeavor to explain as briefly as possible the alterations in the present system of ventilating, heating, and lighting the Hall of Representatives suggested in the report just read at the Clerk's desk. At the first session of the Forty-fourth Congress this subject was referred to the Committee on Public Buildings and Grounds, of which I was a member. That committee appointed a subcommittee which investigated the whole subject, and at the outset of their inquiries they discovered two prominent and important facts. One was that the condition of the atmosphere in the Hall when occupied by any considerable number of individuals was exceedingly dangerous to the health of members and other persons occupying the floor and galleries. A competent chemist was employed to analyze the air which we were compelled to breathe, and by his report we learned that the greatest danger existed to the health of every man who breathed it for any considerable length of time. Another fact which was very soon disclosed to the gentlemen investigating this subject was that the lighting, heating, and ventilating of any building, particularly one constructed like this, was a problem requiring so much of scientific learning and so careful an investigation that it was almost impossible for any committee of this body to arrive at an intelligent conclusion.

Hence it was that it was deemed proper by the committee to call to their assistance the aid of gentlemen who from their scientific attainments were better qualified to determine the various questions presented to their consideration than they were themselves. Accordingly a board of five scientific Government officers, of which Professor Henry of the Smithsonian Institution was chairman, was organized by this committee and requested to suggest such changes and alterations in the architecture of the Hall as would perfect its lighting, acoustic, and heating properties. These gentlemen, after an investigation extending over a period of more than twelve months, submitted the result of their investigations, which are set out mainly in the report which has just been read.

Among the most important changes which have been recommended, in my judgment, by the board of scientists is the removal of part of the second wall back of the Speaker's stand, intervening between it and the reception, Speaker's, and official reporters' room, throwing the whole space into an open lobby, so that the light and sunshine from the south may be reached through the outer wall. The drawings I have before me show the condition of the lobby and rooms back of the Speaker's chair as they at present appear, and how they will be when the proposed change is made.

The second suggestion made is the removal of the desks from the Hall, in order that the space for air-openings in the floor may be enlarged, so that a larger quantity of fresh air may be admitted. The greatest difficulty we have had to contend with in adjusting this nice and delicate problem of ventilation is getting into the Hall enough of fresh air under any condition, and we found it impossible with the openings now in the floor to obtain as great a quantity as is required for healthful ventilation; and hence for that purpose, among other arrangements, the removal of the desks is urged both by the board of scientists and the committee.

It is deemed proper and important by these gentlemen also to build open fire-places around the inner wall of the House, for two purposes: one to produce radiant heat, and the other to provide a means of ventilation, carrying off the poisonous and noxious gases that circulate in the Hall whenever occupied by any number of persons. But without the removal of the desks, thus bringing the outer circle of seats thirteen feet nearer the Speaker's stand, these fire-places cannot be built except in the corners of the Hall, as they would give too much heat for the comfort of the members who under the present arrangement would be compelled to sit near them. So this suggestion cannot be carried out without their removal. These are the more important suggestions made by this board of scientists; and after a careful examination we think all of them are important and should be adopted by the House and carried into execution as quickly as possible.

If there is nothing more to be said by any one else, I will call the previous question on the resolution.

Mr. WOOD addressed the Chair.*

The SPEAKER. The Chair would like to have order. There is scarcely any subject that is more important to the comfort, almost the lives, of members than this very subject. The Chair thinks there ought to be order to hear the remarks of gentlemen upon it.

Mr. WOOD. I concur entirely in the remarks of the Speaker with reference to the importance of this question. There is in this report, as I am advised by gentlemen who are familiar with the scientific

part of the question, a great deal of good. But there is one suggestion as to which I doubt whether it can be practically executed. Scientific men are very well in theory, but in the practical affairs of life they very frequently fail.

I doubt very much whether it is practicable to conduct the business of this House without the desks we are in the habit of occupying. In the English House of Commons the debates and business of the house are conducted on an entirely different principle from what has grown up to be a practice and usage, and which is positive law with reference to our deliberations, if we have any deliberations in the House here. Now members conduct a great deal of their correspondence and a great deal of their examination of important papers, and to a large extent prepare their speeches, during the running debates in the House upon ordinary business, and they do it at their desks. We certainly do not want to adopt a practice which would be constantly compelling us to have a call of the House to bring members in for the purpose of voting, which would inevitably result from the abolition of the desks in this Hall.

Now, sir, I am old enough to recollect the old Hall before this wing of the Capitol was built. When I first came to Congress we had not this Hall. What is now the round room known as the Hall of Statuary, between this and the main Rotunda, was then the Hall of the House of Representatives. We had access to the fresh air from without constantly by having no rooms in the outer wall of the Hall in which we assembled, and we had all the ventilation we could possibly require simply by the absence of the obstructions which stand between this Hall and the outer wall of this end of the Capitol.

So far, therefore, as carrying out the report of the committee would remove these obstructions and give us the fresh air from without, with the addition of a wind-sail which would bring in the fresh air from over our heads and remove this malaria which we are constantly breathing, and so far as we could get pure air from below by any process of ventilation that can be recommended by the committee, I favor it; but I cannot favor any plan for the removal of the desks, which in my opinion are so necessary for the business of the House.

Mr. CLYMER. Will the gentleman from Tennessee yield to me that I may offer an amendment?

Mr. COOK. I rise to a question of order. There is so much noise in the Hall that it is impossible to hear a word that is said.

The SPEAKER. The Chair has repeatedly requested gentlemen to be silent, but seems to be powerless. The gentleman from Georgia raises the question of order that gentlemen speaking cannot be heard. The Chair requests the House to come to order.

Mr. YOUNG, of Tennessee. I entertain the opinion that has been expressed by the gentleman from New York, [Mr. WOOD.] When I first commenced the investigation of this subject, I believed, as he does now, that it would be exceedingly inconvenient for the members of this House to remove the desks, but a more careful and extended examination of the subject has satisfied me that they ought to be removed, not only for the purpose of securing a more perfect system of ventilation, but in order to promote the public interest and the dispatch of public business.

In the first place, one of the most important advantages that would result from it would be the bringing of the rear circle of seats thirteen feet nearer the Speaker's stand, and every gentleman who has had the misfortune I have had for the last four years, to sit in one of the outer seats, will readily appreciate the convenience that will result in that respect. It is known to every gentleman on this floor that during the discussion and consideration of the greatest and most important questions that are submitted for our action two-thirds of the members of this House are busily engaged in writing at their desks, and scarcely know what subject is under consideration. I know this is the case with myself, and I believe the observation and practice of other gentlemen coincide with my own. Now, it is proposed, in order to meet the temporary inconvenience which members would feel by the removal of desks as regards writing purposes, to have placed immediately inside of the iron railing fifteen tables four feet long and two and one-half feet wide, provided with writing materials, where members can go and write for any length of time they may choose.

Then, for such writing as it is desirable to do at their seats we propose to substitute for the chairs we now have chairs with a wing on one side and a drawer on the other where writing materials may be kept, and at which anything which it is necessary to write hurriedly at the seat may be written. If gentlemen who doubt the convenience of this arrangement will be kind enough to step to the seat of my colleague on the committee, the gentleman from Massachusetts, [Mr. LORING,] and examine his chair they will be convinced that the introduction of such chairs into the Hall will be a very great improvement upon those we now have with the desks in front.

Mr. STEELE. I desire to hear my friend from Tennessee, [Mr. YOUNG.]

Mr. YOUNG, of Tennessee. I would be very happy to have you do so, as I think you would be interested by what I am saying.

The SPEAKER. It has come to this, that the request of the Chair must be regarded.

Mr. YOUNG, of Tennessee. I am not at all disturbed.

Mr. STEELE. I am not quite through.

The SPEAKER. Gentlemen must be quiet, and the Sergeant-at-

Arms will go through the Hall and request those whom he may see conversing to cease conversation.

Mr. STEELE. I was going to say if the gentleman from Tennessee [Mr. YOUNG] would change his position and take a place in another part of the Hall, then there would be an opportunity for all to hear him. I do not like to have him turn his back to me when he is engaged in so important an enterprise.

Mr. YOUNG, of Tennessee. I know of no one to whom I would sooner turn my face than the gentleman from North Carolina, [Mr. STEELE.] It is not my habit to turn my back to gentlemen like him, and if I have done so now it is only from the force of circumstances, among which is the fact that I can only face one way at a time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent that the deficiency appropriation bill, returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed with the amendments numbered in their order.

There being no objection, it was ordered accordingly.

VENTILATION OF THE HALL.

Mr. YOUNG, of Tennessee. Ever since I have been here I have had my full share of the difficulty which my friend from North Carolina [Mr. STEELE] points out as the one under which he is laboring at this time by reason of the location of his seat; for I have not occupied a position where I could be heard distinctly the few times I felt myself called upon to speak, nor indeed where I could hear anybody else. That is one reason why I desire to have these desks removed, so that gentlemen who like myself have seats on the outer circle can get near enough to the desk to understand what is said upon questions of legislation. I now yield to the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. It will be remembered that when this important subject was under consideration in the former Congress there was a member of the House who at that time took an active and intelligent interest in the question. I allude to Mr. HEWITT, of New York. In his remarks upon the subject he showed an intimate acquaintance with it, and the feeling seemed to be general in that Congress that it would be beneficial if he could carry his views into effect. I ask the gentleman from Tennessee [Mr. YOUNG] to add his name to the list of commissioners.

Mr. YOUNG, of Tennessee. I have no objection.

Mr. CLYMER. I make the suggestion without his knowledge, and it may be that he will be unwilling to serve. But he is about to close a useful and honorable career in this body, and I conceive that it would be his pleasure, if he did not feel it to be his duty, to render his country the important service of aiding to make this Hall agreeable and healthful for the Representatives, which it is not now. I therefore move to add the name of ABRAM S. HEWITT, of New York.

Mr. O'NEILL. From the statements made by the gentleman from Tennessee [Mr. YOUNG] I have no doubt as to how I shall vote upon the proposition when submitted to the House. I look upon it, however, as a merely temporary arrangement, an effort to get proper ventilation in this Hall. I have lived in the Hall with its present ventilation for a great many years and I have enjoyed good health; and I hope to live in it many years yet by the will of my constituents.

I look upon all these propositions as temporary expedients. We never will have a Hall fit for the House of Representatives to sit in until some rearrangement of this Capitol building is made. I think there is pending now in the Senate a bill proposing to extend the central portion of the Capitol east and west, by which means there will be provided a hall for the House of Representatives and one for the Senate in those extensions, and in that way we can have the fresh air of heaven coming into the Halls of the two Houses. Besides, we would have the Senate and House nearer to each other, and then members and Senators would save themselves the frequent walks we now have to take when we desire to see each other.

It seems to me that it would be well for us to expend some millions of dollars to perfect the arrangement of the Capitol building. There need not be any waste of the space which we now occupy in this Hall. By removing the galleries and taking away the lobbies, extending the Hall so that it will reach the open air of the south, we would have a magnificent room for the Congressional Library. And altering the Senate Chamber in the same way would provide a most commodious room for the Supreme Court of the United States.

Now, as regards the Halls of the two Houses of Congress, from my experience of all the changes and experiments that have been made

for proper ventilation, I think we will never have any success until the building is extended and rearranged, not only for the purpose of producing the proper architectural effect, but for the purpose of bringing the air of heaven into the Halls of the two Houses, where members and Senators are sitting. I therefore look upon this as a mere temporary expedient. I shall vote for the proposition submitted, but at the same time I trust that the generosity and liberality of Congress, not at this session perhaps but at some coming session, will be such that the Representatives of the people will be willing to expend some millions of dollars to perfect this great building of which the country is so proud, and of which it will be prouder when it is altered and so arranged as to produce the proper architectural effect and comfort for those using it.

Mr. HARRIS, of Virginia. I cannot consent to any arrangement by which these desks are to be removed. I happened to be here in the Thirty-sixth Congress when the same feeling that seems to be now prevailing in regard to removing the desks took possession of the House. At the first session of that Congress the order was made for the removal of the desks; and when we returned for the short session the desks had been removed and chairs and circular benches had been put in their places. How did the change operate? No member had any place on which to put a book or a paper. When a gentleman rose to speak, if he had manuscript in his hand, a page ran around with a small desk and put it down before him; and when he had finished, the page ran and placed it before the member next speaking. The arrangement became so manifestly inconvenient that before the session expired an order was made for the restoration of the old desks. My friend from Tennessee just now illustrated himself the use of these desks. He had two papers before him, and read first from one and then from the other, laying each paper on the desk while not reading. Now, if the gentleman had had no desk before him, what would he have done with those extra papers? He would have been obliged to call a page to hold the papers or put them on the floor. Gentlemen can hardly realize the convenience of these desks until they have made the experiment of doing without them. I hope we shall adopt no plan under which the desks will be removed.

Mr. REAGAN. I do not propose to discuss the whole plan proposed by this committee; I wish merely to express my concurrence with the remarks of the gentleman from Virginia [Mr. HARRIS] in reference to the removal of the desks. In the Thirty-fifth or the Thirty-sixth Congress the House reached the conclusion that it would facilitate business and enable members to give more careful attention to current legislation if the desks were removed and members thus prevented from writing at their seats. We did remove the desks and had benches provided for members. But we submitted to that arrangement for a few weeks only, when we became satisfied that we could better attend to our duties, better perform our obligations to our constituents by having desks before us than by being deprived of them. I feel, sir, that the attempt to deprive ourselves of the use of desks would be a mistake which we would soon be obliged to rectify.

Mr. HAYES. I would like to ask the gentleman from Tennessee whether the chair which stands over in the corner is a sample of the chairs which the committee propose to put in this hall.

Mr. YOUNG, of Tennessee. Yes, sir.

Mr. HAYES. Well, if that chair is a sample, it seems to me it is only necessary for any member to examine it and sit in it a few moments, to become entirely satisfied that such a chair will not be suitable for this House. We want a chair with a back which we can lean upon comfortably, and in which we can turn. We sit here generally from four to six hours daily, sometimes longer; and we want to turn about in our seats. In such a chair as the sample over in the corner, we would be obliged to sit in one position with no possibility of resting ourselves by a change of posture.

I agree also with what has been said in regard to the desks. It does seem to me that we must have before us here something upon which we can place our papers and in which we can keep them. It strikes me that what the gentleman from New York [Mr. WOOD] has said is true: that if we remove these desks, it will not be six weeks before we shall pass a resolution to replace them. I believe we must have something of this kind for our convenience.

Mr. WOOD. The gentleman from Tennessee [Mr. YOUNG] asked me a few moments ago to look at the chair which is in one of the corners of the Hall, and which is a sample of the chairs the committee propose to substitute for these desks. I have examined it; and my opinion is, that by introducing such chairs we shall gain nothing in point of room, while we would suffer very serious inconvenience, and that we would not retain them three days after we had adopted them.

Mr. LORING. Mr. Speaker, I am glad that thus far in this discussion no objection has been made to the plan of the committee with regard to ventilation. It is encouraging to know that this House agrees that the gentleman from Pennsylvania [Mr. O'NEILL] is the only member who enjoys good health under existing circumstances. [Laughter.]

Mr. O'NEILL. I want to say that during fourteen years I have never been one-half hour out of this House on account of sickness.

Mr. LORING. I congratulate the gentleman upon his constitution.

Mr. HAYES. And on his correct habits.

Mr. LORING. I undertake to say that members of the House have had their health so much impaired by the influence of the bad air here that they have ultimately died from the effects; and many others have had their lives shortened by the injury to their constitutions, caused by the vitiated atmosphere they breathe here. Those of us who come here a little late in life cannot endure what some of the younger members do. I myself have been deprived of more than six weeks' service in this House during the present Congress on account of the evil influences of the air of the House.

The scientific men who appeared before the committee—(and through your courtesy, sir, I was put in immediate communication with the committee, who kindly elected me an honorary member and listened to the suggestions that I made very earnestly)—these scientific men have agreed that this House can be successfully ventilated. Experiment after experiment has been made, each experiment being an improvement on the preceding one. It has been concluded, as the chairman of the committee has stated, that by increasing the influx of air in order that it may correspond with the escape of air, these currents which now blow about us like gales of wind, these draughts which in connection with the bad air are injuring our health so much, can be prevented. Those of the Capitol commissioners who are experts in ventilation have agreed with an opinion I expressed strongly to the committee, that the foundation of good ventilation is a fire-place. The committee have determined that we shall have fire-places, large open fire-places, in the corner of this Hall. They have agreed, moreover, that the members of this House are entitled to a convenient, pleasant, well-arranged room to which they can retire for fresh air, and in which they can receive such of their friends as they desire to meet, without being compelled to undergo the pressure of the crowd in the corridors and lobbies of this House.

In providing this ample and convenient apartment for the convenience of the House it is found that the introduction of fresh outer air through the south windows of this wing of the Capitol into the body of the House is made possible, and that the ill-effects of the air of the lobby now in existence can be prevented. Air and light are thus provided for all who desire them.

The Architect of the House has ascertained that the construction of open windows in the galleries in the places now occupied by the vacant niches in front of the House is entirely practicable, and that the fine cornices of this room now hidden in darkness by the defect in the arrangements for lighting it—an architectural defect which ought to be remedied at once—may be brought into view and their beauty, which is hardly surpassed by any similar structure in the world, may be revealed. In this way also can the galleries themselves be supplied with fresh air by lateral ventilation.

These are the suggestions in regard to ventilation which I am satisfied, sir, upon careful examination myself and with the assistance of Dr. Billings and Professor Baird, the two special scientists of the commission, will accomplish the object we all have in view.

In regard to the seating of the House I ask any man here if he looks upon the plan now in use as perfect. Is it perfect while we have a desk here which is just large enough to be in our way and not large enough to be a convenience to us? Not only is it difficult for a member of this House who is not fortunate enough to occupy a seat upon some one of the passage-ways to gain access to his seat, but when he has gained it he finds it still more difficult to address the House until he has secured the favor of a seat next a passage-way where he may perchance display those powers of eloquence which God has bestowed upon all of us who have gathered here. [Laughter.] There is not room enough, sir, for the orators of this House if, while they address this assembly, they are compelled to stand behind the desks assigned them. [Laughter.] I had no idea, in any suggestion I made to the committee or to this House, to deprive gentlemen of all opportunity to write, or to deposit their papers and documents in a safe and convenient receptacle.

Now, sir, in order to satisfy myself that this convenience can be secured without the desks we now have, I ordered a chair in the place of the desk I have occupied since I entered this Hall, and I have found it perfectly convenient both for writing and stowage. It was somewhat too large, it is true, for the space allowed it in the present arrangement of desks and chairs, and was not convenient for those on either hand of me; but for myself I found it satisfactory as a writing-desk. I found the drawers in it convenient for my papers; I found it an easy chair to sit in; I found I could sit up erect and not be compelled to cramp myself behind my desk. There may be four feet allowed in front of this chair if arranged as proposed, in which every gentleman will find ample room for his physical comfort, a thing which is impossible with the present seating of the House. There is an opportunity for the occupant of the chair to rise conveniently without being hampered by his desk; and even if this chair which has been exhibited to the House is not entirely satisfactory, if it does not seem adapted to the wants of those who are to use it, it may be so modified as to suit the convenience of any member upon the floor.

Now am I asked what is to be gained, sir, by this arrangement? Those of us who sit in the rear of the House will be brought thirteen feet nearer to the Speaker's desk than we are now. We shall have more space than we now have, and we shall have an opportunity to move about without disturbing our associates on this floor. For my-

self I find neither comfort nor convenience in the present arrangement. It adds greatly to the difficulty of ventilation; it increases the heat of the Hall; it creates a crowd when no crowding is necessary. Substitute for this a chair which is easily approached, which has before it an open and airy space, and which is so compact as not to occupy too much room, and we shall have at once an agreeable and cheerful Hall, and all the conveniences we desire.

Now, with regard to the effect of this proposed arrangement upon the ventilation of the House, the chairman of the committee has stated that experts agree that it will be beneficial. The difficulty now is that the House is crowded with furniture and members. The floor should be relieved of this pressure, and will be relieved by adopting the recommendation of the committee. We shall have, as I have said, abundance of room to write and ample convenience for documents and papers; and in addition to this, if the proposition of the committee is fully carried out, we shall have the additional convenience of tables inside the bar of the House, which can be used for writing and the consultation of books, should it be necessary to occupy more space than the chairs or even the existing desks can give.

But, sir, I am not strenuous about the rearrangement of seats at this time at all. If we can have fresh air, good light, fire-places, ventilation, and an ample reception-room, I shall be content for the present, if I can get no more. If, however, we can have the suggestions of the commission and the committee still further carried out in the seating of the House we shall have still more comfort, still more convenience, and still better air. I trust, sir, therefore, that the suggestions of the committee will be adopted by the House.

Mr. ITTNER obtained the floor.

Mr. WOOD. I desire to offer an amendment.

The SPEAKER. The gentleman from Missouri [Mr. ITTNER] is recognized.

Mr. ITTNER. This is a practical question about which I do not know but what I am possibly as competent to speak as any man on this floor. If I am not I ought to be at least.

Now, with reference to the removal of the desks in this Hall, I consider that an impracticable proposition. I do not conceive that it would need any discussion to impress upon any member of this body that fact, and I am satisfied that if any other proposition is entertained, or any other mode of arranging the seats and desks is resolved upon, it will of necessity prove a failure. I do not presume that there is a single man, if all the talent of the United States were concentrated in the arrangement of these desks, who could improve upon the present arrangement.

I concur in the views of the gentleman from Virginia [Mr. HARRIS] and the gentleman from Texas [Mr. REAGAN] that if any mode outside of the present mode is adopted it will be abandoned in a very short time thereafter and the present arrangement be again resorted to; but when we come to the question of ventilation, this is a question that deserves serious consideration at the hands of every member upon this floor.

I claim, and the pending proposition proves, that the modes of ventilation that have been resorted to in the past, have utterly failed, and that any artificial modes of ventilating which may be resorted to in the future must perforce likewise prove a failure. The very design and construction of this Hall is an abortion, and you cannot make anything out of it. So far as the ventilation is concerned I claim that the talent does not exist that can benefit or improve upon the present system. You might as well try to put common sense and intelligence into the skull of an idiot as try to improve the ventilation of this Hall.

We are here boxed up in a box within a box. We have here between us and daylight and fresh air three or four walls, partition walls. We have two roofs, or more properly speaking a ceiling and a roof; and I would like to know what mode of ventilation you can adopt that will overcome these insurmountable barriers. Fire-places have been spoken of as a means of ventilation. I am in favor of open fire-places, and wherever I go to rent rooms I always give the preference to those having open fire-places. I would have open fire-places and also open windows, so that we can raise the lower sash and lower the upper sash and get in the sunlight and fresh air of heaven. You can never secure that in this concern unless you tear down these partition walls and change the plan and construction of the roof, and get your air directly from the outside. This is the only practicable way in which the present room can be utilized and made a success.

The gentleman from Massachusetts [Mr. LORING] in the few remarks he made demonstrated the truth of what I say. He says that you want a good and commodious room where you can retire and get fresh air and ventilation. We want the Hall so constructed that we can get fresh air, healthy ventilation, while we are sitting in our seats. I say that, so far as I am concerned, I appreciate the value of the health of the members of this body. I have no personal interest in the question, but I speak to those who are members of the next Congress, and I think it is the duty of those members, in consideration of their own health and that of their compeers, to adopt some means of constructing a new Hall. If possible, get some practical and sensible man as an architect; and if you cannot remodel this Hall for the purposes you desire, then I say add a wing to it that can be

so arranged as to be practical. If it were not that you cannot dispense with your committee and reception rooms, you might tear out these walls to which I have referred, dispense with these corridors and committee-rooms, and by that means you can get the fresh air and bright sunlight of heaven. Leave the desks, but have sufficient space between them so that you will not be compelled to reach your seat by way of the back door, as was remarked by the gentleman from Massachusetts. By that means you will not only get good ventilation and natural light, but you will have the necessary room required for members to deliberate in this Hall.

That is all I have to say upon the subject. I shall oppose any movement to change the arrangement of the desks, because the present arrangement cannot be improved upon, and I shall oppose any movement toward ventilating the Hall, because I say that the experience of the science of ventilation has been exhausted upon this concern, and it cannot be improved upon. That is a practical impossibility.

I now yield to the gentleman from New York, [Mr. TOWNSEND.]

Mr. TOWNSEND, of New York. I rise simply for the purpose of entering my protest against a continuance of the system under which I have suffered for four long years. I have suffered here as a martyr to science. [Laughter.] I have suffered here because science was ventilating this Hall without one particle of common sense. [Laughter.] Science has been engaged in lifting the foul atmosphere out of this Hall, but science has not asked common sense if it were not true that foul air is heavy and would not be lifted.

We sit here in this Hall ordinarily in the presence of from two to three thousand people. At other times there are perhaps four thousand in the Hall altogether. On occasions of excitement fully four hundred are on this floor, with from fifteen hundred to twenty-five hundred in the galleries, and every breath that comes from those people creates an atmosphere that falls down and settles here in the body of the Hall. To obviate this difficulty scientists are at work at the corners lifting and lifting and lifting, [laughter,] and we are suffering from the heavy and foul air that will not be lifted, but is lurking in the Hall.

The foul air remains, and if common-sense men were to come in here without any science—without any experience in ventilating—common sense would open the way to the outside of the building horizontally and cut passages through to the outer windows and let in the air from the bottom of the windows and let it blow over the Hall, but common sense cannot be considered. We shall have high-priced science and an utter want of common sense. I do not care how many scientific men you put upon your commission if you join with it common sense and let God's atmosphere into the Hall. If not, you will suffer as I have suffered and as my predecessors did. I am going out of this Hall. The ventilation of this Hall is not one of those things that I shall remember with pleasure. [Laughter.]

God gave me a good constitution. I would say to the gentleman from Pennsylvania [Mr. O'NEILL] that I like him have not lost my health here. I am going out and shall cease to suffer. You who are to remain will cease to suffer in this way if somebody will tear down the separating walls and let the winds of heaven blow under the seats and above them. We want a purifying atmosphere that shall sweep along the floor, and if we cannot have that you will have to suffer as we have suffered in times past.

I want to say one word further to the gentlemen who are to continue in the service of their country in this Hall, about the engine of torture that is proposed to be substituted for your chairs and desks. I have had it by my seat for one day. I find, whatever it may do fore and aft, that three of these chairs cannot stand where four of the other kind have stood. I protest against the wicked and I would say almost felonious folly of not opening the Hall to the outer windows—a work that may be done for \$5,000.

Mr. BUTLER. The ventilation or something else in this Hall has left me without the power of making myself heard. I do not know that I ought to say anything about this subject. I certainly shall not antagonize the report of the committee, because with that I do not mean to have anything to do. I am in no sense responsible for it.

In November, 1877, after waiting for some weeks for the majority party in the Hall to move some improvement in ventilation, and having given considerable attention to that matter in the Forty-third Congress, I introduced a resolution to have measures taken to have the Hall ventilated. I had the advantage of plans and specifications and scientific knowledge, so far as scientific knowledge is of any advantage, that had been obtained in a former Congress. I always supposed that my plan was defeated in a former Congress by the unwillingness of the Speaker of that day to give up the Speaker's room and the reporters to give up the reporters' room and the unwillingness of the members not to have a convenient place to see ladies in the corners. [Laughter.]

A MEMBER. Or somewhere else.

Mr. BUTLER. But that resolution passed unanimously, and I supposed under parliamentary usage I should have been put at the head of the committee proposed to bestow labor upon it, but my resolution incautiously provided for a clerk. That was a little crumb of patronage that could not be allowed. [Laughter.] And so I found, contrary to parliamentary rules, a much abler, better, and more ex-

perienced man; better in politics, because he had just got up where I left off. [Laughter.] So he was put at the head of the committee, and I was put fourth or fifth. I very seldom, or never, attended the meetings of that committee.

Now, there seems to me no justice in this. I do not know what the report contains, as I have carefully abstained from listening to it, so that I might not appear to criticize it, but I have a few words to say about the ventilation of this Hall. I am certain that members never will dispense with their desks. That has been tried under the most favorable circumstances, and the experiment did not last sixty days. Therefore, we must have the desks in some form.

I agree it would be better for us to legislate without them; but that good we will not take. There are too many conveniences, and most of our troubles come from choosing ease rather than good. Therefore that must be laid out of the way.

Now, in ordinary times, in any other place under heaven but this, I can make from three thousand to five thousand people hear me. Why is it that I cannot make three hundred people hear me here. Why, sir, in Indiana I have spoken in the oak groves amid the breezes of heaven to five thousand and ten thousand people, and there are men in this Hall who know I made myself heard. Why is it that we rival in a different manner the Areopagus who sat at night, in the darkness, lest they might be influenced by the gestures and magnetism of the speaker. We do better; we sit here and have nothing but the magnetism and the gestures. We never hear anything that the speaker says. This is in consequence of the construction of the Hall; that is, it is broken overhead for the sake of some very ill-looking paintings in the squares, every one of which throws back the voice to the ear of the man who utters it. If you will look, watching as I watch now, you can hear the echo right back to your own ear; and the sound is all broken up. Not only that, but this performance of squares and indentations overhead increases the general tumult, because echoes and re-echoes verberate and reverberate until a small sound becomes like the roar of the ocean.

There is, I am informed, one hall in this country, not made by a man of science, where fifteen thousand people can hear the ordinary voice of a speaker—Brigham Young's tabernacle. There are many of you who know about that. How is that made? Why it is substantially as if we cut an egg-shell longitudinally in halves and got under it and spoke from one of the foci. Now, if this Hall could be taken and made perfectly smooth its acoustics would be vastly improved. Get rid of this ginger-bread work which makes this Hall look like the saloon of a steamboat. Have something of use. That is my idea. Smooth your walls; give place for your galleries, not in the form they are now, but let these corners be rounded over the heads of the people there, and they will hear as well as we. Make everything smooth and clear and clean, so that the sound can take care of itself.

Now for ventilation. Everybody will agree that the ventilation of this Hall is fearful in its results. There is a larger percentage of dead members in this House than of any other number of men, and yet we are more than the average of men in physical strength, and as I want to say, passing away from this Hall, more than the average of men in knowledge of life and of habit, and more than the average of the same number of men in propriety of conduct and living which gives long life.

Now, then, what is the trouble? Why, what do we do? We dig a hole in the ground out into what was once a swamp, for every foot from this declivity to the Potomac was originally a swamp; and we have dug that hole out so as to get as near as we can to the middle of that swamp, and we put in powerful pumps and powerful steam-engines to pump that air coming from the swamp up here to breathe. And how many thousand dollars have been spent for that purpose I do not know; not by any science—I want to redeem science from the observation of my friend from New York, [Mr. TOWNSEND,]—I do not believe science did that. Something did it. And here we are pumping up from the lowest part of this city, where none of us would be willing to make our residence, where you cannot get a Congressman to live—we pump that air up by heavy machinery and a great expenditure of steam in here to breathe. We do not give it a chance to get up higher, so as to mix with pure air, before we catch and imprison it and bring it to our lungs. That is the first thing in ventilation. Where should the air come from? I say take the air which will come in from the heaven above us if you will let it. Send up air-ducts as high as the top of this Capitol; open them at the bottom, let cold air flow in, and it will press out the warm air if you give it a place to go out, without any pumping machinery or broiling engineers almost to death. Carry up air-ducts all around your walls. I am content you shall put fire-places below them. There will then be two currents of air, one up the chimney and the other down the air-duct. I speak *haud incertus*; I have tried it. I have ventilated my own house, in which I live, in the same way. When I was away the scientific men who were putting in heating apparatus came and put in an immense hole at the bottom to let cold air into my house. When I went home and saw it I told my carpenter to put a strong plank door over it, list it so that it should be perfectly tight, put a strong lock on it, and give me the key; and I have lost the key, and it never has been open since. [Laughter.]

His idea, as the idea of everybody else seems to be, was that you must take all your air from the bottom of the building. Not at all;

you should take it from the top; cold air will press down and drive the warm air out, and you need not have either fan or any other machinery to secure proper ventilation. Put your fire-places around the Hall, make up a little fire in them so as to produce a current that will carry out the warm air, then put your plain air-ducts in from the top of the building, and let your cold air press down so as to feed these fire-places, and you will have neither draught nor bad ventilation.

Mr. TOWNSEND, of New York. Will the gentleman allow me to ask him one question?

Mr. BUTLER. Certainly.

Mr. TOWNSEND, of New York. The gentleman and myself agree so nearly in this thing that I wish to call his attention to another matter. It is that foul air is not merely warm air, but it is also heavy air; it does not rise with the warm air.

Mr. BUTLER. I agree with that. The heavy foul air is carbonic acid gas more or less impregnated with hydrogen, so that it almost becomes carbureted hydrogen. But that will be pressed into the fire-places, and will go up the chimney.

I have spoken of your means of ventilation. Now, where do you want your Hall? Tear out all of these walls surrounding us here; it can be done. Go out to the corner of the building. Let the two sides of your Hall be the two sides of the building. Open the windows, and let the free air of heaven into your Hall. Redeem yourself from your present condition, from what every man of you knows to be the fact, that the water-closet of this building, out in the corner here, is the best ventilated and the sweetest part of it.

Now extend your Hall out into the corner of the building; go out there and live there all the time. Then you can have this inner room, which can be ventilated but cannot be lighted well and effectively, for reception-rooms and for any other purposes for which it may be needed. Let me say to you that there is another thing; no man ought to live for a large portion of his time in a room where the sunlight of heaven does not come in free and pure.

Mr. BRIDGES. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. BRIDGES. Is the gentleman not aware that by opening the windows on the south of the building the malaria rising from the low marshy grounds south of the Capitol would blow right in upon us here?

Mr. BUTLER. No, I am not, and I will tell you why. I have all my windows in my own house opening in that direction. I studied that question carefully. In the olden time the reason why the part of Capitol Hill where my house is situated was not built upon was because malaria came up from the low ground. The Tiber Creek was then open and flowing, and full of sewage. I would not have lived there at that time upon any account. But since the creek called the Tiber has been closed over and made a sewer it draws off from these low grounds almost all there is which will produce malaria, in the way of stagnant water and other matters producing malaria, and besides, in the summer time, different from what it is in Pennsylvania and different from what it is in Massachusetts, the cool air comes from the south up the Potomac, the draught is up river, and that carries the malaria by and over us, whatever comes up. Fifty years ago there were a great many cases of malarial fever around in this neighborhood. But there has not been one case of chills and fevers indigenous to the neighborhood for the last twenty years. I have gone over that subject with great care in connection with my own purposes, for I wanted to know what I was about, where I was going to live, and perhaps prepare a place for my children.

Now, I say that if you will go out to the corner of this building you will then get the sunlight and the free air of heaven, and from both directions, first from the top of the building and then from the side, when the condition of the atmosphere will permit an open window and open draught.

Mr. CONGER. Will the gentleman allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. CONGER. I wish to ask the gentleman this question: while air taken from the slope on the west side of the Capitol is so malarial and so impure, why may not some of it come in at the south windows with a proper current from the Potomac to force it in?

Mr. BUTLER. I hear the question, and am very glad of an opportunity to answer it. Some of it will come in, but the difference is between bringing in some of it and bringing in all of it. Now we get nothing else. I am willing to take a little rum in my water, but I want some water, to drink water part of the time. [Laughter.] That is the difference.

I have now said all that I care to say on this subject. I have given you the theory upon which I should proceed in this matter; and as I will soon go out of this Hall, in all probability never to return to it as a member, I have submitted these views for the benefit of those who may come after me, so that members of Congress may be enabled to retain here that full vigor of constitution, of mind, and of body which they bring with them when they come from their constituents.

Mr. YOUNG, of Tennessee, resumed the floor.

Mr. WOOD. Before the gentleman from Tennessee demands the previous question I desire to call the gentleman's attention to an

amendment which I have offered, and on which I desire a vote, to add the following:

Provided, That nothing herein shall authorize the removal of the desks as now existing.

Mr. YOUNG, of Tennessee. Mr. Speaker, the comparison instituted by the gentleman from Massachusetts [Mr. BUTLER] as to our relative greatness, political or otherwise, is not a matter necessary to be discussed in connection with the proper method of ventilating this Hall; and I would pass it by unnoticed but for the reason that justice to the Speaker requires that I should reply to it very briefly, though in doing so I shall make no effort to controvert the conclusion evidently fixed in the gentleman's own mind that he is better fitted than all the rest of mankind for the duties of any position in which he might be placed.

At the time the gentleman from Massachusetts offered the resolution under which this committee was created I held in my hand a report in respect to the ventilation, heating, and lighting of this Hall, which I had prepared as chairman of a committee appointed for that purpose, after careful and thorough investigation of about two years. Now, I am willing to grant that the gentleman would have been better qualified for the discharge of this or any other duty than myself, for he is a very great man, and I "only a poor erring mortal;" but after an investigation of this particular question for so long a time, aided by the most learned gentlemen that I could call to my assistance, including Professor Henry of the Smithsonian Institution, Professor Baird, his successor, two or three Army officers, Professor Billings, of the Army Medical Corps, the latter of whom had visited almost all the houses of assembly in Europe for the express purpose of investigating this very question—after having had the assistance of all these gentlemen, probably it would not be altogether immodest on my part to claim that I was quite as well advised about the proper method of ventilating this Hall as the distinguished gentleman from Massachusetts could have been without giving it any thought or attention at all—nor do I think the Speaker did him so very great a wrong in not naming him as chairman of the committee.

The SPEAKER. The Chair desires to ask the gentleman from Tennessee whether he did not do all that under the authority of the House?

Mr. YOUNG, of Tennessee. Certainly; in pursuance of a resolution of this House adopted more than a year before. Further, if the gentleman had done us the honor to meet with the committee after its appointment by the Speaker, he should have been its chairman if the other members had chosen to select him, for the very first time we met I submitted that question to the members of the committee who were present, and declared that the gentleman from Massachusetts, if he did us the honor to attend, should, so far as I was concerned, be chairman. I believe my colleagues on the committee will bear me out in this statement.

Now, the gentleman's idea of ventilation is as faulty as his conception of parliamentary propriety. I will not undertake to enter into a discussion of all the nice distinctions connected with the question of ventilating this or any other hall, nor will I undertake to tell the House the dangers resulting from lateral ventilation, the imperfections in downward ventilation, or the advantages that flow from upward ventilation, for upon all these questions there is the widest divergence of opinion among scientists, and upon each one of them a volume might be written.

But I will say that one of the most learned scientists of this country—a gentleman who has devoted long years to the investigation of this very subject, who has visited Europe, examining the method of ventilation in the English House of Parliament, as well as that adopted in similar buildings at Berlin, Paris, and elsewhere in the Old World, gave us upon his return the result of his investigation. Our recommendations are in some measure based upon his conclusions. He declared to us, and the proposition will be apparent to any one who will reflect a moment, that in all houses where there are galleries occupied by large numbers of people the downward system of ventilation can never be safely adopted. Why? Because the air we breathe coming from the roof and being first breathed by a larger number of persons than those who occupy the floor, must necessarily be impure before it can reach us. In this building when there are three hundred persons who occupy the floor and two thousand in the galleries, it will require only a moment's reflection to demonstrate how dangerous must be that system of ventilation which brings the air we breathe through two thousand people who are also breathing it every moment.

Some gentlemen who have discussed the question this morning evidently do not (if they will allow me to say so) understand the matter sufficiently well to discuss it very intelligently. They neither understand the question of ventilation nor do they comprehend the architectural structure of this Hall. Gentlemen who talk about removing these interior walls in order that we may get the atmosphere from the outer world do not know that if this were done the building could not stand for a single hour. By reason of its peculiar architecture, it is impossible to remove these inner walls without destroying the whole building. When I first undertook the investigation of this question I was of the same opinion now expressed, as I understand them by the gentleman from Massachusetts [Mr. BUTLER] and the gentleman from Missouri, [Mr. ITTNER], that the only perfect system of ven-

tilation which can be adopted for this Hall would be the removal of these inside walls so as to have access to the outside air and sunshine. But that cannot be accomplished if we can rely upon the judgment of every architect who has examined the question. They have all declared to us that if the inside walls are removed the whole building will be practically destroyed. The nearest we can come to meeting the conditions deemed necessary by these gentlemen is to enlarge the opening in the wall immediately in the rear of the Speaker's stand and also either remove the middle wall or enlarge the openings in it, making an open lobby so that on one side at least we will get the outside sunshine and fresh air.

There is no possible way, if we can rely on the statement of the architects who have examined this question, by which fresh air can be brought into the Hall, other than by the method in which it is now brought, except by the change we suggest back of the Speaker's stand.

One word in reference to the removal of the desks, and then I am perfectly willing the House should determine that question on the amendment offered by the gentleman from New York, [Mr. Wood.] I do not insist on it so far as I am personally concerned. My personal convenience, outside of that which attaches to a seat so far from the Speaker's chair, would make me desire the desks to remain; but a careful examination of the subject has satisfied me they are really an obstruction to the transaction of public business.

I have illustrated some of the inconveniences to which gentlemen are subjected who are so unfortunate as to have the bad location I have in the Hall since I have been addressing the House this morning, for I have occupied the seats of nearly a dozen members simply because I cannot speak from my own. Every time I have taken the floor in this discussion I have had to change my position and impose upon the good nature of some other member. To meet inconveniences of this kind, to accommodate gentlemen who occupy seats so remote from the Speaker's stand that they cannot be heard in different quarters of the House, or hear others, we provide that small tables may be disposed, six or eight in number, about the middle of the rows of seats, where gentlemen may stand who desire to address the House. This drawing I have in my hand shows where these tables will be located, about six or eight in different parts of the Hall, so that gentlemen who are now prevented by the location of their seats from being heard can go to one of these tables and stand while speaking.

There was something said by the gentleman from Massachusetts [Mr. Butler] and other gentlemen about the locality the atmosphere came from which we breathe.

That is one of the objections we propose to meet in these recommendations. It is proposed that a tower be built at the foot of the second terrace, twenty feet high, and that the air duct through which the fresh air comes into the Hall shall connect with the base of this tower, so that the atmosphere we breathe shall come from an altitude twenty feet above the second terrace west of the Hall.

I now yield to the gentleman from New York to call for a vote on his amendment.

Mr. WOOD. I will not protract the debate, but ask for a vote on my amendment.

The Clerk read as follows:

Provided, That nothing herein shall authorize the removal of the desks as now placed.

Mr. CLYMER. I have an amendment, to put in the name of Mr. ABRAM S. HEWITT.

The SPEAKER. The first vote will be taken on the amendment of the gentleman from New York.

The House divided; and there were—ayes 102, noes 53.

Mr. YOUNG, of Tennessee. I do not ask for a further count. So the amendment was agreed to.

The question recurred on Mr. CLYMER's amendment, adding the name of ABRAM S. HEWITT.

The amendment was agreed to.

Mr. YOUNG, of Tennessee. I have a further amendment I desire to offer.

Mr. ROBBINS. Now let the resolutions be read as they have been amended.

The Clerk read as follows:

Resolved, That Professor Spencer F. Baird, of the Smithsonian Institution; Lieutenant-Colonel Thomas L. Casey, of the Corps of Army Engineers; Mr. Edward Clark, Architect of the Capitol; Mr. F. Schumann, civil engineer, Treasury Department; Professor John S. Billings, surgeon United States Army, ABRAM S. HEWITT, BENJAMIN F. BUTLER, G. B. LORING, and FRANK JONES, be, and they are hereby constituted an advisory board, without additional pay or compensation, with power and authority to make and carry out, through the Architect of the Capitol Extension, during the approaching recess of Congress, all the changes and alterations in the heating, lighting, and ventilating the Hall of the House of Representatives, that are set out and recommended in the report submitted by them and adopted by the select committee appointed by resolution of the House to inquire into the present method of heating, lighting, and ventilating the Hall of the House of Representatives; and the said board may employ a clerk during the time they are engaged in the performance of such work: *Provided*, That nothing herein shall authorize the removal of the desks as now placed.

And be it further resolved, That the Architect of the Capitol extension and the Electrician of the House be, and they are hereby, authorized and empowered to purchase two dynamo-electric machines and their necessary attachments for lighting the Hall of the House of Representatives, providing they shall not cost a sum exceeding \$2,500.

Mr. CONGER. I understood a name was to be added.

The SPEAKER. It was added.

Mr. CONGER. I do not know why it was inserted first.

The SPEAKER. The Chair does not know either.

Mr. CLYMER. As I offered the amendment I had no desire to place Mr. HEWITT's name at the head of the commission.

Mr. CONGER. As there is a clerk to be appointed, and there must necessarily be a democrat at the head of it, I have no objection. [Laughter.]

Mr. CLYMER. It was not my intention as the mover of the amendment that Mr. HEWITT's name should be placed in that position.

Mr. CONGER. So I understood.

The SPEAKER. The Chair is unable to answer, as he took no interest in the matter.

Mr. CALKINS. I move the name of BENJAMIN F. BUTLER be added.

The SPEAKER. The Chair hears no objection. The Chair will say further, as allusion has been made this morning to the matter, that in appointing the committee under the resolution offered by the gentleman from Massachusetts [Mr. Butler] himself, the Chair selected the chairman of the committee after due reflection, not from any political consideration whatever. The gentleman from Tennessee [Mr. Young] had given this subject, by the direction of the House, long and arduous attention, and he was appointed by the Chair with his eyes open, knowing what he was doing.

Mr. CONGER. In this case the appointment is by the resolution.

The SPEAKER. The Chair has nothing to do with this.

Mr. CONGER. By some means a member of this House is now appointed chairman.

Mr. FORT. Has the name of Mr. BUTLER been added?

The SPEAKER. If there be no objection, the name of BENJAMIN F. BUTLER will be added.

There was no objection.

Mr. CONGER. Following the other precedent, the name of Mr. BUTLER should be added at the top of the list. I move that, following the former precedent, his name be placed at the front end of the commission.

Mr. CLYMER. Probably the gentleman from Michigan [Mr. Conger] would like to be put on the commission and have his name also put in advance of the others. I suggest that the name of the gentleman from Michigan be added.

The SPEAKER. The Chair hears no objection.

Mr. CONGER. I do not desire to be added to the commission. I am not so much of a partisan that I cannot recognize the eternal fitness of things.

Mr. FORT. I desire to ask the gentleman from Tennessee a question. Is he informed that the wall of this Chamber cannot be removed without endangering the building?

Mr. YOUNG, of Tennessee. I had reference to the wall just beyond that.

Mr. FORT. I have conversed with two or three architects, one of whom was Mr. J. B. Mullet, who was the architect of the new State Department, and I was informed distinctly by him that it could be removed without a particle of trouble and at a very small expense, and that the building would be as firm and the roof supported as well as it is now.

Mr. ITTNER. I desire to make this suggestion to the chairman of the committee, that if the gentleman who traveled all over this country and Europe investigating this question of the ventilation of public buildings is not in the lunatic asylum he had better be placed on this commission also.

Mr. COX, of New York. I move to add the name of Mr. JONES, of New Hampshire.

Mr. HALE. I suggest that the name of Dr. LORING, who has given great attention to this matter, be added to this commission.

The SPEAKER. It is moved that the name of the gentleman from Massachusetts [Mr. Loring] be added. The Chair hears no objection.

The gentleman from New York suggests that the name of the gentleman from New Hampshire [Mr. Jones] be added. The Chair hears no objection.

Mr. ITTNER. In the remark I made a moment ago I do not desire to be considered as having reflected upon the gentleman whom I had in my mind's eye when I spoke. I wished to convey the idea that any man who had traveled all over this country and Europe investigating the proper modes of heating and ventilating halls of this description, if not now in a lunatic asylum ought to be there.

The SPEAKER. He is on the committee. [Great laughter.]

Mr. CONGER. I think that is a fair equivalent of the other place.

Mr. BACON. I offer the amendment, which I send to the desk.

The Clerk read as follows:

After the words "desks as now placed" insert "or the substitution of others more convenient in their stead."

The amendment was not agreed to.

Mr. ATKINS. I suggest to my colleague, the chairman of the committee, that he introduce a joint resolution making the appropriation contemplated in his resolution.

Mr. YOUNG, of Tennessee. I have an amendment here which I desire to offer. I am informed by the Architect of the Capitol and the Electrician that the recommendation made in this amendment will, if carried out, save the Government in four or five years ten or fifteen

thousand dollars. It is for the purpose of providing two dynamo-electric machines for lighting the Hall.

The Clerk read the amendment.

Mr. ATKINS. I again call the attention of my colleague to my suggestion in regard to the modification of his resolution.

Mr. YOUNG, of Tennessee. I have made arrangements in the Senate in regard to it.

Mr. ATKINS. Those arrangements do not amount to anything.

Mr. YOUNG, of Tennessee. I have already arranged for the appropriation being made in the sundry civil bill.

Mr. ATKINS. I would ask my colleague to modify his resolution.

Mr. ITTNER. Mr. Speaker, I was unfortunate in my explanation, and I desire to correct myself. I do not desire to be understood as reflecting upon the honorable chairman of the committee having this bill in charge, and who has also given this subject much thought and study. What I meant to say was, that any man who had devoted two years to the close consideration of an impractical proposition and not be driven to insanity must be endowed with an unusual strong mental organization.

Mr. YOUNG, of Tennessee. From the discussion upon the subject this morning I should judge that the investigation of the subject has a strong tendency to lunacy.

I now call the previous question on the resolution.

The SPEAKER. The Chair desires to suggest to the gentleman from Tennessee that the first resolution is a House resolution, and the second resolution will be a joint resolution.

Mr. YOUNG, of Tennessee. Then I will strike out the second resolution, and I will get the Senate to insert the provision of it in the sundry civil bill.

Mr. CONGER. I should like to know what electric light the gentleman suggests.

Mr. YOUNG, of Tennessee. I do not know; it is the suggestion of the Architect of the Capitol.

The SPEAKER. The Chair suggests to the gentleman from Tennessee that he allow his first resolution to be passed. He can then submit a joint resolution covering the second of these resolutions.

Mr. YOUNG, of Tennessee. That is what I propose to do.

The question was taken; and the resolutions, as modified, were agreed to.

Mr. YOUNG, of Tennessee, moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed resolutions in which the concurrence of the House was requested, as follows:

A concurrent resolution for printing and binding in cloth 10,000 extra copies of the report and the proceedings of the Paris monetary conference held last year;

A concurrent resolution for printing 300,000 copies of the report of the Commissioner of Agriculture for 1878; 225,000 copies for the use of the House of Representatives, 55,000 copies for the use of the Senate, and 20,000 copies for the use of the Department of Agriculture; and

A concurrent resolution for printing the report of the Commissioner of Education for 1877; 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, and 10,000 copies for distribution by the Commissioner.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

An act (H. R. No. 247) to grant a pension to George D. Phillips, a soldier of the war of 1812;

An act (H. R. No. 541) for the relief of William H. Carmen;

An act (H. R. No. 697) restoring the name of Benjamin Hollingsworth to the pension-roll;

An act (H. R. No. 796) for the relief of Jenkins A. Fitzgerald, assistant surgeon United States Army;

An act (H. R. No. 1144) for the relief of Ann Annis, widow of Harvey Annis, late second lieutenant Company G, Fifty-first Regiment United States Colored Infantry;

An act (H. R. No. 1243) for the relief of Josephine C. Owen, postmaster at Randolph, New York;

An act (H. R. No. 1277) donating condemned cannon and cannonballs to the Colchester Monument Association, of Colchester, Connecticut, for monumental purposes;

An act (H. R. No. 1278) donating condemned cannon and cannonballs to Ledyard Monument Association, of Ledyard, Connecticut, for monumental purposes;

An act (H. R. No. 1286) granting relief to John T. Neale, an employé of the Provost-Marshal-General's department in 1861, for injuries sustained in the line of his duties;

An act (H. R. No. 1304) granting a pension to Anna M. Clippinger;

An act (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry, Wisconsin Volunteers;

An act (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky;

An act (H. R. No. 3434) releasing title to a certain cemetery lot to the city of Montgomery, Alabama;

An act (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

An act (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas;

An act (H. R. No. 3598) granting a pension to Alice B. Mouree;

An act (H. R. No. 3853) for the relief of William F. Wheeler;

An act (H. R. No. 3871) donating condemned cannon to the city of Boston for monumental purposes;

An act (H. R. No. 4002) donating a condemned cannon and cannonballs to Post No. 145, Grand Army of the Republic, district of Massachusetts;

An act (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts;

An act (H. R. No. 4385) granting an increase of pension to Caroline Hawley;

An act (H. R. No. 4392) for the relief of Lucinda C. Dillabenty, of Tennessee;

An act (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison;

An act (H. R. No. 4407) for the relief of Andrew Ivory;

An act (H. R. No. 4795) granting a pension to Ann Cornelia Lanman;

An act (H. R. No. 6159) granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812; and

An act (H. R. No. 6272) donating condemned cannon to Bayard Post, for purposes therein mentioned.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested bills of the House of the following titles:

An act (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Twenty-fourth Regiment Indiana Volunteers;

An act (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers;

An act (H. R. No. 529) granting a pension to Daniel Middough;

An act (H. R. No. 550) granting a pension to Mary A. Allen;

An act (H. R. No. 585) for the relief of Daniel C. Putnam;

An act (H. R. No. 608) granting a pension to Nathan Udell;

An act (H. R. No. 830) granting a pension to Elizabeth Teagarden;

An act (H. R. No. 846) for the relief of Thomas C. Young, late private Company F, Thirty-ninth Iowa Infantry;

An act (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple;

An act (H. R. No. 1045) to place George W. Browning on the pension-roll;

An act (H. R. No. 1055) granting a pension to Samuel B. Robertson;

An act (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late a private Company B, Fifty-eighth Illinois Volunteers;

An act (H. R. No. 1842) granting a pension to Henry Grossman, late a private in Company G, One hundred and fifty-fourth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

An act (H. R. No. 1959) granting a pension to John Haley;

An act (H. R. No. 2172) granting a pension to De Forest Doty, of Timmouth, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry;

An act (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;

An act (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie;

An act (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee;

An act (H. R. No. 2472) for the relief of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry;

An act (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry;

An act (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general, United States Army;

An act (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment;

An act (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl;

An act (H. R. No. 2769) granting an increase of pension to Catherine H. Gallagher, widow of Captain John Gallagher, late of United States Army;

An act (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio;

An act (H. R. No. 2975) granting a pension to William Reynolds, late a private Company G, Thirteenth Regiment Indiana Volunteers;

An act (H. R. No. 3108) granting a pension to Hugh B. Makin, late a private of Company A, Eighth Regiment United States Volunteers;

An act (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased;

An act (H. R. No. 3150) granting a pension to Joseph Ward;

An act (H. R. No. 3196) granting a pension to William H. Garrett;

late private Company B, Fifty-sixth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 3362) granting a pension to Nathan A. Winters;
 An act (H. R. No. 3408) granting a pension to Samuel V. Adams;
 An act (H. R. No. 3676) for the relief of Benjamin Sanders;
 An act (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris;
 An act (H. R. No. 4368) granting a pension to Joanna Kuhlman;
 An act (H. R. No. 4371) granting a pension to Ludwig Ueber;
 An act (H. R. No. 4379) granting a pension to Mary Brady Cross;
 An act (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifty-first Infantry, United States Army;
 An act (H. R. No. 4391) granting a pension to Susan Humes;
 An act (H. R. No. 4494) granting a pension to John Grubbins;
 An act (H. R. No. 4574) concerning street railroads in the District of Columbia;

An act (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles Thomas, deceased;
 An act (H. R. No. 4691) granting a pension to Hannah Hallam;
 An act (H. R. No. 4694) granting a pension to James Riley, late private in Company D, Forty-first Regiment United States Infantry;
 An act (H. R. No. 4695) granting a pension to James Buchanan;
 An act (H. R. No. 4696) granting a pension to Cynthia Spradlin;
 An act (H. R. No. 4697) granting a pension to Philip Thon;
 An act (H. R. No. 4698) granting a pension to Helen Crabbe;
 An act (H. R. No. 4701) granting a pension to J. W. Staplin;
 An act (H. R. No. 4702) granting a pension to Catharine Gemmill and children;

An act (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers;
 An act (H. R. No. 4794) granting a pension to Peter Yarnell, late a private in Company D, Twelfth West Virginia Volunteers;
 An act (H. R. No. 4983) granting a pension to Sarah H. Bradford;
 An act (H. R. No. 4987) granting a pension to James H. Cook;
 An act (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas; and

An act (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 174) for the relief of Thomas B. Hunn;
 An act (S. No. 1051) for the relief of Hardie Hogan Helper;
 An act (S. No. 1571) for the relief of William W. Ross;
 An act (S. No. 1644) for the relief of Samuel A. Chew;
 An act (S. No. 1672) for the relief of N. C. Blanton;
 An act (S. No. 1673) for the relief of James Trabue;
 An act (S. No. 1674) for the relief of Henry F. Lines;
 An act (S. No. 1719) for the relief of Thomas S. Ford;
 An act (S. No. 3399) granting a pension to Abigail S. Tilton;
 An act (S. No. 460) granting a pension to Mary Leggett;
 An act (S. No. 1359) granting a pension to the widow and minor children of Michael Mienan;

An act (S. No. 1400) granting a pension to Mrs. Louisa Bassett;
 An act (S. No. 1465) granting a pension to Theodore Halberstadt;
 An act (S. No. 1509) granting a pension to John Willams;
 An act (S. No. 1511) granting a pension to Detrick Black;
 An act (S. No. 1512) granting a pension to Peter Gettert;
 An act (S. No. 1513) granting a pension to Charles Reed;
 An act (S. No. 1514) granting a pension to Simeon Ingalls;
 An act (S. No. 1515) granting a pension to James H. Poland;
 An act (S. No. 1602) granting a pension to Louisa Bainbridge Hoff;
 An act (S. No. 1705) granting an increase of pension to James C. Daggett;

An act (S. No. 1848) granting an increase of pension to Charles C. Smith;

An act (S. No. 1852) granting an increase of pension to Ward B. Burnett;

An act (S. No. 1723) granting arrears of pension to Mrs. Jane Dulaney;

An act (S. No. 1728) granting a pension to John Smith;
 An act (S. No. 1739) granting a pension to Matthew O. Reagan;
 An act (S. No. 1740) granting a pension to Rebecca Williams;
 An act (S. No. 1741) granting a pension to Elizabeth McNeill Benham;

An act (S. No. 1742) granting a pension to Francis McNeill Potter;
 An act (S. No. 1759) granting a pension to Sarah E. Webb and minor children;

An act (S. No. 1841) granting a pension to John McNulta;
 An act (S. No. 1849) granting a pension to Mrs. L. E. McCauley;
 An act (S. No. 1854) granting a pension to Hannah McLaughlin;
 An act (S. No. 1855) granting a pension to Mary W. Jones;
 An act (S. No. 1733) granting to Mrs. Elizabeth Wirt Goldsborough, widow of the late Admiral Goldsborough, a pension of \$50 per month, to be paid out of the Navy pension fund;

An act (S. No. 1554) relating to printing impressions from portraits and vignettes;

An act (S. No. 1582) providing for an additional associate justice of the supreme court of the Territory of Dakota;

An act (S. No. 1650) to authorize the Secretary of the Treasury to

ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities;

An act (S. No. 1692) authorizing the President to nominate Herman Biggs to a second lieutenantcy in the Army; and

An act (S. No. 172) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal.

ORDER OF BUSINESS.

Mr. YOUNG, of Tennessee. I desire to make another report from the Committee on Public Buildings and Grounds.

Mr. SPRINGER. I understand that there is a privileged question which can be called up by me, and if the gentleman from Virginia [Mr. TUCKER] does not desire to call up the matter in which he is interested I shall call up that privileged question.

MEMORIAL ADDRESSES.

Mr. HUNTON. I rise to a privileged question. I submit the following resolution:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Beverly B. Douglas, late a Representative of the State of Virginia, of which 9,000 shall be for the use of the House and 3,000 for the use of the Senate.

The resolution was agreed to.

Mr. HUNTON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COOK. I ask that the amendments of the Senate in reference to the printing of the memorial services of the late Julian Hartridge be concurred in. The amendments from the Senate reduce the number.

Mr. GIDDINGS. I ask that the same action be taken on the resolutions of the Senate in relation to Mr. Schleicher.

Mr. HUBBELL. I ask that the same action be taken in relation to the amendments of the Senate to the resolutions for printing the memorial addresses upon the late General Alpheus S. Williams.

There was no objection, and it was so ordered.

Mr. TUCKER. I yield the floor to the gentleman from Pennsylvania [Mr. BRIDGES] to offer a resolution.

EVENING SESSION.

Mr. BRIDGES. I ask unanimous consent to offer the following resolution:

Resolved. That there be an evening session of the House to-morrow evening to commence at half past seven o'clock, the first hour and a half thereof to be set apart for the consideration of the bill relating to the Japanese indemnity fund and Senate resolution touching the fishery articles of the Washington treaty, from the Committee on Foreign Affairs, and the remainder of the evening for general debate.

Mr. WILSON. I desire to amend the resolution.

Mr. WHITTHORNE. I object to the resolution.

Mr. TUCKER. Then I will call up the unfinished business.

Mr. BRIDGES. I move to suspend the rules and pass the resolution.

The SPEAKER. We are already acting under a suspension of the rules.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROBINSON, of Indiana, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Frank B. Gross, there being no adverse report.

On motion of Mr. EVINS, of South Carolina, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Lacon R. Fillmore and A. H. Von Leutwitz, there being no adverse report.

On motion of Mr. STEWART, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers accompanying House bill No. 1185, for the payment of certain Indian war bonds of the State of California, there being no adverse report.

On motion of Mr. COLE, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of John Chapman, there being no adverse report.

On motion of Mr. KIDDER, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of J. Carlsen, there being no adverse report.

On motion of Mr. MONEY, by unanimous consent, leave was granted to withdraw from the files of the House the papers accompanying the bill for the relief of the heirs of Brigadier-General William B. Thompson, of the revolutionary army, reported adversely by the Committee of the Whole on the Private Calendar.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. CHALMERS to print in the RECORD certain remarks on the contested-election case of Richardson vs. Rainey. [See Appendix.]

By unanimous consent, leave was granted to Mr. BREWER to print in the RECORD remarks on the revision of the patent laws. [See Appendix.]

EXPENSES OF PUBLIC PRINTING.

Mr. HATCHER, from the Committee on Public Expenditures, by

unanimous consent, submitted a report upon the Public Printing Office; which was ordered to be printed and recommitted.

Mr. BURDICK, from the same committee, on behalf of the minority, submitted a report, to be printed with the majority report.

Mr. HALE. Not to be brought back on a motion to reconsider.

The SPEAKER. That is the understanding.

PRINTING OF MEMORIAL ADDRESSES.

Mr. LOCKWOOD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Terrence J. Quinn, late a Representative from the State of New York, of which 9,000 shall be for the use of the House and 3,000 for the use of the Senate.

Mr. MAJORS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Frank Welch, late a Representative from the State of Nebraska, of which 9,000 shall be for the use of the House and 3,000 for the use of the Senate.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 19) for the relief of Captain James M. Beeber;

An act (S. No. 333) for the relief of Thomas J. Choate, Erastus Foster, Milton Ladd, Clarence E. Haney, William A. Hill, Kneeland F. Huckaby, and William Blackburn, late privates in Company F, Third Regiment Arkansas Cavalry Volunteers;

An act (S. No. 401) for the relief of Charles H. Mosely;

An act (S. No. 713) for the relief of Martin Clark;

An act (S. No. 793) for the relief of Edwin R. Clarke;

An act (S. No. 837) for the relief of the officers and privates of the New Mexico Mounted Volunteers;

An act (S. No. 1268) to authorize the Secretary of War to convey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac;

An act (S. No. 1365) to place Lewis Leffman, ordnance-sergeant United States Army, on the retired list; and

An act (S. No. 1475) for the relief the sureties, &c., of Samuel M. Reynolds, late additional paymaster of United States Volunteers.

ORDER OF BUSINESS.

Mr. COVERT. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. COVERT. I am instructed by the select committee on ventilation to present the report and resolutions which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] is recognized as entitled to the floor. A conference report is of higher privilege than the one referred to by the gentleman from New York, [Mr. COVERT.]

Mr. COVERT. I make the point that the gentleman from Tennessee, [Mr. YOUNG,] the chairman of the Select Committee on Ventilation, had the floor and yielded it to me.

The SPEAKER. How long will it take?

Mr. COVERT. Only two or three minutes.

Mr. TUCKER. I cannot yield any further.

The SPEAKER. The Chair will recognize the gentleman from New York later in the day.

INTERNAL REVENUE.

Mr. TUCKER. I now call up the conference report upon the internal-revenue bill.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] is entitled to the floor for five minutes upon the conference report.

Mr. CONGER. In my judgment, the people of the United States, from the poorest dweller in a hovel to the inhabitant of a palace, demand the repeal of the tax upon matches and have demanded it for years. [After a pause.] Mr. Speaker, I am losing time out of my five minutes, because gentlemen are occupied otherwise than in performing that highest duty of a legislator, listening to me. [Laughter.]

The SPEAKER. The gentleman from Michigan, [Mr. CONGER,] who is entitled to the floor, complains that he cannot be heard.

Mr. CONGER. I have struggled for two hours to obtain five minutes in which to speak, and almost half of that time has gone on account of the confusion here.

The SPEAKER. The gentleman will suspend until order is restored. [After a pause.] The gentleman will now proceed.

Mr. CONGER. The demand for the repeal of the tax upon matches has been universal, and no man, I venture to say, in speaking to the people of the United States in any congressional district within this Union, has failed at one time or another to have the question propounded to him—What necessity remains that an absolutely necessary article like matches should still continue to be taxed? This House responded to the demand of the people; one hundred and seventy-nine of the Representatives of the people on this floor voted to repeal the tax on matches. In Committee of the Whole it was done by a large majority and in the House again on a yea-and-nay vote, when there was earnest feeling upon the subject, there was a majority of thirty-

two for the repeal of the tax on matches. We appointed a committee of conference to go and tell the Senate that the House, composed of the immediate Representatives of the people, had three times demanded the repeal of the tax on matches, in the face of the refusal of the Senate to repeal the tax. Our committee went there. I pass by the personal remarks of the gentleman from Virginia, [Mr. TUCKER.] When that committee returned, recommending that the action of the Senate imposing and keeping this oppressive tax on the people should be concurred in, I ventured to ask that committee, as I might ask them, what efforts they had made in committee, if any, to enforce the thrice repeated wish of this House of Representatives. The gentleman answered me with the Virginia sneer; that is Virginia logic.

Sir, I am told—I know not whether it is true or false—that when this question came up in the committee of conference no vote was taken upon the disagreement of the two Houses on this question; that there was no expression on the part of our committee charged with our business, in favor of the position of the House. I am told that individual members of that committee from this House, who had voted against the will of the House—

Mr. CARLISLE. I rise to a point of order.

Mr. CONGER. I object to being interrupted for one moment.

The SPEAKER. The gentleman from Kentucky rises to a point of order.

Mr. CONGER. Well, let it not come out of my time.

The SPEAKER. It will not.

Mr. CARLISLE. I submit that it is not in order for the gentleman to refer to proceedings of a committee in this House.

The SPEAKER. The Chair sustains the point of order.

Mr. CONGER. I assert that I have the right to know what our committee did. I have no right to question what the Senate committee of conference did. Our committee must report to us what they did; and any rule that will prevent such an inquiry abridges the right of the whole House of Representatives, to say nothing of the right of a humble member on this floor.

I asked what our committee did. I knew the gentlemen composing our committee were individually in favor of keeping the tax on matches; their vote is so recorded. But they went into the conference not as individuals, but clothed with the power of this House as its representatives. They went into a free conference, it is true, but they were expected to represent the will of the majority of the House.

Now, I ask this House; I ask the one hundred and seventy-nine men who voted to repeal the tax on matches; I ask the vast majority who are recorded by yeas and nays in favor of satisfying the demand of the people throughout our land, rich and poor, in favor of removing this unnecessary tax—to vote against concurrence in this report of the committee, that it may go back to the Senate, and that we the originators of revenue laws and the repealers of revenue laws under the Constitution of the United States may be heard; that our committee may go into the conference free, uninstructed by resolution of the House, but bound by the usual obligation to maintain as far as they may consistently do so the opinions and wishes and recorded majorities of this House on this question.

[Here the hammer fell.]

Mr. TUCKER. I now call for the previous question.

Mr. CONGER. I ask the gentleman to give further time for members to express their opinions on this subject.

The question being taken on seconding the demand for the previous question, there were—yeas 120, noes 46.

So the previous question was seconded and the main question ordered.

Mr. TUCKER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurring on agreeing to the report of the committee of conference,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 114, not voting 29; as follows:

YEAS—147.

Aiken,	Chalmers,	Finley, Jesse J.	House,
Aldrich,	Clark, Alvah A.	Fleming,	Huntton,
Atkins,	Clark of Missouri,	Forney,	Ittner,
Bacon,	Clarke of Kentucky,	Franklin,	Jones, Frank
Banning,	Clymer,	Garth,	Jones, James T.
Beale,	Cole,	Gibson,	Jorgensen,
Bell,	Collins,	Giddings,	Kenna,
Blackburn,	Cook,	Glover,	Kimmel,
Blount,	Cox, Jacob D.	Goode,	Knapp,
Boone,	Cox, Samuel S.	Gunter,	Landers,
Boyd,	Cravens,	Hamilton,	Lathrop,
Brentano,	Crittenden,	Hardenbergh,	Ligon,
Bridges,	Davis, Horace,	Harris, Henry R.	Luttrell,
Bright,	Davis, Joseph J.	Harris, John T.	Lynde,
Brogden,	Dean,	Harrison,	Mackey,
Buckner,	Dibrell,	Hart,	Maish,
Burchard,	Dickey,	Hatcher,	Manning,
Burdick,	Durham,	Hayes,	Martin,
Cabell,	Eickhoff,	Hazelton,	Mayham,
Cain,	Elam,	Henkle,	McKenzie,
Caldwell, John W.	Ellis,	Henry,	McMahon,
Candler,	Evins, John H.	Herbert,	Metcalfe,
Cannon,	Felton,	Hewitt, G. W.	Mills,
Carlisle,	Finley, Ebenezer B.	Hooker,	Money,

Morgan,
Morrison,
Morse,
Muldrow,
Muller,
Page,
Patterson, G. W.
Patterson, T. M.
Peddie,
Phelps,
Pollard,
Pridemore,
Rainey,

Randolph,
Rea,
Reagan,
Reilly,
Robbins,
Roberts,
Robertson,
Robinson, G. D.
Ross,
Scales,
Shelley,
Siemons,
Smalls,

Smith, William E.
Southard,
Springer,
Steele,
Stenger,
Stephens,
Throckmorton,
Tucker,
Turner,
Turney,
Vance,
Waddell,
Walker,

Whitthorne,
Wigginton,
Williams, James
Williams, Jere N.
Willis, Albert S.
Willis, Benj. A.
Wilson,
Wood,
Wren,
Yeates,
Young, Casey
Young, John S.

NAYS—114.

Bagley,
Bailey,
Baker, John H.
Baker, William H.
Ballou,
Bayne,
Benedict,
Bicknell,
Blair,
Bonck,
Bragg,
Brewer,
Briggs,
Browne,
Bundy,
Butler,
Caldwell, W. P.
Camp,
Campbell,
Caswell,
Claffin,
Clark, Rush
Cobb,
Conger,
Covert,
Crapo,
Culbertson,
Cummings,
Cutler,

Danford,
Davidson,
Deering,
Denison,
Dunnell,
Dwight,
Eames,
Eden,
Ellsworth,
Errett,
Evans, I. Newton
Evans, James L.
Fort,
Foster,
Gardner,
Garfield,
Hale,
Hanna,
Harmer,
Harris, Benj. W.
Hartzell,
Hendee,
Henderson,
Hiscock,
Hubbell,
Humphrey,
Hungerford,
Hunter,
James,

Jones, John S.
Keifer,
Keightley,
Kelley,
Killinger,
Lapham,
Lindsey,
Lockwood,
Loring,
Majors,
Marsh,
McCook,
McGowan,
McKinley,
Mitchell,
Monroe,
Neal,
Norcross,
Oliver,
O'Neill,
Overton,
Phillips,
Pound,
Powers,
Price,
Pugh,
Reed,
Robinson, M. S.
Ryan,

Sampson,
Sapp,
Sexton,
Shallenberger,
Sinnickson,
Smith, A. Herr
Sparks,
Starin,
Stewart,
Stone, John W.
Stone, Joseph C.
Thompson,
Tipton,
Townsend, Amos
Townsend, M. I.
Townshend, R. W.
Van Vorhes,
Wait,
Ward,
Warner,
White, Harry
White, Michael D.
Williams, Andrew
Williams, C. G.
Williams, Richard
Willits,
Wright.

NOT VOTING.—29

Acklen,
Banks,
Beebe,
Bland,
Bliss,
Calkins,
Chittenden,
Ewing,

Freeman,
Frye,
Fuller,
Gause,
Haskell,
Hewitt, Abram S.
Joyce,
Ketcham,

Knott,
Potter,
Rice, Americus V.
Rice, William W.
Riddle,
Saylor,
Singleton,
Strait,

Swann,
Thornburgh,
Veeder,
Walsh,
Watson.

So the conference report was adopted.

During the roll-call the following announcements were made:

Mr. FRYE. I am paired with Mr. KNOTT, who is detained from the House by the business of his committee.

Mr. CALKINS. I am paired with Mr. ACKLEN, who is detained from the House by sickness.

Mr. O'NEILL. My colleague, Mr. FREEMAN, is paired with Mr. RIDDLE. If present, Mr. FREEMAN would vote "no."

The vote was then announced as above recorded.

Mr. TUCKER moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF SENATE BILL.

The SPEAKER. There has been lost or mislaid a Senate bill, and the following order is made necessary.

The Clerk read as follows:

Ordered, That the Clerk of the House request the Secretary of the Senate to furnish this House with a duplicate enrolled copy of Senate bill No. 801, the original having been lost or mislaid.

Mr. CONGER. What is that bill?

Mr. PATTERSON, of Colorado. It relates to the public lands.

The SPEAKER. It is an enrolled bill of the Senate, and ought to be here without regard to the subject of the bill. The bill should be here in some form.

Mr. CONGER. If it were a bill I thought ought not to pass, I should take advantage of this providential circumstance.

There was no objection, and the order was entered accordingly.

COINAGE, WEIGHTS, AND MEASURES.

The SPEAKER. Mr. STEPHENS, of Georgia, chairman of the Committee on Coinage, Weights, and Measures, asks general consent for him to make a short statement and submit a request. The statement is that his committee have several reports to make, some favorable and some adverse to the subject-matters embraced.

As this committee cannot be called in regular order again this session, he asks that these reports be made to the Clerk of the House, laid on the table, and printed as if made in regular order, and that any member of the committee be allowed to have printed in the RECORD such remarks on any of said reports as he may think proper.

Mr. CONGER. I object to any proposition that confines the right to make remarks to the members of the committee.

Mr. WHITTHORNE. Let it be extended to others.

The SPEAKER. That can be stricken out and the right can be extended to all members who may desire to submit remarks.

Mr. CONGER. If extended to all members I do not object.

The SPEAKER. I agree to that, that it shall be extended to all members on the subjects mentioned

The SPEAKER. With that modification the Chair hears no objection.

PUBLIC PRINTING.

The SPEAKER. This morning Mr. HATCHER, chairman of the Committee on Public Expenditures, obtained permission to print and recommit a report from that committee. The minority of the committee, represented by Mr. BURDICK, now ask leave to submit the views of the minority of the Committee on Public Expenditures on the investigation into the public printing and binding, and that the same may be printed and recommitted with the report of the majority of the said committee.

There was no objection, and it was ordered accordingly.

The SPEAKER. The Chair desires to state that in the original request there was a motion which was omitted, that the testimony also be printed.

Mr. CONGER. Was the report before this committee from the Committee on Printing?

The SPEAKER. No; from the Committee on Public Expenditures, but it is in relation to the Government printing and binding.

Mr. CONGER. In reference to the Government Printer?

Mr. FINLEY, of Ohio. It is for the printing of the minority as well as the majority.

The SPEAKER. Not to be brought back on a motion to reconsider. The request now is that the evidence accompanying the report may be printed.

There was no objection, and it was ordered accordingly.

Mr. BURDICK. If the authority to print given does not include members of this committee, I ask permission that any member of the committee who may desire to print on this subject shall have leave to do so.

There was no objection.

Mr. LUTTRELL. What was the order entered just now?

The SPEAKER. The order entered has been for the printing and recommitment of the majority and minority reports of the Committee on Public Expenditures in reference to the Government printing and binding, together with the testimony accompanying the report.

SUPERVISORS OF ELECTIONS.

Mr. DURHAM, by unanimous consent, from the Committee on Expenditures in the Department of Justice, submitted a report to accompany House bill No. 5996, to repeal all laws in regard to the appointment and pay of supervisors of elections and special marshals to aid them; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider, and that the minority of said committee also have leave to submit their views, and that they also be printed.

LEAVE TO PRINT.

Mr. SCALES. I ask that gentlemen be allowed to print remarks touching the revenue bill which has just been passed by the adoption of the report of the committee of conference.

There was no objection, and the leave to print was granted.

PERSONAL EXPLANATIONS.

Mr. FRYE. I desire to say that yesterday I inadvertently voted on the internal-revenue bill. I was paired with the gentleman from Kentucky, [Mr. KNOTT,] who is confined to his house on account of sickness. I desire to withdraw my vote.

Mr. BLACKBURN. I rise to a personal privilege. I ask to have read by the Clerk the short article which I have marked. It is editorial matter, and for it the correspondent here is not responsible.

The Clerk read as follows:

THE ANTI-CHINESE BILL.

WILLIS was unable to get the anti-Chinese bill before the House yesterday, and it is feared that no action will be taken until Monday, the 24th instant. This is to be regretted. Reports are very conflicting as to the intentions of the President, and should the Senate amendments not be concurred in until Monday, he could evade the issue by simply pocketing the bill, should he be so inclined. It might have been sent to the President last night but for the refusal of BLACKBURN, of Kentucky—a prominent democratic leader—to accord it precedence over some very insignificant business.

Mr. BLACKBURN. I simply desire to say that personal explanations are no more distasteful to any one than to myself, and I should have taken no notice of that statement except by the request of members of this House from the State of California, and I now simply desire to say that the charge made there is utterly without foundation. The RECORD shows that I was a supporter of the bill. The gentleman who reported that bill, my colleague, [Mr. WILLIS, of Kentucky,] will, I am sure, bear me out in this statement that I did all in my power to further its passage.

The committee were constantly endeavoring to secure its consideration and I as constantly laboring in the same direction. I never heard any opposition to it on this side of the Chamber. The statement as to myself is absolutely without foundation.

Mr. CONGER. I have no objection to these personal explanations, but I object to a member including in them personal reflections on members of this House when the courtesy is extended to him to make a personal explanation.

Mr. BLACKBURN. I do not intend to be subject to criticism on the matter of courtesy. I certainly meant no discourtesy, and I would be glad to have the gentleman from Michigan, if he can, controvert the statement which I have made.

Mr. CONGER. The gentleman closes his remarks by saying that this measure was not objected to on his side of the House.

Mr. BLACKBURN. Does the gentleman recognize in that statement of fact a personal reflection upon any one on the other side of the House?

Mr. CONGER. I consider it a political reflection; I do not know that it is personal.

Mr. BLACKBURN. I did not intend to inject any politics into the statement which I made.

Mr. CONGER. Then the gentleman was unfortunate in his remarks if he had no such intention.

Mr. BLACKBURN. I am very fortunate in securing the criticism of the gentleman from Michigan, who objects to everything.

CORRECTION OF RECORD AND JOURNAL.

Mr. CARLISLE. I endeavored yesterday to get an opportunity, without interrupting the public business, to have a correction made in the RECORD, but was unable to do so. I observe that in the proceedings of the day before yesterday my name is omitted from the vote on the legislative, executive, and judicial appropriation bill, and is included in the list of those not voting. We all know how difficult it sometimes is for the clerks and reporters to hear the responses of members on account of the confusion prevailing on the floor during the roll-call, and I presume my vote was not heard in this instance. The fact is that I was present and voted in the affirmative on the passage of the bill, and I ask that the correction be made in the RECORD and Journal.

There was no objection, and it was ordered that the correction be made.

Mr. WATSON. I voted "no."

Mr. SINGLETON. I voted "ay."

The SPEAKER. Without objection the names of these gentlemen will be recorded.

ORDER OF BUSINESS.

Mr. SPRINGER. I desire to call up the resolution which I sent to the Clerk's desk yesterday.

Mr. BURCHARD. Is not the consideration of the sugar-tariff bill the regular order?

Mr. HALE. I raise the question of consideration upon the matter which the gentleman from Illinois [Mr. SPRINGER] desires to bring up.

Mr. SPRINGER. The question is now pending, coming over from yesterday. The Chair recognized me, and I am entitled to the floor now.

The SPEAKER. The Chair recognized the gentleman to call up the subject, but there seems to be at the same time the right of the majority to raise the question of consideration.

Mr. SPRINGER. I am entitled to the floor, and it may be the right of some gentleman when I have exhausted my hour to raise the question of consideration.

The SPEAKER. When could gentlemen raise the question of consideration, if not now?

Mr. SPRINGER. When I have exhausted the hour to which I am entitled under the rules.

The SPEAKER. The gentleman is mistaken about that, because the subject being discussed would be before the House.

Mr. SPRINGER. I have the floor upon a question of privilege, and I do not yield the floor.

The SPEAKER. The Chair recognizes the gentleman's right to the floor, but he also recognizes the right of another member to raise the question of consideration and test the sense of the House upon the question whether they will consider this matter or not.

Mr. SPRINGER. Have I not the right to the floor under the rules for one hour?

The SPEAKER. The gentleman would have if the question were before the House.

Mr. SPRINGER. It is before the House as a question of privilege.

The SPEAKER. But gentlemen have the right to raise the question of consideration.

Mr. WHITTHORNE. Can I not raise the question of a morning hour?

The SPEAKER. The only way to raise the question of a morning hour is to vote in the negative against all other propositions. The Clerk will read the rule.

The Clerk read as follows:

When any motion or proposition is made, the question "Will the House now consider it?" shall not be put unless it is demanded by some member or is deemed necessary by the Speaker. And it is competent for a member to raise the question of consideration upon a report even though a question of privilege is involved in the report. But after a question has been stated and its discussion commenced, it is too late to raise the question of consideration.

The question of consideration is not precluded by an affirmative vote on a motion to adjourn. The "unfinished business" pending at the time of adjournment is still subject to the question of "consideration," the motion to adjourn precluding it on the previous day.

The SPEAKER. The rule is as plain as daylight.

Mr. SPRINGER. I had the floor yesterday, and only yielded to the gentleman from Virginia [Mr. TUCKER] on a question of higher privilege, which took me from the floor.

The SPEAKER. Oh, no. There must be some point at which the majority can raise the question of consideration.

Mr. SPRINGER. And there must be some point at which a minority can state a question of privilege, and that has not been accorded to me.

The SPEAKER. The gentleman from Maine [Mr. HALE] states that the question of consideration was raised yesterday. The Chair does not recollect that.

Mr. TOWNSEND, of New York. I hope the gentleman from Maine [Mr. HALE] will not raise the question of consideration. I have been yearning for three days to hear the gentleman from Illinois [Mr. SPRINGER] for an hour. [Laughter.]

Mr. SPRINGER. And I will give to the gentleman from New York [Mr. TOWNSEND] the most of that time, if he desires it.

Mr. HALE. We want to go on with the consideration of the sugar-tariff bill; and I raise the question of consideration on this.

The SPEAKER. The Chair will submit the question of consideration to the House.

Mr. WADDELL. Is it a question of consideration between the question of privilege raised by the gentleman from Illinois [Mr. SPRINGER] and the sugar-tariff bill?

The SPEAKER. That is the question.

Mr. SPRINGER. I desire to state what the question of privilege is.

The SPEAKER. That is the right of the gentleman.

Mr. SPRINGER. I merely desire to state what the question is.

The SPEAKER. With the understanding, however, that the other side forfeit no right as to raising the question of consideration.

Mr. SPRINGER. Certainly.

Mr. CONGER. The gentleman from Illinois [Mr. SPRINGER] has a right no further than to state his motion or proposition.

Mr. BURCHARD. Let the Chair state it.

Mr. CONGER. Yes; the Chair should state it to the House.

The SPEAKER. The Chair understands the question to be upon a resolution submitted by the gentleman from Illinois which the Clerk will now read.

The Clerk read as follows:

Ordered, That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of George F. Seward, and bring him to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said George F. Seward in his custody to abide the further order of the House.

Mr. BUNDY. I now ask to have read the resolutions submitted by the minority of the committee, and which I have moved as a substitute for the majority resolution.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the reasons given by Hon. George F. Seward, through his counsel, to the committee are legally sufficient to excuse his failure to produce the books described in the subpoena duces tecum, and his standing mute when tendered the oaths required by the resolutions of the committee, adopted by a majority of this committee, and his conduct in the premises are not contemptuous, but are excusable by the Constitution and laws of the United States and the acts of Congress pertaining thereto.

Resolved, That the Speaker should not issue a warrant directing the Sergeant-at-Arms to take into custody the body of George F. Seward, to the end that he be brought to the bar of the House to show cause why he should not be punished for contempt.

Mr. BUNDY. I wish time to say, with the permission of the gentleman who has raised the question of consideration, that we offer these resolutions as a substitute for the resolutions reported by the majority of the committee. The previous question not having been called, can the gentleman from Illinois now call the previous question so as to cut out these resolutions?

The SPEAKER. Whenever the consideration of the subject shall be entered upon the floor will be under the control of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. I do not desire to cut out the minority resolutions.

The SPEAKER. But the gentleman desires to hold the floor.

Mr. SPRINGER. Certainly.

Mr. BUNDY. If there is debate upon this subject will not we of the minority hold the affirmative position upon our resolutions and be entitled to the first hour?

The SPEAKER. If the debate is entered upon at all, the gentleman from Illinois [Mr. SPRINGER] will control the first hour, and he will then have the right to demand the previous question. If the House shall desire to hear further discussion they can vote down the previous question.

Mr. BUNDY. I suggest that some time be fixed for discussing this subject.

Mr. SPRINGER. I do not desire to take any advantage in this matter. I want a full, fair, and free discussion of it, and I want the minority resolutions to be voted on.

The SPEAKER. The gentleman from New York [Mr. BUNDY] makes the suggestion that some time be fixed by consent when this subject can be considered.

Mr. SPRINGER. I cannot consent to any postponement of a matter of this kind.

Mr. CONGER. I call for the regular order.

The SPEAKER. The regular order is the question of consideration which has been raised upon the subject called up by the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. When an order of the House is violated I think it is the duty of the House to take action upon it.

Mr. WADDELL. Mr. Speaker, can the question of consideration be

raised between a measure of ordinary legislation like the sugar bill and a question of privilege such as the gentleman from Illinois is bringing to the attention of the House?

The SPEAKER. The Chair desires to say in answer to the gentleman from North Carolina [Mr. WADDELL] that the rule on this subject is very plain in favor of the right to raise the question of consideration under the present circumstances. The Chair suggests that this question had better be taken by tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. HALE were appointed.

The SPEAKER. The question is, Will the House proceed to the consideration of the question of privilege presented by the gentleman from Illinois, [Mr. SPRINGER?]

The House divided; and the tellers reported—ayes 104, noes 110.

Mr. SPRINGER called for the yeas and nays.

Mr. HALE. Oh, let us go on with our business.

The yeas and nays were ordered.

Mr. BLOUNT. I desire to make a parliamentary inquiry. Is it not in order for the House at this time to consider the question whether it will take up the Post-Office appropriation bill?

The SPEAKER. It is not, because the gentleman from Illinois has risen to a question of privilege; the Chair has decided it to be such a question; and the gentleman from Maine [Mr. HALE] has been recognized to raise the question of consideration upon the subject. This is a question of priority of business, which under the rules must be decided without debate. After this subject is disposed of, then under the order of the House made upon a suspension of the rules, the consideration of the sugar bill will be resumed, subject to appropriation bills.

The question was taken; and there were—yeas 132, nays 122, not voting 36; as follows:

YEAS—132.

Aiken,	Davis, Joseph J.	Hewitt, G. W.	Rice, Americus V.
Banning,	Dean,	Hooker,	Roberts,
Beale,	Dibrell,	House,	Ross,
Bell,	Dickey,	Hunton,	Scales,
Benedict,	Eden,	Ittner,	Shelley,
Bicknell,	Eickhoff,	Jones, Frank	Slemmons,
Blackburn,	Elam,	Jones, James T.	Smith, William E.
Blount,	Ellis,	Kenna,	Southard,
Boone,	Evins, John H.	Killinger,	Sparks,
Bouck,	Ewing,	Kimmel,	Springer,
Bragg,	Felton,	Knapp,	Steele,
Bridges,	Finley, Ebenezer B.	Landers,	Stenger,
Brogden,	Finley, Jesse J.	Ligon,	Swann,
Buckner,	Fleming,	Lockwood,	Throckmorton,
Cabell,	Forney,	Luttrell,	Townsend, R. W.
Caldwell, John W.	Franklin,	Mackey,	Tucker,
Caldwell, W. P.	Fuller,	Maish,	Turner,
Candler,	Garth,	Manning,	Turney,
Carlisle,	Giddings,	Martin,	Vance,
Chalmers,	Glover,	Mayham,	Veeder,
Clark, Alvah A.	Goode,	McKenzie,	Waddell,
Clark of Kentucky,	Hamilton,	McMahon,	Walker,
Clark of Missouri,	Hardenbergh,	Money,	Warner,
Cobb,	Harris, Henry R.	Morrison,	Whitthorne,
Collins,	Harris, John T.	Morse,	Wigginton,
Cook,	Harrison,	Muldrow,	Williams, James
Covert,	Hart,	Muller,	Williams, Jere N.
Cox, Samuel S.	Hartzell,	Patterson, T. M.	Willis, Albert S.
Cravens,	Hatcher,	Phelps,	Wilson,
Crittenden,	Henkle,	Pridemore,	Wood,
Cutler,	Henry,	Rea,	Wright,
Davidson,	Herbert,	Reagan,	Yeates,
	Hewitt, Abram S.	Reilly,	Young, John S.

NAYS—122.

Aldrich,	Deering,	Keifer,	Robertson,
Bacon,	Penison,	Knightley,	Robinson, G. D.
Bagley,	Dunnell,	Ketcham,	Robinson, M. S.
Bailey,	Dwight,	Lathrop,	Ryan,
Baker, John H.	Eames,	Lindsey,	Sapp,
Ballou,	Ellsworth,	Loring,	Sexton,
Blair,	Errett,	Majors,	Shallenberger,
Boyd,	Evans, I. Newton	Marsh,	Sinickson,
Brentano,	Evans, James L.	McCook,	Smalls,
Brewer,	Fort,	McGowan,	Starin,
Briggs,	Foster,	McKinley,	Stewart,
Browne,	Frye,	Metcalfe,	Stone, John W.
Bundy,	Gardner,	Mitchell,	Stone, Joseph C.
Burchard,	Gibson,	Morgan,	Strait,
Burdick,	Hale,	Neal,	Thompson,
Calhoun,	Hanna,	Norcross,	Tipton,
Camp,	Harmer,	Oliver,	Townsend, Amos
Campbell,	Harris, Benj. W.	O'Neill,	Townsend, M. I.
Causton,	Haskell,	Overton,	Van Vorhes,
Caswell,	Hayes,	Page,	Wait,
Chittenden,	Hazelton,	Patterson, G. W.	Ward,
Clavin,	Hendee,	Phillips,	Watson,
Clark, Rush	Henderson,	Pollard,	White, Harry
Cole,	Hiscock,	Pound,	White, Michael D.
Conger,	Hutbell,	Powers,	Williams, Andrew
Cox, Jacob D.	Humphrey,	Price,	Williams, C. G.
Crapo,	Hungerford,	Pugh,	Williams, Richard
Culbertson,	Hunter,	Randolph,	Willits,
Cummings,	James,	Reed,	Wren,
Danford,	Jones, John S.	Rice, William W.	
Davis, Horace	Jorgensen,	Robbins,	

NOT VOTING—36.

Acklen,	Bland,	Freeman,	Knott,
Atkins,	Bright,	Garfield,	Lapham,
Baker, William H.	Butler,	Gause,	Lynde,
Banks,	Cain,	Gunter,	Mills,
Bayne,	Clymer,	Joyce,	Monroe,
Becke,	Durham,	Kelley,	Peddie,

Potter,
Rainey,
Riddle,

Sampson,
Saylor,
Singleton,

Smith, A. Herr
Stephens,
Thornburgh,

Walsh,
Willis, Benj. A.
Young, Casey.

Mr. SPRINGER's motion was agreed to.

During the roll-call the following announcements were made:

Mr. DEAN. In my pair with my colleague, General BANKS, all questions relating to this matter were especially reserved.

Mr. BAKER, of New York. I am paired on all political questions with my colleague, Mr. BEEBE. If he were present I would vote "no."

Mr. DENISON. My colleague, Mr. JOYCE, is absent on account of sickness in his family.

On motion of Mr. CUTLER, the reading of the names was dispensed with.

PENSION BILLS.

The SPEAKER. The Chair desires, on behalf of the gentleman from Ohio, [Mr. RICE], chairman of the Committee on Invalid Pensions, to ask for an evening session on Saturday next, at half past seven o'clock, for the purpose of considering pension bills. It has been the practice of the present occupant of the chair to give every possible consideration at the end of the session to pension bills, and also for bills for the removal of political disabilities. He suggests, therefore, that there be an evening session, if there be no objection.

Mr. MCKENZIE. I object.

Mr. HALE. Let the gentleman from Ohio change the evening session from Saturday to Friday, which is private-bill day.

The SPEAKER. The Chair will again put the question to the House. Is there objection to an evening session to-morrow, which is private-bill day, to consider, first, House pension bills with Senate amendments now upon the Speaker's table; second, Senate pension bills; and, third, political-disabilities bills from every source?

Mr. HALE. That is for Friday, which is private-bill day.

The SPEAKER. That is the motion.

Mr. HALE. That will not interfere with the public business at all. Mr. BLOUNT. I shall certainly object if it interferes with the public business.

Mr. RICE, of Ohio. It will not interfere with the public business at all. This evening session is provided for to-morrow evening, Friday, which is private-bill day.

The SPEAKER. The Chair asks the attention of the gentleman from Kentucky [Mr. MCKENZIE] to the pending proposition. Is there objection to an evening session to-morrow at half past seven o'clock for the consideration, first, of House pension bills with Senate amendments now upon the Speaker's table, (the reason of that is, it only requires the concurrence of the House in Senate amendments to secure the passage of these bills.) Second, Senate pension bills; and, third, political disabilities from every source, whether originally introduced or otherwise?

Mr. PRICE. Will that interfere with considering the Private Calendar as objection day?

The SPEAKER. Not during the morning.

Mr. PRICE. Or during the day?

The SPEAKER. The Chair understands that objection is withdrawn, and it is ordered accordingly.

Mr. RICE, of Ohio. I want to make some reports from my Committee on Pensions.

The SPEAKER. The Chair has to suggest to the gentleman from Ohio, chairman of the Committee on Invalid Pensions, that the Senate committee have determined not to sit during the remainder of this session, and it would be useless to pass any more House bills. There is no use to pass House pension bills if they are not to be considered in the Senate, and it will only interfere with a great many bills on the Speaker's table with Senate amendments where a single vote secures the passage of the bill.

Mr. RICE, of Ohio. I withdraw my request.

The SPEAKER. There were ninety pension bills, or thereabouts, passed by the Senate yesterday. The Chair considers it his duty to advise the whole House so those bills shall not fail.

Mr. HALE. The discussion of the committee ought to settle that. They ought not to push any new bills.

Mr. RICE, of Ohio. I have withdrawn the suggestion I made.

Mr. FORT. I have had a House bill on the Calendar for over a year, a meritorious bill, and it ought to be considered, but it has never yet been reached on the Calendar.

The SPEAKER. Suppose that bill passed and the Senate refused to consider it?

Mr. FORT. But they would consider it under the circumstances.

The SPEAKER. Then the Chair will put in a further clause for reports from the Committee on Invalid Pensions.

Mr. DURHAM. I object to that.

The SPEAKER. The Chair hears no objection to the proposition, and it is ordered accordingly.

Mr. HALE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY E. PAULEY.

Mr. HEWITT, of Alabama. Mr. Speaker, I wish unanimous consent as I will not be here to-morrow evening, being called away from the city, to report at this time from the Committee on Invalid Pensions two Senate bills in order that they may be put on their passage. I ask it as a personal favor.

The SPEAKER. Is there objection?

Mr. HALE. Are they general pension bills?

Mr. HEWITT, of Alabama. No; they are individual pension bills.

The SPEAKER. The Chair understands they are pension bills in individual cases, and the gentleman from Alabama asks permission to report them now by reason of the fact that he is called home.

There was no objection.

Mr. HEWITT, of Alabama, by unanimous consent, from the Committee on Invalid Pensions, reported back favorably a bill (S. No. 852) granting a pension to Mary E. Pauley.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Pauley, widow of James Pauley, late private in ——— Regiment, New York State Volunteer Infantry.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTHERN PACIFIC RAILROAD.

The SPEAKER. The Chair is under obligation to the gentleman from North Carolina, [Mr. VANCE,] chairman of the Committee on Patents, and to the gentleman from Massachusetts, [Mr. RICE,] who has in his charge from the Committee on the Pacific Railroads a report on the Northern Pacific Railroad, to ask unanimous consent that they be allowed to report to-morrow morning on those subjects.

Mr. WHITE, of Pennsylvania. I object.

Mr. VANCE. I will make the motion that the Committee on Patents be authorized to report on Saturday morning after the reading of the Journal.

The SPEAKER. Objection has been made. The Chair will hereafter give the gentleman from North Carolina an opportunity to make his request and secure his right by a two-third vote.

Mr. HEWITT, of Alabama. I now ask unanimous consent to report from the Committee on Invalid Pensions the bill (S. No. 526) granting a pension to James McDonald.

Mr. CONGER. I desire to make the point of order that any gentleman has the right to move now to suspend the rules, unless the House is now acting under a suspension of the rules.

The SPEAKER. The House is now acting under a suspension of the rules, and the Chair has secured action by unanimous consent on the various matters which have been disposed of. The Chair cannot now recognize a motion to suspend the rules while the House is acting under a suspension of the rules, because one motion to suspend the rules cannot be piled upon another.

Mr. CONGER. Yes; but we are acting on a question of privilege, and I claim that it is the right of the gentleman from Massachusetts, [Mr. RICE,] or any other gentleman whom the Chair will recognize, to move a suspension of the rules.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. SPRINGER] as on the floor.

Mr. CONGER. It is very important we should know whether a motion to suspend the rules would take the gentleman off the floor.

The SPEAKER. Not during the consideration of a privileged question.

Mr. CONGER. Does the Chair decide that the motion to suspend the rules does not stop a privileged question?

The SPEAKER. The Chair decides this: the House has agreed to consider a question of the highest privilege, and the House having done so, the Chair cannot recognize another gentleman for a motion to suspend the rules.

Mr. HALE. I presume the Chair would not decide that at the end of the hour of the gentleman from Illinois [Mr. SPRINGER] a motion to suspend the rules would not be in order.

The SPEAKER. The House is now acting under a motion to suspend the rules; and whenever this question of privilege is disposed of, the Chair is bound, under an order made by a suspension of the rules, to recognize the gentleman from Illinois, [Mr. BURCHARD.]

Mr. CONGER. The gentleman from Illinois [Mr. BURCHARD] having the right to move a suspension of the rules, can he not make that motion as against any question of privilege?

The SPEAKER. The gentleman from Illinois [Mr. BURCHARD] is already on the floor under a suspension of the rules, and the Chair could not recognize him if he wanted to make that motion; because it is not competent to put one motion to suspend the rules on the top of another.

Mr. CONGER. I do not understand that the gentleman from Illinois [Mr. SPRINGER] has this question of privilege before the House under a suspension of the rules.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] rose in his place to a question of privilege. The Chair recognized the gentleman from Maine in the only way he could recognize him to raise the question of consideration. The House voted to consider the question and therefore it is now before the House.

Mr. HALE. I suppose after the hour of the gentleman from Illinois [Mr. SPRINGER] has expired the House can change that order and go to something else.

Mr. SPRINGER. I now move the previous question.

Mr. HALE. Does the gentleman propose to cut off debate?

Mr. SPRINGER. I desire to limit debate to one hour. I recognize the fact that the House has a great deal of business to do and time is short. I will move the previous question, and after it is seconded I will claim the hour the committee has and will give half of it to the other side.

Mr. HEWITT, of Alabama. I ask the action of the House on the bill (S. No. 526) which has been read at the Clerk's desk. It will only occupy one moment.

Mr. SPRINGER. I cannot yield the floor.

Mr. HEWITT, of Alabama. I merely want to submit it to a vote of the House. The bill was reported adversely, but from information I have received since making the report, I think it ought to pass.

Mr. SPRINGER. I have not given way for any bill to be put upon its passage.

The SPEAKER. The Chair understood that the House gave its consent.

Mr. SPRINGER. I have been standing here all the time and have given consent to nothing.

The SPEAKER. The bill will be laid over for the present.

GEORGE F. SEWARD.

The result of the vote on the question of considering the report from the Committee on Expenditures in the State Department was then announced as above recorded.

Mr. CONGER. I move to reconsider the vote by which the House determined to consider the motion of the gentleman from Illinois, [Mr. SPRINGER,] and upon that I demand the yeas and nays.

Mr. SPRINGER. I do not give way for any motion at all. I have the floor now by order of the House.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] did not vote with the prevailing side on the question of consideration. Mr. CONGER. How is the Chair informed of that?

The SPEAKER. By the roll-call. There was a yea and nay vote.

Mr. SPRINGER. The gentleman cannot move to reconsider because he voted on the wrong side. I now move the previous question. I shall take the hour after the previous question is seconded.

The question was taken upon seconding the previous question; and on a division there were—ayes 99, noes 83.

Mr. CONGER. I call for the yeas and nays.

The SPEAKER. The yeas and nays are not allowable upon seconding the demand for the previous question.

Mr. CONGER. Then I ask for tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. CONGER were appointed.

The House again divided; and the tellers reported—ayes 113, noes 77.

So the previous question was seconded and the main question ordered.

Mr. SPRINGER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. The question involved in this order is, whether an officer of the Government can be required by a *subpoena duces tecum* issued in due form to produce the records of the Government kept by such officer and which show the official transactions of business in the offices of the Government.

The Committee on Expenditures in the State Department have recommended the passage of an order requiring the Sergeant-at-Arms to bring to the bar of the House George F. Seward, that he may show cause why he should not be punished for contempt.

The contempt which is alleged by the majority of the committee is, that he has refused, after having been summoned before the committee to be sworn as a witness—he has refused to take a qualified oath as to where certain books may be found that were alleged to be in his custody; he has refused to take the general oath as to any matter submitted to the inquiry of the committee by a resolution of the House, and has refused to answer questions propounded to him as to whether he would produce the public records which he removed from the consulate at Shanghai to Peking when he was appointed minister plenipotentiary to China.

He has refused to obey the order of the committee requiring him to produce official records for the inspection of the committee, which records, it is proven, were unlawfully removed by him from the consulate-general at Shanghai.

The books or records called for by the *subpoena duces tecum*, which Mr. Seward has refused to obey, have not been seen by the committee; but it is clearly proven that an exactly similar set of books were kept by Mr. Myers, his successor in office. We had before us as witness to that fact Mr. B. R. Lewis, who was a clerk in the consular office from 1863 to 1871, and made all the original entries in the book called the blotter.

We have the testimony of Mr. G. Wiley Wells, who was a member of the Forty-fourth Congress, and was afterward appointed consul-general to Shanghai, as to the nature and contents of the missing books.

The books which Mr. Myers kept, as the successor of Mr. Seward, were before the committee, and are now on the desk before me. They

were brought to Washington and deposited among the archives of the State Department at the request of the committee. The State Department evidently regards these books as public records, from the fact that they are not permitted to be taken out of the custody of an officer of the Department.

The books properly belong to the consulate at Shanghai, and will be returned to that consulate as soon as the investigation into the official conduct of Mr. Seward is concluded. These books [pointing to those lying on the desk before him] are precisely similar to the missing books, and consist of the blotter, called by merchants a day-book, and a journal, a cash-book, and a ledger. The *subpoena duces tecum* calls for the production of similar books, and which show all the money transactions of this office from 1863 to 1871. The evidence shows that there were six blotters, and two each of the journals, cash-books, and ledgers, which were kept at the consulate from 1863 to 1871, which are not now to be found in the consulate or at the State Department, and which we have called for by a *subpoena duces tecum*.

The minority of the committee have reported that the missing books are the private writings of Mr. Seward. The basis of that claim is this, that the consular regulations require certain books to be kept other than those ordinarily kept in banks and business houses, such, for instance, as an invoice-book, a free-book, a passport-book, a ship's daily journal, and several others; but there is nothing stated as to whether the books specially required by the regulations are to supersede the necessity of keeping such books as merchants always keep, namely, a blotter, a journal, a cash-book, and a ledger.

But it is in evidence that the "ship's daily journal," a book required by the regulations to be kept, was not kept at the consulate, and that the entries which the regulations required should be kept in that book are only to be found in the missing blotters.

The minority of the committee say in their report that the books called for by the *subpoena duces tecum* are the private writings of Mr. Seward. I will open one of these books at random and see what entries will be found.

I find, under date of Monday, January 15, 1877, a statement of the arrival of a ship, of the tonnage dues, and the report to customs, and various items on that subject. Turning over the leaves, I find the receipt of invoice fees from merchants and the amount received from each merchant; that is in the blotter or day-book. In the journal, turning to any place where the book will open, I find an entry of the daily receipts of the office, as merchants enter such transactions in their books. In the cash-book I find the accounts of the consular officer, of the interpreter, of the consular clerk, of the United States marshal of the consular court, which accounts are to be found nowhere else except in these books.

The books which I have here are the books which were kept by the successor of Mr. Seward, and all the evidence is that they are exactly similar to the books kept during Mr. Seward's time. If the missing books are the private writings of Mr. Seward, then these books are the private writings of Mr. Myers; and if these are the private writings of Mr. Myers, then every entry in the missing books concerning the business of that office from 1863 to 1871 is the private writings of the consul and not the public records of the Government.

It is also in evidence that the missing books called for by the *subpoena duces tecum* were purchased by the Government of the United States and paid for out of the Treasury of the United States. Vouchers were forwarded to the State Department and then laid before your committee showing that a set of books was purchased in 1868, at the time when, according to the testimony given, a new set of books was procured. These books, therefore, were purchased by the Government; every entry made in them was made by clerks in the employ of the Government.

The ground for the claim of Mr. Seward that these are private books is that they were not by name required to be kept at the consulate, and also that he caused to be entered in the same ledger and other books his own household expenses. For instance, there was a cash clerk in the consulate, and any bill against Mr. Seward which came in, after he approved it, was sent to the clerk, who paid it, and the receipt was entered in as cash and charged up against Mr. Seward's salary.

If it is alleged that the books in question are the private books of Mr. Seward for these reasons, then consuls and other officers of the Government may call any original entries of public business their private writings, and may copy from them just such entries as they may see fit to return to the Government, and close the original entries against any examination by the Representatives of the people.

The question now presented is this: Have the Representatives of the people, has this House, which under the Constitution has the sole power to impeach an officer, the right to examine the records of the Government when the conduct of an officer is under investigation? That is the only question involved. The decision of this House on the pending order will form an important precedent. Are office-holders above the law or subject to it? Are the servants of the people to be permitted to defy with impunity the law-making and money-voting power?

If by our action on this question we decide that a public officer may close his books or spirit them away when the Representatives of the people come to examine them, then the members of this House can

never discharge their constitutional duties. This House alone under the Constitution has the power of impeachment. Can a judge of a court who holds a life office close the records of his court against any investigation by this House and thereby defy the exercise of that power committed to this House by the Constitution?

If the books in question were the private writings of Mr. Seward, this issue never would have arisen here. It is not pretended that the business matter recorded in these books is Mr. Seward's business. It is not denied that all of the transactions which were entered in these books were entered by Government clerks and kept in the public offices—books purchased by and with the money of the Government; books that were there for the sole purpose of facilitating the transaction of the public business during business hours. It is the testimony of the witnesses, Mr. Wells, Mr. Myers, and others, that these were records of the public business during the time Mr. Seward was consul-general.

I will not consume further time at present, but I will yield half of the hour to which I am entitled to my colleague on the committee, the gentleman from New York, [Mr. BUNDY] to be disposed of in such way as he may see fit.

Mr. BUNDY. Mr. Speaker, I had the honor to present the report on the part of the minority touching the question briefly discussed by my colleague on the committee, the gentleman from Illinois, [Mr. SPRINGER.] During at least one hundred sessions wherein I had the pleasure and pride to sit with my friend, remembering as I do his extreme courtesy, extended not only to the members of the committee and to witnesses but also to the party accused, Mr. Seward, as well as to the counsel who were employed, I am pained to be forced to-day to disagree with him as to the facts adduced before that committee.

He has discussed this question—a most important one before this House regarding the party charged and proceeded against—as if he were a witness and a witness alone. Is he a witness? Does my friend forget that provision of the fifth article of the Constitution which provides that no person shall be required to give testimony in a criminal case tending to criminate himself? It becomes, then, important for us to consider whether Mr. Seward is proceeded against here as a witness or as a party charged.

More than one year ago, when this committee was called upon to sit and consider the charges brought against Mr. Seward, it was then and there agreed that the prosecution should formulate the charges upon which they proposed to rely in establishing what was alleged, crimes and misdemeanors, against Mr. George F. Seward, late consul-general at Shanghai.

Upon the eleventh and twelfth pages of the evidence taken before this committee will be found these charges, numbered from one to thirteen, which are formulated by the skill of no less a personage than M. H. Carpenter, Senator-elect; and I take it upon me to say that they are formulated with the precision appropriate to the drawing of an indictment for crime. Early in the sessions of this committee, when the question arose as to the form of proceeding, I suggested that there was no better rule to govern the committee in that respect than the rules pertaining to courts of criminal jurisdiction. In that suggestion Mr. Carpenter, the counsel for the prosecution, cordially acquiesced; and I may say that during the entire sittings of the committee the proceeding has been treated as one against a party charged with crime.

It may be alleged that an act of Congress adopted years ago provides that when any person gives evidence before a committee of investigation such evidence shall not be used to convict him in any criminal proceeding. But it will not be forgotten that this act of Congress has respect to a witness, not a party. During the entire sittings of the committee the admissibility of proposed evidence in respect to its materiality has been considered under the same forms and rules that would prevail upon a trial before a court of oyer and terminer. Now, I ask whether this is not a case coming under the provisions of that amendment of the Constitution which provides that in a criminal case no person shall be required to give evidence tending even to criminate himself?

It may be urged that the books sought to be produced may tend to enlighten the committee concerning its general duties. It is a committee charged with investigating expenditures in the State Department; but my friend from Illinois will not question the assertion that during the one hundred sessions of the committee no question has ever been reduced to writing, no evidence has ever been raised to the dignity of being competent, unless it touched these criminal charges against Minister Seward; and it is evident that the sole purpose of the production of these papers is to test the question whether George F. Seward was guilty of any one of the charges thus formulated in the same manner as charges are proceeded with in a criminal indictment.

Mr. HOUSE. Does Mr. Seward refuse to produce these books on the ground that the production will criminate himself?

Mr. BUNDY. I will answer the gentleman. It was alleged before the committee by counsel, after the evidence of witnesses whose names my friend from Illinois has mentioned, that these books did contain entries of moneys received by Mr. Seward belonging to the Government, and which had not been returned. It was claimed on the part of Mr. Seward before the committee that these books contained in the main private entries—mere memoranda of receipts of money which were either personal or unofficial fees. I will say right here (and I

thank my friend for calling my attention indirectly to it) that it is claimed on the part of Mr. Seward and through his counsel that these books alleged to be missing, and which are not produced, do not contain an item belonging to the Government that has not been returned. It is in evidence by witnesses from the Treasury Department that at the end of every quarter the accounts of Mr. Seward have been rendered and settled in full. These books, it is admitted, contain entries made from day to day as upon a memorandum, as if made in his own private diary; but it is claimed that every dollar and every cent belonging to the Government was transferred either on the day of its receipt or at an early day thereafter to books that Mr. Seward has returned.

Now, this subpoena has been issued to this man not as a witness but as a party, commanding him to produce books alleged to be conclusive of his guilt. Mr. Seward does not allow himself to be convicted by the production of books which are alleged to contain evidence against himself. He stands upon his reserved constitutional rights. Now, I ask gentlemen who urge that this man shall be compelled to produce evidence, as they allege, tending to his own conviction, not only before this committee but conviction possibly at the other end of this Capitol upon articles of impeachment which it is proposed to present, where is their boasted advocacy of personal liberty and constitutional rights? I am proud to stand here in vindication of the principles of personal liberty as secured by the Constitution. While it is alleged on behalf of the prosecution that these books contain entries which will condemn Mr. Seward, the committee have received from the State Department evidence that every dollar passing into his hands that belonged to the Government has been returned and accounted for; that his accounts have been settled regularly every quarter.

Mr. ITTNER. I desire to inquire whether Mr. Seward has returned to the proper authorities a set of books said to be kept by him and which were public?

Mr. BUNDY. I answer the gentleman that, according to my recollection of the evidence produced before the committee, every book prescribed by the rules and regulations of the Department has been returned to the Department.

Mr. RYAN. I would like to inquire whether it is admitted by the minority of the committee that the books in controversy are public records belonging to the Government?

Mr. BUNDY. The evidence seems to be that the books which it is claimed should be produced by Mr. Seward are books called blotters, cash-books, journals, and ledgers, and that they were furnished to him by the Department. And I suppose, Mr. Speaker, that the Department furnished Mr. Seward his envelopes and his stationery, but I ask, is the committee going to require Mr. Seward to return every envelope and sheet of paper that he may have used in his own private and public correspondence. They were perquisites to his office, as we claim.

Now, Mr. Speaker, the question comes up whether under the fifth article of the amendment to the Constitution Mr. Seward as a party, not as a witness, shall be compelled by the subpoena of a committee appointed by this House to produce books not acknowledged by him to be evidence, but alleged on the part of the prosecution to contain evidence to convict him. And if it shall appear to this House that the case has not been brought within the right, the presumptive right even, of this House to require George F. Seward to appear at the bar of the House to show cause, is it not better that the matter be disposed of here and now rather than we should subject ourselves to the delay that must necessarily be required for his reply to show cause; that is to say, what I hold to be distinct and plain, that his is not a case coming within the Constitution and its provisions and amendments.

Mr. FRYE. May I ask the gentleman a question?

Mr. BUNDY. Yes, sir.

Mr. FRYE. I understand the gentleman to make a distinction between these books as to whether they contain transactions of the Government of the United States or memoranda of Mr. Seward relating to his own personal matters. Now, what I wish to ask is this: Does the gentleman mean to be understood as admitting, if the books contained transactions touching the Government service, and at the same time those transactions might criminate the party, that he is then compelled to produce them on a *subpoena duces tecum*?

Mr. BUNDY. On the contrary, I claim that he is not bound to produce them.

Mr. FRYE. So I understood the gentleman; and it was for that reason I put the question to him that he might not be misunderstood by the House.

Mr. BUNDY. I desire to state, lest I should be misunderstood, that it is claimed on the part of Mr. Seward and his counsel that there is no entry of a fee on the alleged missing books which, as he claims and insists, belongs to the Government but has been returned to the Government upon books furnished by the Government and through accounts rendered by him which have been audited and adjusted by the Department.

Mr. SPRINGER. Allow me to state that that is just the question at issue. All the evidence goes to show that he has not returned all the fees which he should have returned, and we want these books to show it.

Mr. BUNDY. The gentleman says it is in evidence those books

should show those things. I say it is claimed by Mr. Seward, and the evidence which we gain through the auditing of the accounts would show, that all the fees he received belonging to the Government have been accounted for to the Government, and his accounts thereon have been duly adjusted.

Mr. SPRINGER. That is claimed by him, but he would not be sworn. He is setting up his claim against the evidence in the case.

Mr. BUNDY. My friend from Illinois says he would not be sworn. We have been in session fourteen months, and but a day or two ago the committee adopted a resolution that without the evidence of George F. Seward in the production of these books the committee could not decide the question submitted to them. Now, if after fourteen months we, as a committee, have been unable to discover proofs of guilt of George F. Seward, with the whole power of the people at our command to bring from Shanghai witness after witness, some of them with remarkably sore heads, it is true—if we cannot prove anything against George F. Seward, how does it become us to ask him to come here to convict himself?

I yield ten minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER. Mr. Speaker, I would like to state this case to the House as it stands in my mind. Proceedings were instituted against Mr. Seward as consul-general, alleging malfeasance in office; proceedings by a committee of this House looking to his impeachment. The House was then acting as a grand inquest of the nation. Mr. Seward then becomes a party to a proceeding in which he was charged with crime in a criminal case, and he can be before that committee in no way save as a party. No grand jury ever yet summoned an alleged criminal before them under our forms of law and put questions to him or required production of papers without his consent. And herein is contained the great distinction between the common law of England, which is our boast, and the civil law of the Continent. The civil law is inquisitorial, requires an accused to answer to his whole life, and in the olden time applied torture to enforce the confession.

Magna Charta abolished torture in England by these immortal words: *Nemo se ipsum accusare debet*—no one ought to be compelled to give testimony against himself; for if you can apply the torture of imprisonment to make an accused disclose what you desire him to disclose, why not apply the rack? Torture becomes only a question of discretion. This constitutional provision is all that stands between us and the rack, and it is the importance of maintaining here and now this great bulwark of personal liberty and personal right against a government which may become tyrannical and is growing in centralization rightly or wrongly in interference generally with the rights of the citizen, that causes many of us to doubt the future of our country as a free republic, that I speak at this hour.

Now, then, Mr. Seward being months before the committee as a defendant, is called upon by a *subpoena duces tecum* to produce certain books. Now, if these books be his private property, there can be no doubt in the mind of any lawyer that we have no power to require him to produce them; if they are public books, they are not then his books; they are books belonging to the State Department, and are only in his custody as a subordinate officer of that Department. In such case the subpoena should go to the head of that Department, as was decided by Chief-Justice Marshall to be proper in the case of Aaron Burr when the court sent a subpoena for the letters of Wilkinson, then in the State Department, to the President of the United States, requiring him to bring in that paper as belonging to the archives of the State.

Mr. SPRINGER. I desire to say one word, if the gentleman will allow me. It has not been the custom of our committee to send to the Department of State subpoenas when we desire papers, but we always send letters to the Secretary asking him to furnish us with books. We sent a letter to the Secretary asking him to furnish us with books, and he replied that he did not have them in his possession. They were not in the custody of the State Department.

Mr. BUTLER. Pardon me. I agree that it was settled as a matter of compromise, when the subpoena was ordered against President Thomas Jefferson that he might send the letter of Wilkinson to his attorney, but the power was decided by Chief-Justice Marshall to issue a *subpoena duces tecum*. I do not care whether the State Department have those books in question in the possession of the Department here or not, but if he will not produce them, then the Secretary of State is more in contempt than Mr. Seward, because the power of the Secretary of State extends over our legations and consulates of United States in China just as much as it does over books and documents in the stone building wherein the Secretary sits to-day.

Wherever the American flag flies there is American soil, and there the Chief Executive of the nation has custody over any one of his subordinates, and of all the books and papers of the legation or consulate.

Mr. WADDELL. I desire to have the opinion of the gentleman from Massachusetts upon this question. If Mr. Seward kept his private accounts in public books, would that protect him from a demand on him for those public books?

Mr. BUTLER. If you proceed against him *qua* his private entries, then the Constitution is his shield. If you proceed against him *qua* public records, then he is not the custodian of the books, being a sub-

ordinate, and the subpoena should not go to him. You cannot bring a clerk from the State Department here and require him to furnish books belonging to that Department.

Mr. WADDELL. In that case if he had public books in which he had made private entries could he not be called upon to produce them?

Mr. BUTLER. He must produce such books to his superiors. He cannot keep them from his superiors by putting private entries in them. Suppose my clerk makes private entries on my books and says I will not give you up your books because I have private entries in them, it is for me to deal with him on that matter. You cannot summon my clerk to bring my books; you must summon me to bring my own books.

My clerk may well say no, sir; you must summon General BUTLER if you want his letter-books, and so I say if you want the letter-books belonging to the State Department, summon Mr. Evarts, and make him use his power over Mr. Seward to return the public record books to him and hold Mr. Evarts in contempt as I would vote to hold any executive officer who would not produce any public books or records. The fact is that the committee mistake its remedy in regard to these books.

Mr. SPRINGER. I desire to say that the Secretary of State has called on Mr. Seward to produce these books, and he has failed to do so. We find in the report of the committee, on page 2, the following:

MAY 1, 1878.

STAHLE, Vice-Consul-General, Shanghai.

Inform Seward that subcommittee, on motion of his counsel, consent to reasonable time for his appearance here. Leave granted, and he is required to bring all books, vouchers, and papers relating to the business of consul-general at Shanghai during his incumbency of that office, including any that may have been taken to Peking. Telegraph answer.

Sent May 2.

EVARTS.

Mr. BUTLER. I hope this will not be taken out of my time. Let me reply now to all that the gentleman has said, that if Mr. Seward will not produce books that are public books to his superior, and if his superior will not turn him out of office for it, I will vote for the impeachment of that superior; but you need not impeach Mr. Seward. Let us begin at the beginning.

Just think of it. What would I do to my clerk when I told him to produce my books for my use or to produce my books before a committee of this House and he would not do it? How long do you suppose he would continue my clerk? And so Mr. Evarts would do or anybody else.

The difficulty is that if your subpoena had gone to Mr. Evarts and he has returned that the books in his custody are not public books and he could not produce them, then you would run against the other constitutional right that they were the private books of Mr. Seward, and you have no right to them. But if Mr. Evarts returned that they were public books, public property, then we would have had them here if we had to bring with them the whole of the stone building in which they were.

I am one of those who stand up for the privileges of the House. I have always done so and I always will. I will not have any ministerial officer put himself in opposition to our will. But having a giant's power, we must use it as a giant, with justice and according to honor and law. It is much more for the necessities of this Government, in my judgment, that this great principle of the Constitution should be maintained than that you should punish forty consuls and thirty secretaries of state. Take a man of your size, Mr. Speaker; take Mr. Secretary. [Laughter.] Do not take Seward because he does not produce public records over which he has no control or his private writings, which are sacred by the Constitution.

If there has been any wrong it is there, if these are public books; and if they are private books, then the chairman will not claim that private books can be produced upon a *subpoena duces tecum* against a man being examined without his consent before a grand jury. There is no power on earth that can do that, and there ought to be none. There used to be the power of the rack and of the thumb-screw; but, thank God, that power went out when Magna Charta came in, and never will be brought back into a republic.

Mr. BUNDY. I now yield the remainder of my time to the gentleman from Pennsylvania, [Mr. BAYNE,] a member of the committee. I would inquire how much time I have remaining?

The SPEAKER *pro tempore*, (Mr. CARLISLE.) The gentleman from New York [Mr. BUNDY] has five minutes yet remaining.

Mr. BUNDY. The gentleman from Illinois [Mr. SPRINGER] is entitled to twenty minutes yet; and I desire that ten minutes may be allowed my colleague on the committee from Pennsylvania.

The SPEAKER *pro tempore*. The gentleman from Illinois consumed eleven minutes, and he has nineteen minutes of his half hour remaining.

Mr. BUNDY. I ask that ten minutes may be allowed to the gentleman from Pennsylvania.

Mr. HUMPHREY. I move to reconsider the vote by which the time for debate was fixed, in order that it may be extended for half an hour on each side.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. BUNDY] yield for that motion?

Mr. BUNDY. I will ask the House to consent that the time be extended for ten minutes on each side. That would leave me then

fifteen minutes, ten of which I will yield to the gentleman from Pennsylvania, [Mr. BAYNE.]

The SPEAKER *pro tempore*. Is there objection to that arrangement?

There was no objection, and the time was extended accordingly.

Mr. BAYNE. Mr. Speaker, this matter assumes wholly the shape of a legal question; and the question presented is whether or not Mr. Seward can be required to testify before a committee of this House in a case where he is a party charged with indictable and impeachable offenses. Early in the investigation of this subject certain charges were formulated by the counsel who were prosecuting the case on behalf of Mr. Myers, who appeared as the prosecutor. Those charges numbered some thirteen or fourteen, and each one of the series of charges embraces a crime or a misdemeanor. During the progress of the investigation, from its inception down to its recent conclusion, the evidence was admitted by the committee with regard to its relevancy or irrelevancy to these charges. The view entertained by the committee from the beginning to the end was that the result of the inquiry would be a determination on the part of the committee whether Mr. Seward should be impeached or whether he should not be impeached. The whole inquiry has been whether or not Mr. Seward has been guilty of such crimes and misdemeanors as would make him liable to impeachment.

While this very investigation was going on, while the prosecutor was represented by counsel, and while Mr. Seward himself was represented by counsel, the committee issued a *subpoena duces tecum* requiring Mr. Seward to appear before it and produce certain books. Whether those books were public documents or not, I do not know and I do not care. They may be the archives of the Government, or they may not be, so far as this aspect of my argument is concerned, for I contend that under the fifth article of amendments to the Constitution, whether they be the archives of the Government or not, Mr. Seward being charged before a committee of this House with crimes and misdemeanors in an investigation looking to his impeachment, he cannot be required to produce those books before such committee.

It appears, however, and I say this more to disarm those who are attempting to commit as I think a flagrant violation of the Constitution than for any other purpose, that these books are not archives of the Government, and are not archives for this reason: all the books that were required to be kept by the regulations, and which were nominated in the regulations prescribed by the Department of State, have been produced, so far as such books have been kept.

It has been decided that where books are named in the law they become public, and form a part of the archives of the Department or are open to public inspection, if need be, but that where books are not nominated in the law, they retain the character of private property, although they may contain information which would be useful to the public.

In Pennsylvania it has been decided by the supreme court of Pennsylvania that the docket of a magistrate or a justice of the peace is a public book, because the statute requires that he should keep such a book. In the State of New York it has been decided that the docket of a magistrate is not a public book, because the statute does not require him to keep such a book. This is the position taken in this case in behalf of Mr. Seward by his counsel; and I think it is a well-founded distinction. The books required by the regulations of the Department to be kept have been produced; the books which he retains are not such books as are prescribed by the regulations; and therefore, in no event, in no contingency is he bound to produce them before this committee.

Another question was raised—whether or not this was a criminal case, whether Mr. Seward stands charged with crime or misdemeanor in such away as to bring him within the exemption or guarantee provided in the fifth article of the amendments to the Constitution. It has been decided by the supreme court of the State of Alabama (and I can only refer to the decisions, not read them) that a proceeding for impeachment upon the ground of crimes and misdemeanors is a criminal case; and no judicial authority worthy the respect and confidence of this House has ever affirmed that an impeachment is not a criminal case. Gentlemen on the other side have not been able to produce a single such authority. The language of the Constitution which provides for impeachment and fixes the penalty plainly treats the proceeding as criminal; and the authorities, so far as the question has been decided, have affirmed clearly that a proceeding of this nature is a criminal case.

We have, then, this position of affairs: George F. Seward is arraigned before this investigating committee on certain specifications which look to his impeachment. He is summoned by a *subpoena duces tecum* and a *subpoena ad testificandum* to appear before that committee and produce certain books. He refuses to produce them. He refuses to be sworn—to take either a qualified oath or a general oath. Under these circumstances the proposition of the majority of the committee is to bring him to the bar of the House with the view of having the House commit him for contempt of its authority in not appearing before the committee and testifying in a matter which might or might not criminate himself.

There was another question raised: whether an investigating committee of a legislative body exercises its functions in the same manner as a court or a grand jury. It has been decided in a Massachusetts

case (the case of Emery, 107 Massachusetts Reports) that a joint committee of the two houses of the Massachusetts Legislature could not require a witness to produce any kind of evidence that would have a tendency to criminate himself, although there was a statute of Massachusetts exempting witnesses from the effect of any evidence that they might give before an investigating committee, and although in that investigation there was no specific charge against this man as an individual, the inquiry being a general one as to whether or not certain men in Massachusetts had violated the law of the State, this person, when summoned before the committee, claimed the benefit of the exemption, and it was allowed because his examination as a witness might result in his crimination. Thus it appears that the same principles of law, the same rules of evidence which appertain to a strictly juridical proceeding, the same rights which are guaranteed under the fifth article of the amendments of the Constitution to a person accused of crime, apply in the case of one who is on examination by a committee of this House with a view to impeachment.

[Here the hammer fell.]

Mr. BUNDY. I now yield four minutes to the gentleman from Wisconsin.

Mr. HUMPHREY. Mr. Speaker, I cannot properly discuss in the short time allotted me this question, which is one of transcendent importance. At the outset we must not forget that this House in deciding this question must, as much as a jury in every such case, give to the defendant or accused the benefit of every reasonable doubt. This rule has been held to apply in all cases coming before the courts. A judge upon the bench, wherever the case is conceded to be a criminal case, must in every instance give the benefit of every reasonable doubt to the accused. Even where questions of fraud have been raised in transactions between man and man in civil cases, it has been held that judges in their rulings are required to give the benefit of every reasonable doubt to the defendant.

I understand that the points raised here are these: in the first place it is maintained in the majority report that this is not a criminal case; secondly, the majority allege that the legal and constitutional objection raised in the minority report is a question which only arises as a matter of practice under the common law; and, thirdly, the majority cite a single case, decided by Judge Noah Davis, of New York, where in a civil action arising upon a writ of mandamus he compelled the clerk of the county court of New York County to produce certain books.

As I read the Constitution, this must be a criminal case. The Constitution says to us the trial of crimes, excepting in cases of impeachment, shall be by jury. This is an examination made temporarily for the purpose of founding the right this House would have to bring to the bar the defendant and put him on trial under impeachment. The high court of impeachment is as much the creature of the common law as any court of criminal jurisdiction. The only point we differ about to-day is this: this body is supreme in its power, and the reason it is supreme is a strong one why we should use our power leniently. And we should not forget in ruling on this question that the benefit of all reasonable doubts should be given to the defendant. What is a reasonable doubt? If there be in the mind of any member a doubt as to whether these books are public or private, that doubt should be ruled in favor of the defendant.

But time will not permit me to go into the question. It must stand on this principle. A criminal charge being preferred against the defendant, the order is now asked for his arrest before any order has been served upon him to show cause why he should not be arrested for contempt. In any civil or criminal cause a proceeding to bring the party before the court should not take place until order has been issued to show cause why he should not be arrested for contempt.

[Here the hammer fell.]

Mr. BUNDY. How much time have I left?

The SPEAKER *pro tempore*. One minute.

Mr. BUNDY. I will yield that to the general benefit of the House. But I now give notice that at the close of this debate, in consideration of the fact which seems to be established that there is underlying and pervading this entire question a very important question of law, I shall move to refer the whole question to the Committee on the Judiciary.

Mr. SPRINGER. That motion will not be in order, as the previous question is seconded and the main question ordered. I yield now for ten minutes to the gentleman from New York, [Mr. MAYHAM.]

Mr. MAYHAM. Mr. Speaker, this committee, before whom Mr. Seward has been summoned by the order of this House to produce books, is a committee organized under the rules of this House to investigate the expenditures of the State Department of the United States. In the performance of that duty the committee are invested with ample authority, and it is made their duty to thoroughly investigate that Department of the Government. It is true that this House did refer to that committee charges that had been made against George F. Seward and O. B. Bradford for conduct unbecoming their official positions as consul-general and vice-consul of the United States at Shanghai, China. The committee, in the discharge of those general duties, and particularly in the investigation of the charges that had been specifically made against this officer, proceeded to investigate them. In doing so they were clothed with authority to send for persons and papers, and that authority was not only con-

ferred by the House, but it is backed up by the statutes of the United States. And for the information of every gentleman upon this floor who may not have read the statutes under which these proceedings were instituted and the statutes under which this *subpoena duces tecum* was issued, I ask the Clerk to read what I have marked.

The Clerk read as follows:

The Revised Statutes provide as follows:

"Sec. 102. Every person who, having been summoned as a witness by the authority of either House of Congress, to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, wilfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months.

"Sec. 103. No witness is privileged to refuse to testify to any fact or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

"Sec. 104. Whenever a witness summoned as mentioned in section 102 fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action."

Section 559 of the Revised Statutes is as follows:

"No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege."

Mr. MAYHAM. Mr. Speaker, the provisions which have been read provide that in a case where a witness may be subpoenaed to testify and he shall not be permitted to claim his privilege, even then that provision of law is not unconstitutional. It only relates to the common-law privilege, to which the gentleman from Massachusetts [Mr. BUTLER] referred, which exonerates any man from giving testimony to be used against him or where it will tend to convict him of crime. At common law he had the right to claim his privilege, but by the statutes that privilege is taken away; but compensation is given for the privilege which is taken away by providing that when the witness is compelled to testify, his testimony shall not be used against him in any criminal proceeding which may be instituted against him. Therefore the common law right to stand upon his privilege, if this witness had gone far enough to have availed himself of it, cannot apply to a witness called to testify before committees of the Congress of the United States. The case in 107 Massachusetts referred to by the gentleman from New York, the case in 34 New York, the case in 10 Page New York Reports, and a variety of cases, hold that where the statute gives immunity against the effect of the testimony the witness cannot under those circumstances claim his privilege.

Mr. BUNDY. Will the gentleman yield to me for a question?

Mr. MAYHAM. I have not the time.

If that be so, then Mr. Seward was bound to testify. And at all events, in any aspect of this case, he was bound to produce the books which by process of the House he was required to produce, unless those books were private books belonging to him as an individual. I have not time to discuss that point. My colleague on the committee has discussed it and has made profit of and read from the books, showing that they were books of record belonging to the Government.

Now, there is another objection made by the distinguished gentleman from New York [Mr. BUNDY] and all other gentlemen on that side, that the fifth article of amendments to the Constitution gives immunity to this man against his being called as a witness. I ask attention to the language of that article:

No person * * * shall be compelled in any criminal case to be a witness against himself.

Now what is a "criminal case" in the purview of that constitutional prohibition or privilege? Webster defines a "case" to be a suit at law, an action prosecuted by one party and defended by another before a court or tribunal of law. That term, however, has had judicial determination. The term "case," as used in the Constitution, has been judicially determined in 9 Wheaton's Reports, 319, and 9 Peters Reports, 224. In those cases it was held—I will not undertake to read the decision, for I have not time—that a "case" within the meaning of the Constitution was an action either prosecuted by the people, as the prosecuting party, or by individuals against some individual in the Government. It was held that that was the fair interpretation of the word "case" in the Constitution.

There is another reason why that must be the interpretation. If this were a criminal case would anybody pretend that before a committee of Congress a man who has immunity under the Constitution of the United States and has a right to be tried by a jury of his peers, selected according to the forms of law, shall be arraigned and tried before a committee of this House in a criminal case? The Constitution defines that. It provides that no man shall be tried without indictment, nor shall he be tried except with the opportunity of confronting the witnesses against him and the jurors who are to be his peers. Is this a case, then, within that definition? It seems to me not. To hold that a committee of Congress is a court, or that proceedings before it is a criminal case, would be to invest such committee with the attributes of a court and to subject a party to a criminal trial without the constitutional right of trial by jury, and at the same time to subject him to two criminal trials, one by Congress and

one in the courts, in violation of the Constitution. The Constitution provides that impeachment shall be no bar to indictment and punishment for some crime for which he is impeached.

Again, Mr. Speaker, to hold that an executive officer charged with the receipt and disbursement of public money, and required to keep accounts of the same, may by closing his books or suppressing them from a committee of Congress put it out of the power of a co-ordinate branch of the Government, would be to prevent all investigation into the acts of the officers of the Government. The bare mention of such a proposition is simply startling.

[Here the hammer fell.]

Mr. SPRINGER. I yield ten minutes to the gentleman from Massachusetts, [Mr. DEAN.]

Mr. DEAN. Mr. Speaker, I think that if I can have the attention of the House I shall have no difficulty in satisfying the House that so far as the production of the books is concerned Mr. Seward is in contempt. With regard to the question of his testifying, notwithstanding the authorities that an investigation of this kind does not amount to a "case," as far as this hearing is concerned and the argument upon this question is concerned, I am entirely willing to agree with the other side. I claim the contempt to be in the non-production of the books, claiming the books to be public books, that is, books belonging to the United States Government. The only real objection to this that has been urged, as it seems to me, having any considerable merit in it, was the one urged by my colleague, [Mr. BUTLER,] that objection being that Mr. Seward was not the custodian of these books. I think, however, that a glance at the facts will show that he is the custodian of the books; at any rate so far the custodian of the books as to be a proper subject for the service of a *subpoena duces tecum*.

In the first place, ten months ago, on the 1st of May last, this committee asked the Secretary of State that Mr. Seward might have liberty to come here to testify. That was granted at the request of his counsel, and it was granted on condition that he should bring the books which he had taken from the consulate to Peking when he went to Peking as minister. Thereupon the Secretary of State telegraphed to him that he had liberty to come, but it was on condition that he should bring those books. He came, and he did not take the books to the State Department. He retained possession of them. We applied to the State Department and the State Department delivered up the books that were retained there, but could not give these because Mr. Seward had not delivered them.

Now, then, they were asked for, and he was permitted to come on condition that he should bring those books to this committee; so that, as far as that is concerned, there is the authority of the Government that Mr. Seward shall bring them here. Mr. Seward has got the actual possession of them, and the question is whether he is liable to produce them on a *subpoena duces tecum*.

I submit, therefore, so far as the objection of the gentleman from Massachusetts [Mr. BUTLER] is concerned, the answer is perfect: that Mr. Seward is the man and the only man on whom this subpoena can be served. The Government does not object and this objection was never raised.

We are here met by two considerations. On the one hand Mr. Seward thrusts in our faces the Constitution of the United States and he says no man can be compelled to be, in a criminal case, a witness against himself. On the other hand it is said, "Here are the Government books; cannot we have the Government books?"

In discharging the duties devolving upon the committee by the rules of the House as to expenditures of the consulate-general at Shanghai, China, as to whether they are justified by law, properly vouched; whether they have been paid out of the proper appropriations, and what legislation is necessary, &c., the committee was called upon to encounter with reference thereto certain charges of embezzlement and irregularities alleged to have been committed by George F. Seward, the present minister to China. There are also charges against O. B. Bradford, who held various offices at the consulate-general, of a like character.

In prosecuting this investigation the committee encountered one great difficulty, namely, the absence of the books of original entry kept at the consulate. Certain of the books required to be kept are produced from the State Department; but it being alleged and there being some evidence to show that the books produced and the accounts returned to the State Department do not show the actual condition of affairs at the consulate, said books not being otherwise to be got at, because they had been taken by Mr. Seward from the consulate and still retained by him, it is impossible for the committee to discharge its duties under the rules without the books of original entry thus taken away by him. A *subpoena duces tecum* was accordingly served upon him to compel the production of the books. He declines to produce the books, though ordered to do so by the committee. He gives as a reason for this refusal that the Constitution of the United States, article 5 of the amendments, provides that no person "shall be compelled in any criminal case to be a witness against himself."

He says, first, the proceeding is a criminal case; second, that he is subpoenaed to be a witness; and that, third, the testimony he is called upon to give is to be against himself.

He says, it is true the committee has general duties to perform, and if it sees fit to make general findings it can make them. It is also true that the committee has to investigate and pass upon charges

against another person, O. B. Bradford. But he also says charges have been formulated against himself; that those charges have become the principal matter for investigation; that he is summoned with reference to them more particularly, and that therefore he cannot be even subpoenaed to testify; that the *subpoena duces tecum* is necessarily void in its origin, and he declines to obey it, either that part of it which requires the production of the books, or that part of it which requires him to testify. He simply appears before the committee and declines to further obey it.

On the other hand, it is claimed that the books of original entry kept at the consulate being decided to be books of the consulate—the property of the United States—there can be no possible excuse for their non-production. It is claimed that if there is no way of compelling their production for the purposes of the investigation, all manner of frauds may be committed. It is claimed that if this be the case, Government agents everywhere may embezzle the Government funds for years, and to escape with their ill-gotten plunder they have only to commit another crime—steal the books and defy pursuit, shielded by the Constitution of their country.

On the one hand the Constitution is held up as the great shield of the American citizen, and we are beseeched with great eloquence and earnestness to preserve inviolate that great palladium of the liberties of the subject. On the other we are told that the books are *our own*—the Government's; that we are entitled to them; that they are not Mr. Seward's for any purpose, and that the retention of what belongs to the Government and not to him on any pretense is an absurdity and a mockery.

Is it true that this strange conflict exists? Must we fail to get the books of the United States, to which Mr. Seward has no title? Must we abandon them and the right to them forever, or must we abandon and discard that beneficent provision of our Constitution "that no person shall be compelled in a criminal case to be a witness against himself." It is certain that we are in no such dilemma. Its absurdity is manifest upon its face. Nevertheless we have had very able and eloquent arguments on both sides of this question, made by as able lawyers as there are in the land, stimulated by the magnitude of the crisis, for since the trial of Warren Hastings there has been no such trial as this. But there is not time or profit in any talk upon this subject except such as has a direct and immediate effect upon the issues. It is claimed that the *subpoena duces tecum* is void, because Mr. Seward is subpoenaed in a criminal case to be a witness against himself. But this is certainly not on the face of the subpoena. Nor are the duties of the committee limited to the trial of the charges against Mr. Seward. The testimony of Mr. Seward might have been given against O. B. Bradford, and it would certainly be of value in passing upon the various questions submitted by the rules of the House.

Even the affidavit upon which the counsel for Mr. Seward rely for the foundation of their objection calls for the books under Rule 103. Without these books the accounts and expenditures cannot be examined and the committee cannot report as required. The affidavit also charges that O. B. Bradford received while vice-consul-general large sums of money belonging to the Government for which he failed to account.

Besides, there is no doubt that Mr. Seward, where the law permits parties defendant to be witnesses, might be subpoenaed as a witness in a criminal case in which he is a party defendant, provided he is not called to testify against himself. Suppose the law to provide that in cases where the Government calls a defendant as a witness against his codefendant, the defendant thus called shall thereafter be discharged and never again prosecuted for the same offense. He might certainly be subpoenaed and compelled to testify upon all the authorities, for he would not be testifying against himself. This provision of the Constitution, or the same provision when found in State constitutions, has been held not confined to being witnesses in criminal cases in which they were parties defendant.

The words "no person shall be compelled in a criminal case to be a witness against himself" have been held to mean that no person shall be compelled to give testimony that can be used in a criminal case against himself. It makes no difference in what kind of a case it may be sought for—whether in an action on a promissory note, an action of replevin, or a suit in equity—nowhere under any circumstances can a person be compelled to give evidence that may be used against him in a criminal case.

If such evidence can be so used, then it is given in a criminal case, and it is given against himself in a criminal case, because, though actually delivered and sealed in a civil case, it may be immediately proved in a criminal case to have been given. It may be carried from one case to the other, and is, therefore, treated for the benefit of the subject as given in a criminal case.

I remember a case where a man and woman lived together as husband and wife for a length of time. After a while, however, the husband became infatuated with another woman. He left his wife, and insisted that they had never been married. He persisted in this to such an extent that the two were indicted for lewd and lascivious cohabitation. He at first liked the idea, as he thought it would rid himself of the first woman, but when the trial came on he was glad enough to claim that they were married. The woman by a plea in abatement obtained a separate trial, and though the defense of each was that they were married, the jury which tried the man decided

that they were not married and convicted him, and the other jury on the other side of the court-room, the jury which tried the woman, decided that they were married, and acquitted her.

Now, suppose they were indicted together, as they were indicted together in one indictment, would the Constitution forbid the issue of a *subpoena duces tecum* to the husband to compel him to produce the marriage certificate in his possession? And yet he would be a party defendant and a witness also in a criminal case. But he would still fail to come within the constitutional provision, for he would not be a witness against himself—he would be a witness in favor of himself and of his wife, and if he had persisted in the desire to be convicted he could have been compelled to answer, because a witness for himself.

The *subpoena duces tecum* was therefore rightfully issued. It was a lawful writ and Mr. Seward obeyed it—recognized it so far as to present himself before the committee at the appointed time. But the object of the writ was to obtain the books for the purposes of the hearing. The committee has found, as a fact, that the books belong to the United States, that they are official public records of the United States. The committee has also determined that the books contain all the original entries of all the business at the consulate, and that the investigation cannot be made complete without their production. The committee has also found that he has the books in his possession. Can they be obtained in any way whatever?

The counsel for the defendant says you may be entitled to the books; if you want them replevy them. But if the attempt is made to replevy the books, would not the answer be, "No, you want to make me produce evidence against myself—it is an inquisitorial proceeding. I must have judgment for a return, or resist the execution of the writ by some proceeding." Then would not the reply to this be, "No, they are the Government's books, and the Government has a right to them whether they criminate you or not?"

The counsel for Mr. Seward says, "If you want the books, get a mandamus from some court." Well, they admit that we might get them by mandamus though they do criminate.

The court in the recent New York case has also so decided. They are the books of the Government, and the Government is entitled to them whatever the result as to Mr. Seward or anybody or everybody else. To hold contrary to this would be absurd and lead to untold consequences.

If the books were private books and such as he would be entitled to hold on to and keep secret except when commanded to produce them for the purposes of justice, then the question whether he must produce them depends upon the question whether or not they will criminate him. In such a case he would not, in my judgment, be compelled to produce the books.

What is a *subpoena duces tecum*? It is a replevin writ for the purposes of the trial. It seeks possession of books for the purposes of justice. What is a *subpoena duces tecum*? It is a mandamus to produce the books for the purposes of a hearing. When the *duces tecum* is served, if the books and papers belong to the person required to produce them he need not do so if they will tend to criminate him. Why not? Because they are his own property; because he is entitled to the possession of them against the whole world; and because when he is asked to produce his own private papers to be used as evidence in favor of some party he replies, "No, for they may be used in evidence against me." He says, "My right is that my own property shall not be used against me, simply to do a favor to another."

But with regard to our own books—for we represent the Government and are entitled to the possession and use of this Government property—we command their production, we issue our command, our mandamus, in the *duces tecum*, to the person who has our books, and say bring our books to us, we want to see how you have managed our business. Now when we issue our command to him he says "Replevy them; go to a court for a mandamus; be decent about your commands; don't come at me so abruptly; I won't reply, because it is a *duces tecum*." The reply is this is our writ, as compulsory in its character and mandatory in its function as any replevin writ or mandamus known to the law. But they reply, "You ask him to come as a witness—as a witness in a criminal case—to testify, to testify against himself." To that we say we do nothing of the kind. We ask him to produce the books; we do not ask him to testify at all so far as the production of the books is concerned.

A *subpoena duces tecum* has two functions. One is a mandamus to produce the books, which is completely independent of the other, namely, to testify. This has been settled over and over again in this country and in England.

Before, however, considering the authorities which decide the peculiar province of the *duces tecum* clause in the subpoena I desire to call attention to the attempt of the learned counsel for Mr. Seward to show that the books are private books. He has cited two cases, which prove nothing of the kind.

The books were Government property. The books contained the Government business. I will not argue the question whether making entries of private business in Government books changes the title from the Government to that of the person who makes the entry. All the public records in the world might be made private by such means.

I call attention to this to show that the learned counsel themselves are aware of the fact that if they are Government books they can be reached by *duces tecum*. If he has private papers which tend

to criminate him, and if the case is technically a criminal case, he cannot be made to produce them to be used in evidence against him either by mandamus or any process whatever; and so far as those papers are concerned, the same principles would govern as would apply to his testimony under oath. On the other hand, if the House is entitled to the papers by any process, can they be obtained by the *duces tecum*? They can if the *duces tecum* is absolutely or substantially a suit or command different from and independent of the *testificandum* clause. If it can be enforced without making him a witness under oath, then the *duces tecum* is nothing but a command—a mandamus to produce the books. It is a mandamus necessary for the purposes of the trial. Without such a writ justice could not be administered, for it cannot wait for the issue of separate proceedings to obtain them, and many times there is no right to them except for the purposes of evidence. Let us look at the law as to the distinction between a *subpoena duces tecum* and a *subpoena ad testificandum*. It will not be claimed that the putting of the two together in one suit changes the force and effect of the commands.

But for the authorities. I will now ask the clerk to read from that great book of the law of evidence the Beecher-Tilton trial.

The Clerk read as follows:

MRS. WOODHULL APPEARS WITH SOME LETTERS.

The court met at eleven o'clock, pursuant to adjournment. Shortly after the opening of court, Mr. Evans addressed the judge as follows:

If your honor please, I am expecting some papers in court in regard to which I may have to ask Mr. Tilton a question or two.

Judge NEILSON. Yes; you may do so when they arrive.

Mr. EVARTS. We would prefer not to have another witness put on the stand as I expect to bring them into court in a moment.

After the lapse of several moments, Mrs. Victoria C. Woodhull appeared in court.

Mr. SHEARMAN. If your honor please, we have subpoenaed Mrs. Victoria C. Woodhull to produce certain letters for the purpose of cross-examination of the plaintiff in this case. Mrs. Woodhull is in attendance, but declines to produce any letters without being instructed by the court that it is her duty to do so.

Mr. FULLERTON. Well, the court will not so instruct her, as a matter of course, because it is not her duty to produce them.

Judge NEILSON. No; you may recall Mr. Tilton afterward if you wish.

Mr. EVARTS. Well, we understand, if your honor please, that it is the right of the party under the process of *subpoena duces tecum* to bring letters into court, and that it is no part of that process that the witness having possession of the letters should be sworn as a witness.

Judge NEILSON. No; you can have the letters without; but yet I do not feel like giving any direction to her.

Mr. EVARTS. And that the right of the party is that a witness, as may be supposed in many cases, having no other interest or feeling in the matter except that it should not be a voluntary production of the papers, should have the direction of the court to produce them.

Now our subpoena is, as I understand, to produce certain letters.

Our subpoena, [to Mr. Shearman,] have you the subpoena?

Judge NEILSON. The party who has subpoenaed a witness *duces tecum* ought to get the papers or the witness bring them into court, whether the witness is sworn or not. But under all the circumstances I do not feel like giving that direction.

Mr. FULLERTON. I do not think that is the rule, if your honor please.

Judge NEILSON. What?

Mr. FULLERTON. I think that is not the rule, with all due respect.

Judge NEILSON. A rule that we have applied in this court very frequently.

Mr. FULLERTON. Well, sir, I have never seen it applied myself.

I think the practice generally has been, and so far as my experience goes universally, to put the witness upon the stand and have the papers produced under oath, and I think that is the only way that your honor gets the power to compel the production of the papers.

Judge NEILSON. The witness is not compelled to produce the papers.

Mr. FULLERTON. No, sir; if they want the papers they must produce the witness and put her on the stand and have her sworn, and have them produced under oath.

Judge NEILSON. Well, I could not give any direction to the witness about it at present.

Mr. EVARTS. Well, we understand the law, if your honor please, to be as your honor has stated it, that it is not necessary that any other process than the *subpoena duces tecum* should be applied for, and the possession of papers does not make a person a witness in the cause. Then the question is whether the subpoena is a proper exercise of the authority of the court, whether it is a proper exercise of the process of the court; that is, whether the papers sought for are properly papers which can come in evidence?

Now the subpoena is, [reading:] "All correspondence between Theodore Tilton and yourself; all books, papers, and documents in any way relating to any matter of difference between the said Tilton and the said Beecher."

Judge NEILSON. Well, the subpoena compels the witness to attend and bring the papers.

Mr. EVARTS. Yes, sir.

Judge NEILSON. That is the authority which the court exercises in reference to the subpoena.

Mr. FULLERTON. She is subpoenaed here as a witness.

Judge NEILSON. Oh, no.

Mr. FULLERTON. Not as an expressman. [Reading.]

"We command you that, all excuses and business being laid aside, you appear and attend before the city court, &c., to testify and give evidence in a certain action now pending and undetermined in the said court between the parties"—

Naming them.

She is subpoenaed to appear as a witness, and as a witness I suppose she is here.

Judge NEILSON. I cannot give any direction about it, gentlemen.

Mr. EVARTS. Now, if your honor please, my friend is quite right in saying that it is in the form of a *subpoena duces tecum*.

This is a common-law process by which the papers are brought into court, and the rule is familiar, as I think. I suppose your honor has had occasion often to practice it, as from your intimation it would appear that you had.

Taylor on Evidence says, at section 1286:

"And here it is clear that if the witness be called under a *subpoena duces tecum*, merely for the purpose of producing a document, which either requires no proof, or is to be identified by another witness, * * * he need not be sworn, and if unsworn he cannot be cross-examined."

"So if the witness be sworn under a mistake"—

Though that is not important.

In the case of Perry against Gibson, 1 Adolphus & Ellis, before the King's Bench, [reading:]

"On the trial of this case before Alderson, judge of the last assizes of Cumber-

land, a person was called upon under a *subpoena duces tecum* to produce a book belonging to certain trustees appointed under an act of Parliament, which was in his custody as their clerk, and produced the book, but plaintiff's counsel by whom he was called, having no other question to put to him, being prepared with other evidence to identify the book, did not propose to have him sworn."

Counsel for defendant insisted that this should be done in order that they might have an opportunity to cross-examine.

The learned judge refused to have the party sworn, and an application was made for a new trial on the ground of this being error in law.

Lord Denman, Chief Justice, says:

It is best not to disturb the question, which has been fully considered and decided.

BELL, Judge. I am of the same opinion; I always thought that the *subpoena duces tecum* had two distinct objects, and that one might be enforced without the other.

Judge NEILSON. Well, if the witness has obeyed the writ, has attended in court and brought the papers, that satisfies the writ.

I am quite aware that the witness need not be examined, and that it does not imply the right to cross-examine.

The only question is whether you could attach the witness for not delivering over the papers on your request, she being here.

Mr. FULLERTON. Your honor will perceive that there is a feature in this case entirely different from those which characterize the cases to which reference has been made.

The *subpoena duces tecum* does not describe any particular paper, so as to enable us to identify it by that description when it is produced.

There is an omnibus clause in it to produce all papers of a certain character, without specifying particularly any, and hence it does not bring this case within the rule as laid down in the elementary books, or within the rule as administered in those decisions, because in those cases a particular paper was described in a way so that it could be readily identified when it was produced.

I do not think any one ever heard before that a witness was compelled to come into court under a subpoena of this character, requiring them to produce all correspondence between A and B, and to hand them over at the will of the party sending the subpoena.

Judge NEILSON. You have no interest in this, Mr. Fullerton; you could not cross-examine the witness.

Mr. FULLERTON. How, sir?

Judge NEILSON. You have no interest in this; you could not cross-examine the witness.

Mr. FULLERTON. Unless she is put on the stand I could not, certainly; but if they put her on the stand, and she produces these papers and swears it is the correspondence between herself and the plaintiff in this case, then, if your honor please, I will have.

Judge NEILSON. You would have a right to cross-examine her on that subject.

Mr. FULLERTON. Yes, sir.

Judge NEILSON. But they may identify the papers by another witness.

Mr. FULLERTON. But the question is whether she is compelled to come here and hand over these papers under the general clause of the *subpoena duces tecum*.

Mr. EVARTS. How is that a question with which the plaintiff has anything to do?

Mr. FULLERTON. Well, I suppose the plaintiff has got something to do with almost anything that takes place during this trial.

We mean to have a hand in, at all events, on all proper occasions.

Mr. EVARTS. Well, on all proper occasions.

Mr. FULLERTON. Yes, sir; I think that is competent.

Mr. EVARTS. But the process of the court, as the King's Bench have very properly pointed out, and as your honor is familiar with the practice in this court as well as in other courts in the State, the rule is that the process brings papers within the control of the court.

The witness, under this process of the court, is in court with the papers in her possession. Now, it may be a question for a witness whether he or she has reasons for not wishing to produce letters or papers.

But that is not a question for the opposite parties, not in the least.

What we are now discussing is whether under this subpoena, we asking the witness for these letters of Mr. Tilton's, your honor will direct them to be produced.

If she receives the direction of the court to produce the letters, if that is the right of the party under a *subpoena duces tecum*, why then she is placed in the position of obeying the law. The question of swearing or not swearing has nothing to do with that question, nothing whatever.

Judge NEILSON. I do not feel like giving any direction at this stage of the case.

Mr. EVARTS. In the case of *Sowers against Mosely*, (4 Tyrwhitt, 168.) it is said, [reading:]

"There must have existed a common-law right in the Crown for the purposes of justice to compel by subpoena the attendance of every person cognizant of the subject-matter of the suit, and also to produce any document bearing on that matter though in the possession of a stranger to the suit. Such a stranger is only called to produce a paper as and for the required document, not to identify it, which would be done by extrinsic evidence."

In numberless cases as the party producing a paper is wholly ignorant of every circumstance of the case, it would be absurd to swear him as a witness.

When a party called on his *subpoena duces tecum* to produce the document required disobeys the writ by not producing it, I have no doubt that he is liable to attachment. Whether he could be required to be sworn, or to give general testimony in the cause, but to make true answers as to the custody of the document only, is another question.

We think that he has no right to require the party who calls him to have him sworn in that way, which would make him a witness in the case for all purposes, for he might be a mere stranger to the document though having the custody of it.

The witness in this case was properly called on to produce the warrant, and that production was properly enforced without swearing him.

Mr. DEAN. The two cases cited are the law of England and this country to-day. In an earlier case, in 1808, in 9 East, 473, *Aunry vs. Long*, which was an action for damages against a person subpoenaed *duces tecum* to produce a certain paper, for not obeying the writ, whereby the plaintiff lost his action, Lord Ellenborough delivered the opinion of the court that the writ was a compulsory writ, and that such a writ must always have existed as necessary to the administration of justice. The motion for a rule was overruled and judgment against the defendant stood. (4 Car. & Payne, 335.) It was decided that papers brought into court on a *subpoena duces tecum* may be put in evidence without swearing the witness.

In *Martin vs. Williams*, 18 Alabama, 190:

Where a witness is summoned as well to testify as to bring papers into court, the party at whose instance the subpoena issues may require the production of the papers without introducing the witness generally.

In 1 McMullan, South Carolina, 147:

A witness under a *subpoena duces tecum* is not required to testify, but merely to bring into court a paper which the party needs.

The ground of appeal was because his honor ruled that Mr. Jacob Cohen, a witness summoned with a *subpoena duces tecum* in behalf of the plaintiffs, should be

compelled to produce the papers called for by the subpoena, without being sworn as a witness, although such papers were used to the prejudice of his rights.

In 3 Brevard, South Carolina; *Treasurer vs. Moore*; debt on sheriff's bond:

The party has a right to require that a witness served with a *subpoena duces tecum* should make a return to the subpoena before the cause is opened, otherwise he might have to submit to a nonsuit or verdict, if he commenced and the books were not produced.

In 37 New Hampshire, 134:

A witness subpoenaed *duces tecum*.—a witness will be ordered to produce papers if it appears from evidence *alunde* that he has the papers.

The statutes of the United States, sections 102, 103, and 104, were passed with a knowledge of the common law and only affirm the common law. They provide that a person may be summoned for two things: first, "as a witness by the authority of either House of Congress to give testimony;" and, second, "to produce papers." It has been argued that in either case he is called a witness. I think not, but that he is called a person. But I do not think that material. Calling a person a witness does not make him a witness. The person is not a witness till sworn, and the papers are to be produced though the person is never sworn.

Again, this law was in mind when section 859 was framed:

No testimony given by a witness before either House or before any committee of either House of Congress shall be used in evidence in any criminal proceeding, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within said privilege.

Nothing could be clearer than that Congress in enacting these provisions had in mind the distinction, the real and true distinction, between public records which a party is obliged to produce in answer to a *subpoena duces tecum* whether they tend to criminate him or not, and the giving of testimony when sworn as a witness, and which he cannot be compelled to give against himself.

Now, I would give full force and effect to the fifth article of amendments to the Constitution. I would abate not one jot or tittle of its force or power. I would not require him to be sworn to testify to one word in this case. I would treat it as a criminal case, for upon such testimony articles of impeachment might be founded and he arrested to answer them. It is true there are other matters inquired of by the committee; but no matter for that. Mr. Seward's conduct is certainly before the committee. When he refuses to testify he must, by his refusal or standing mute, be held to refuse upon the only ground upon which his refusal can be based, namely, the tendency of this evidence to criminate himself. I signed the report that all the questions raised might be presented to the House. That I considered my duty, in order that the House should be possessed of the whole case. I did it with the distinct statement that I based the contumacy upon the non-production of the public records. It is true that the investigation of the committee may not technically be a criminal case, but I think it is sufficiently so to bring it within the meaning of the Constitution. It is the process of manufacturing a criminal case, and no man should be required by his testimony to aid in that manufacture. But be that as it may, if I am wrong in that conclusion I certainly am not wrong in the conclusion that Mr. Seward has no right to detain from the committee the books of the Government, whatever their effect upon him. I do not think he can be compelled to take the qualified oath regarding the custody of the books, for the taking of the books is itself a crime, and he cannot be compelled to convict himself of that crime. (Revised Statutes, section 5403 and section 5408.) The latter section reads as follows:

Every officer, having the custody of any record, document, paper, or proceeding specified in section 5403, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than \$2,000 or suffer imprisonment at hard labor not more than three years or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

Now, what is this case? George F. Seward, envoy extraordinary and minister plenipotentiary of the United States to the great nation of China, during a period of some twelve years kept a system of books in which were entered all the business of the consulate at China. These were the only books of original entry kept at the consulate. From these, at his leisure, entries were made upon other books, which were open to the Government he represented. It is alleged that the latter books were partial and fraudulent, containing not the full and true account of his stewardship. He took from the consulate to his residence as minister these books of original entry. He was notified by his Government to produce them ten months ago. He still has them, and declines to produce them. Is there any member of this House who says he shall not produce them?

Mr. SPRINGER. I shall occupy but a few moments of the time of the House, I shall then yield the residue of my time to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. Speaker, it has been stated by the gentleman from New York, [Mr. BUNDY,] who is a member of the committee, that every account which Mr. Seward has rendered to the Government is on file at the State Department. I grant that that is true; but what the committee wants are the accounts that have not been sent to the Department. We want to know from the original entries what fees have been received by him and appropriated as his private property which in the judgment of the committee belong to the Government. He kept two sets of books. In the one he kept all the original entries; and in the other he kept what he chose to account for, and sent

an abstract to the Government. He says in effect to the committee, "You cannot see the original entries, but go to the Treasury Department and you will find what amount of fees it has pleased me to return to the Government. It is my business how much I have kept back."

Mr. HAZELTON. How do you know he kept two sets of accounts?

Mr. SPRINGER. The evidence shows it, and Mr. Seward does not deny it. I cannot point to the page of the testimony, nor have I time to read it.

Mr. BUNDY. Can the gentleman refer to one such page?

Mr. SPRINGER. Here is the testimony; the gentleman can find the page and read it at his leisure.

I call the attention of members to the books which I have caused to be placed on the reporters' table. If any member of this House will look into them and say that they do not relate to the public business, I will move to lay this order upon the table and take no further steps in the matter. Mr. Seward withholds two sets of books similar to these books which Mr. Myers, his successor, kept.

The gentleman from New York [Mr. BUNDY] asks where is the boasted advocacy of and respect for constitutional rights on this side of the House if you compel a public officer to criminate himself? We only ask him to produce his books. Not his books even, but the books of the Government. Shall we say to our public officers you may go on and appropriate the fees and moneys of the Government to any amount and then lock up your books and refuse to produce them to the representatives of the people, and claim a constitutional privilege so to do?

If the Constitution of our country is the shield of fraud, speculation, and embezzlement of Government funds, the sooner we make a new constitution the better it will be for the country. I yield the balance of my time to the gentleman from Mississippi, [Mr. HOOKER.]

The SPEAKER *pro tempore*. The gentleman has five minutes of his time remaining.

Mr. TOWNSEND, of New York. I desire to ask a question of the gentleman from Illinois, [Mr. SPRINGER] if he will allow me.

Mr. SPRINGER. I have not the floor; I have yielded it.

Mr. TOWNSEND, of New York. I want to know if these are the same books that were spirited away up in Michigan some time last season? [Laughter.]

Mr. SPRINGER. No; those books were produced and are in court. We want Seward's books produced also. Will you let us have them?

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 247) to grant a pension to George D. Phillips, a soldier of the war of 1812;

An act (H. R. No. 697) restoring the name of Benjamin Hollingsworth to the pension-roll;

An act (H. R. No. 1144) for the relief of Ann Annis, widow of Harvey Annis, late second lieutenant Company G, Fifty-first Regiment United States Colored Infantry;

An act (H. R. No. 1243) for the relief of Josephine C. Owen, postmaster at Randolph, New York;

An act (H. R. No. 1278) donating condemned cannon and cannonballs to Ledyard Monument Association, of Ledyard, Connecticut, for monumental purposes;

An act (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry, Wisconsin Volunteers;

An act (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky;

An act (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas;

An act (H. R. No. 3598) granting a pension to Alice B. Munroe;

An act (H. R. No. 4002) donating a condemned cannon and cannonballs to Post No. 145, Grand Army of the Republic, District of Massachusetts;

An act (H. R. No. 4385) granting an increase of pension to Caroline Hawley;

An act (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison;

An act (H. R. No. 4407) for the relief of Andrew Ivory; and

An act (H. R. No. 6159) granting a bounty-land warrant to Elisha Franklin, a survivor of the war of 1812.

Mr. SAMPSON, from the same committee, also reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 541) for the relief of William H. Carmen;

An act (H. R. No. 796) for the relief of Jenkins A. Fitzgerald, assistant surgeon United States Army;

An act (H. R. No. 1277) donating condemned cannon and cannonballs to the Colchester Monument Association, of Colchester, Connecticut, for monumental purposes;

An act (H. R. No. 1286) granting relief to John T. Neale, an employé of the Provost-Marshal General's Department in 1861, for injuries sustained in the line of his duties;

An act (H. R. No. 1304) granting a pension to Anna M. Clippinger;

An act (H. R. No. 3434) releasing title to a certain cemetery lot to the city of Montgomery, Alabama;

An act (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

An act (H. R. No. 3553) for the relief of William F. Wheeler;

An act (H. R. No. 3871) donating condemned cannon to the city of Boston for monumental purposes;

An act (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts;

An act (H. R. No. 4392) for the relief of Lucinda C. Dillahenty, of Tennessee;

An act (H. R. No. 4795) granting a pension to Ann Cornelia Lanman; and

An act (H. R. No. 6272) donating condemned cannon to Bayard Post for purposes therein mentioned.

GEORGE F. SEWARD.

The House resumed the subject of the alleged recusant witness, George F. Seward.

Mr. HOOKER. I will premise what I have to say upon this subject by remarking that I am not on the committee who have this matter under investigation, nor do I know the person who is now the recusant witness before this House, declining to produce the public books which are alleged to be in his custody.

Like every other member of this House, I must feel an interest in this question, because of the reputable character of the gentleman who is arraigned before us as a recusant witness—a gentleman who has served as ambassador of the United States in a foreign country, where more than anywhere else the conduct of a public officer should be open to the inspection and investigation of his countrymen. But it is not merely the high character of the recusant witness in this case, it is a still higher consideration that prompts me to speak on this question—because the power and authority of this House in pursuing its investigations are set at defiance by this witness.

It was said by the gentleman from Massachusetts [Mr. BUTLER] that the law as it exists in this country—the common law as we derive it from England—is very different from the French law; that under the common law no man can be a witness in his own case, while under the French law the accused has the right to speak from the dock in his own vindication. It is true, sir, that under the common law as it prevails in this country a man accused of crime cannot be compelled to testify against himself. The French code gave to the accused the power, as our statutory law does in many of the States, to make a voluntary statement to exculpate himself.

But, sir, I desire the House to understand the precise point presented now for consideration and determination. What does the subpoena addressed to this recusant witness require? Does it require him to produce private papers, private memoranda? Not at all. That subpoena is in this language:

To JOHN G. THOMSON, Esq.,

Sergeant-at-Arms, or his special messenger:

You are hereby commanded to summon George F. Seward to be and appear before the Expenditures in State Department Committee of the House of Representatives of the United States, of which the Hon. WILLIAM M. SPRINGER is chairman; and that you also diligently search for, examine, and inquire after, and bring with you and produce, at the time and place aforesaid all blotters, rough books, and all cash-books, journals, or ledgers kept and used in the office of the consul-general at Shanghai during the time you were consul-general at Shanghai, China, in their chamber, in the city of Washington, on Saturday, the 11th day of January, 1879, at the hour of ten o'clock a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

Herein fail not and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States at the city of Washington this 10th day of January, 1879.

[L. S.]

SAM. J. RANDALL,
Speaker.

Attest:

GEO. M. ADAMS,
Clerk.

By authority of the House of Representatives of the Congress of the United States of America.

It will be observed that the witness is required to produce nothing except the public records of his office; and where before has it ever been maintained that a public officer, representing his country at a foreign court or serving his Government at home, can shelter himself behind his personal privilege when called upon to produce the public records of his office and say "I cannot produce them, because they may criminate myself?"

Mr. BUNDY. Does not the gentleman understand that it is claimed on the part of Mr. Seward that he has complied with the *subpoena duces tecum* so far as relates to all books claimed to be Government books, and that he withholds only those claimed to be private?

Mr. TURNER. That is a mistake. He has refused to answer whether he had public books in his hands or not. He has made no answer to the subpoena.

Mr. HOOKER. I think the remark of the gentleman from Kentucky [Mr. TURNER] is a sufficient answer to the gentleman from New York, [Mr. BUNDY.] I was remarking that a public officer has no right to retain in his custody public books, records of the proceedings of his office, and shelter himself behind the pretense that their production may inculpate him. His full legal right in respect to not being compelled to criminate himself will, I have no doubt, be respected by the committee and the House. Whenever this witness is asked a question, and it appears that his answer, independently of

the public records or books in his possession, would tend to criminate or inculcate him, I have no doubt that the chairman of the committee will at once say to him, "We recognize the great general principle of law by which you can refuse to answer." But when a public officer, whether serving abroad or at home, undertakes to refuse the production of public records in his custody, and thus shelter himself against investigation, I say it is a defiance of all law and all authority, and if successful would completely nullify the powers of this House in pursuing the investigations with which it is charged.

I incorporate as part of my remarks the act of 1867 in reference to this subject:

An act more effectually to enforce the attendance of witnesses on the summons of either House of Congress, and to compel them to discover testimony.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter before either House, or any committee of either House of Congress, who shall willfully make default, or who, appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor in any court of the United States having jurisdiction thereof, and on conviction shall pay a fine not exceeding \$1,000 and not less than \$100, and suffer imprisonment in the common jail not less than one month nor more than twelve months.

Sec. 2. And be it further enacted, That no person examined and testifying before either House of Congress or any committee of either House shall be held to answer criminally in any court of justice, or subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either House of Congress or any committee of either House as to which he shall have testified, whether before or after the date of this act, and that no statement made or paper produced by any witness before either House of Congress or before any committee of either House shall be competent testimony in any criminal proceeding against such witness in any court of justice; and no witness shall hereafter be allowed to refuse to testify to any fact or to produce any paper touching which he shall be examined by either House of Congress or any committee of either House for the reason that his testimony touching such fact or the production of such paper may tend to disgrace him or otherwise render him infamous: *Provided,* That nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

The following is the amendatory act of 1862:

An act amending the provisions of the second section of the act of January 24, 1857, enforcing the attendance of witnesses before committees of either House of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the second section of the act entitled "An act more effectually to enforce the attendance of witnesses on the summons of either House of Congress, and to compel them to discover testimony," approved January 24, 1857, be amended, altered, and repealed, so as to read as follows: That the testimony of a witness examined and testifying before either House of Congress, or any committee of either House of Congress, shall not be used as evidence in any criminal proceeding against such witness in any court of justice: *Provided, however,* That no official paper or record produced by such witness on such examination shall be held or taken to be included within the privilege of said evidence, so as to protect such witness from any criminal proceeding as aforesaid; and no witness shall hereafter be allowed to refuse to testify to any fact, or to produce any paper, touching which he shall be examined by either House of Congress or any committee of either House for the reason that his testimony touching such fact or the production of such paper may tend to disgrace him or otherwise render him infamous: *Provided,* That nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

I also call attention to two paragraphs from Cushing's Law and Practice of Legislative Assemblies:

950. Witnesses that have been taken into or are in custody for disobeying the order of the House for their attendance or for keeping out of the way or absconding are usually committed to Newgate, by way of punishment for their offense, from whence, while thus undergoing their punishment, they are brought in custody to the house, or before a committee, to give their evidence, whenever their testimony is wanted, the speaker's warrant being ordered to be issued for that purpose.

1011. When a witness refuses to answer the questions which he is directed to answer, or to produce a paper or other document, the proceeding against him is intended not only as a punishment for his contempt, but also to compel him to obey the order. For these purposes a contumacious witness is usually committed, in the first instance, to the custody of the sergeant-at-arms. If this fails to induce him to submit himself to the order, he may then be committed to Newgate or some other public prison. Instances have occurred in which the confinement of a witness has been accompanied with circumstances of severity, intended to bring him to submission; as, for example, in the year 1742, in the case of Nicholas Paxton, who for refusing to answer the questions put to him by the secret committee to inquire into the conduct of the Earl of Oxford was in the first instance committed to the custody of the sergeant-at-arms and debarred the use of paper, pen, and ink, and persisting in his refusal, was then committed a close prisoner to Newgate, the house at the same time ordering that he be not allowed pen, ink, or paper; that no person be permitted to have access to him without leave of the house; that his wife have leave to remain with him during the time of his confinement, but that she be not allowed pen, ink, or paper; and that no person have access to her without leave of the house. In this case the severity with which Paxton was treated proved ineffectual, and the house, finding it impossible to compel him, with some others, to answer, resorted to the expedient of passing a bill of indemnity; but this being rejected by the House of Lords, the inquiry was of course defeated. Other instances of the same kind occur in the journals. In the year 1809, on the occasion of the inquiry with reference to the conduct of the Duke of York, it being proposed to commit one of the witnesses (Mrs. Clarke) to the custody of the sergeant-at-arms with orders to deny her access to any person whatever, the speaker said: "The house ought to pause before they come to a decision upon a point in which the liberty of the subject was so materially concerned." There seems to be no reason to doubt that the house may put a contumacious witness into close confinement, and this in fact was all that was done in Paxton's and other cases of the same kind, accompanied with such restraints from communication with other persons as it may deem necessary to prevent the ends of public justice from being frustrated; but whether this right should be exercised or not in any given case is a question deserving of very grave and careful consideration.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. CARLISLE.) The time allowed for discussion has expired.

Mr. SPRINGER. I call for a vote.

Mr. BAYNE. I would like to ask a question—whether the chairman of the committee [Mr. SPRINGER] and the gentleman from Mississippi [Mr. HOOKER] recognize Andrew Jackson as good authority on this question.

Mr. SPRINGER. I do; and if the gentleman wants the views of Andrew Jackson I can give them.

Mr. BAYNE. I ask to have read at the Clerk's desk some expressions of Andrew Jackson pertinent to this subject.

The SPEAKER *pro tempore*. Is there objection?

Several MEMBERS objected.

Mr. BAYNE. Then I ask consent to print in the RECORD this extract with my remarks explanatory of it.

There was no objection and leave was granted.

The statement of Mr. BAYNE is as follows:

Mr. BAYNE. Andrew Jackson, in his message to Congress of 1836, having spoken in terms of the heads of Departments of executive government, the House of Representatives passed a resolution of a broad and sweeping character, directing an investigation to be made into the affairs of those Departments and the official conduct of the gentlemen to whom their management had been committed. In reply to a communication from Henry A. Wise, informing General Jackson that the committee was ready to proceed with the investigation, and requesting that the heads of Departments would appear before it, with their books and ledgers, to render an account of their official conduct, Jackson said:

You request myself and the heads of the Departments to become our own accusers, and to furnish the evidence to convict ourselves; and this call purports to be founded on the authority of that body in which alone, by the Constitution, the power of impeachment is invested.

The heads of Departments may answer such request as they please, provided they do not withhold their own time, or that of the officers under their direction, from the public business to the injury thereof; to that business I shall direct them to devote themselves in preference to any illegal and unconstitutional calls for information, no matter from what source it may come, or however anxious they may be to meet it.

For myself, I shall repel all such attempts as an invasion of the principles of justice as well as of the Constitution, and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish inquisition.

Further on in the communication to which I have referred, Jackson, replying still more emphatically, says:

I hope, sir, we shall at least have your charges, and that you will proceed to investigate them, not like an inquisition, but in the accustomed mode. If you either will not make specific accusation, or if, when made, you attempt to establish them by making freemen their own accusers, you will not expect me to countenance your proceedings.

Mr. SPRINGER. I ask to have printed in the RECORD a part of a message of Andrew Jackson, with my remarks explanatory thereof.

There was no objection, and leave was granted.

The statement of Mr. SPRINGER is as follows:

Mr. SPRINGER. In the case cited by the gentleman from Pennsylvania, [Mr. BAYNE] wherein General Jackson refused to comply with a resolution of the House of Representatives in 1837, the committee undertook to require the heads of Departments to state what officers had been appointed in violation of law and were drawing salaries without warrants of law, and many other such questions which, if answered, would have made the heads of the Departments their own accusers. General Jackson said that they could not be required to be their own accusers; that they could not be compelled to answer how many times, if at all, they had violated the law; and he added significantly and very appropriately, so far as the facts in this case are concerned, the following language:

If after all the severe accusations contained in the various speeches of yourself and your associates you are unwilling of your own accord to bring specific charges, then I request your committee to call yourself and your associates, and every other member of Congress who has made the general charge of corruption, to testify before God and our country whether you or they know of any specific corruption or abuse of trust in the Executive Departments; and, if so, what it is. If you are able to point to any case where there is the slightest reason to suspect corruption or abuse of trust, no obstacle which I can remove shall be interposed to prevent the fullest scrutiny by all legal means. The offices of all the Departments will be opened to you and every proper facility furnished for this purpose.

In the case of Mr. Seward specific charges have been formulated; witnesses have been called to sustain them; and this brings the case within the statement of General Jackson, wherein he said that under such circumstances "the offices of all the Departments will be opened to you, and every proper facility furnished for this purpose."

Mr. BUNDY. In pursuance of the notice I have before given, I now move that this question be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore*. That motion is not in order, the main question having been ordered.

Mr. BUNDY. I had hoped the gentleman from Illinois would yield to allow this motion to be entertained.

The SPEAKER *pro tempore*. The proposed order reported by the majority of the committee will be read.

The Clerk read as follows:

Ordered, That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of George F. Seward, and him bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said George F. Seward in his custody to abide the further order of the House.

Mr. BUNDY. The first vote is on the resolution reported by the minority of the committee.

The SPEAKER *pro tempore*. Are those resolutions pending?

Mr. BUNDY. Yes, I moved them myself, and I understand they are pending as an amendment to the resolutions of the majority.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the reasons given by Hon. George F. Seward, through his counsel, to the committee are legally sufficient to excuse his failure to produce the books described in the *subpoena duces tecum*, and his standing mute when tendered the oaths required by the resolutions of the committee, adopted by a majority of this committee, and his conduct in the premises are not contumacious, but are excusable by the Constitution and laws of the United States and the acts of Congress pertaining thereto.

Resolved, That the Speaker should not issue a warrant directing the Sergeant-at-Arms to take into custody the body of George F. Seward, to the end that he be brought to the bar of the House to show cause why he should not be punished for contempt.

Mr. BUNDY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 119, nays 142, not voting 29; as follows:

YEAS—119.

Aldrich,	Davis, Horace	Keifer,	Rice, William W.
Bacon,	Deering,	Keightley,	Robinson, G. D.
Bagley,	Denison,	Kelley,	Robinson, M. S.
Bailey,	Dunnell,	Ketcham,	Ryan,
Baker, John H.	Eames,	Lathrop,	Sampson,
Ballou,	Ellsworth,	Lindsey,	Sapp,
Bayne,	Errett,	Loring,	Sexton,
Blair,	Evans, I. Newton	Lynde,	Shallenberger,
Boyd,	Evans, James L.	Majors,	Sinnickson,
Brentano,	Fort,	McCook,	Smalls,
Brewer,	Frye,	McKinley,	Smith, A. Herr
Briggs,	Gardner,	Mills,	Starr,
Browne,	Garfield,	Mitchell,	Stewart,
Bundy,	Hale,	Neal,	Stone, Joseph C.
Burchard,	Hanna,	Norcross,	Strait,
Burdick,	Harner,	Oliver,	Thompson,
Butler,	Harris, Benj. W.	O'Neill,	Tipton,
Cain,	Haskell,	Overton,	Townsend, Amos
Calkins,	Hayes,	Page,	Townsend, M. I.
Camp,	Hazelton,	Patterson, G. W.	Van Vorhes,
Campbell,	Hendee,	Peddle,	Wait,
Cannon,	Henderson,	Phillips,	Ward,
Clafin,	Hiscock,	Pollard,	Watson,
Clark, Rush	Hubbell,	Pound,	White, Harry
Cole,	Humphrey,	Powers,	White, Michael D.
Conger,	Hungerford,	Price,	Williams, Andrew
Crapo,	Hunter,	Pugh,	Williams, C. G.
Culbertson,	James,	Rainey,	Willis, Benjamin A.
Cummings,	Jones, John S.	Randolph,	Willits.
Danford,	Jorgensen,	Reed,	

NAYS—142.

Aiken,	Dibrell,	Huntton,	Ross,
Atkins,	Dickey,	Itner,	Saylor,
Banning,	Durham,	Jones, Frank	Scales,
Beale,	Eden,	Jones, James T.	Shelley,
Bell,	Eickhoff,	Kenna,	Singleton,
Benedict,	Elam,	Kimmel,	Slemmons,
Bicknell,	Ellis,	Knapp,	Smith, William E.
Blackburn,	Evins, John H.	Landers,	Southard,
Bliss,	Ewing,	Ligon,	Sparks,
Blount,	Felton,	Lockwood,	Springer,
Boone,	Finley, Ebenezer B.	Luttrell,	Steele,
Bouck,	Finley, Jesse J.	Mackey,	Stenger,
Bragg,	Fleming,	Maish,	Swann,
Bridges,	Forney,	Manning,	Throckmorton,
Bright,	Franklin,	Marsh,	Townsend, R. W.
Brogden,	Fuller,	Martin,	Tucker,
Buckner,	Garth,	Mayham,	Turner,
Cabell,	Gause,	McKenzie,	Turney,
Caldwell, John W.	Gibson,	McMahon,	Vance,
Caldwell, W. P.	Giddings,	Money,	Veeder,
Candler,	Glover,	Morgan,	Waddell,
Carlisle,	Goode,	Morrison,	Walker,
Chalmers,	Hamilton,	Morse,	Warner,
Clark, Alvah A.	Hardenbergh,	Muldrow,	Whitthorne,
Clarke of Kentucky,	Harris, Henry R.	Muller,	Wigginton,
Clark of Missouri,	Harris, John T.	Patterson, T. M.	Williams, James
Clymer,	Harrison,	Phelps,	Williams, Jere N.
Cobb,	Hart,	Potter,	Willis, Albert S.
Collins,	Hartzell,	Pridemore,	Wilson,
Cook,	Hatcher,	Rea,	Wood,
Cravens,	Henry,	Reagan,	Wright,
Crittenden,	Herbert,	Reilly,	Yeates,
Cutler,	Hewitt, Abram S.	Rice, Americus V.	Young, Casey
Davidson,	Hewitt, G. W.	Robbins,	Young, John S.
Davis, Joseph J.	Hooker,	Roberts,	
Dean,	House,	Robertson,	

NOT VOTING—29.

Acklen,	Cox, Jacob D.	Killinger,	Stone, John W.
Baker, William H.	Cox, Samuel S.	Knott,	Thornburgh,
Banks,	Dwight,	Lapham,	Walsh,
Beebe,	Foster,	McGowan,	Williams, Richard
Bland,	Freeman,	Metcalfe,	Wren.
Caswell,	Gunter,	Monroe,	
Chittenden,	Henkle,	Riddle,	
Covert,	Joyce,	Stephens,	

So the amendment to the majority report was disagreed to.

During the roll-call the following announcements were made:

Mr. COVERT. On this proposition I am paired with the gentleman from Michigan, Mr. STONE. If he were present, he would vote "ay" and I would vote "no."

Mr. BAKER, of New York. I am paired with my colleague, Mr. BEEBE. If he were present, I would vote "no."

Mr. JAMES. My colleague, Mr. LAPHAM, is paired with Mr. KNOTT,

and Mr. DWIGHT with Mr. EICKHOFF. I do not know how they would vote.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs on the adoption of the resolution reported by the majority of the committee.

Mr. CONGER. I move the House adjourn.

Mr. SPRINGER. Does the gentleman mean to filibuster on this question? The House has ordered a recess until half past seven o'clock. The House has not adopted the resolutions reported by the committee. The vote just taken was on the minority resolutions. Does the gentleman from Michigan desire to prevent the passage of the resolutions?

Mr. CONGER. I have acted advisedly.

Mr. SPRINGER. The gentleman, then, desires to prevent their passage?

Mr. CONGER. I will answer the gentleman after we take a recess.

Mr. WADDELL. What is the evening session for?

The SPEAKER *pro tempore*. For reports from the Committee of Ways and Means.

Mr. PAGE. And for no other business.

Mr. HOOKER. I desire to make a parliamentary inquiry. As I understand, the gentleman from Illinois [Mr. SPRINGER] has the floor. He has called the previous question upon the whole subject-matter pending before the House, which is, first, on the report of the minority, on which the House has voted, and, secondly, on the report of the majority, on which the House has not yet voted. Can any other question interpose until the order of the House is executed?

The SPEAKER *pro tempore*. It is in order to move to take a recess, and especially so when the House has already agreed to take a recess.

Mr. LUTTRELL. The whole object is to filibuster and defeat the investigations of the committee.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Colorado [Mr. PATTERSON] asks that when the House ceases its business to-morrow it shall take a recess until Saturday morning at ten o'clock for the consideration of reports from the Committee on Public Lands.

Mr. PATTERSON, of Colorado. In connection with that request I desire to say that any bill to which there shall be a single objection shall not be considered. It is simply for the consideration of such bills as commend themselves to the unanimous assent of the House.

Mr. HOOKER. I call for the regular order.

Mr. RYAN. I hope the request of the gentleman from Colorado will be granted.

Mr. SPRINGER. Does the gentleman from Michigan desire to filibuster to prevent the execution of this order?

The SPEAKER *pro tempore*. That is in the nature of debate.

Mr. SPRINGER. We have had a test vote on the question, and now the resolution reported by the committee should be allowed to pass.

The SPEAKER *pro tempore*. Is there objection to granting the request of the gentleman from Colorado?

Mr. SPRINGER. I shall not agree to any request for unanimous consent until the House has disposed of this business.

Mr. PATTERSON, of Colorado. I withdraw the request.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Michigan, that the House take a recess.

Mr. HALE. What is the business this evening?

The SPEAKER *pro tempore*. The consideration of reports from the Committee of Ways and Means.

Mr. HALE. And nothing else?

The SPEAKER *pro tempore*. Nothing else.

Mr. LUTTRELL. If this goes over as unfinished business, when will it come up?

The SPEAKER *pro tempore*. To-morrow morning.

Mr. LUTTRELL. Let us refuse to take a recess until we dispose of it.

The question being taken on Mr. CONGER's motion, there were—yeas 76, nays 104.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, 41 members voting therefor.

The question was taken; and there were—yeas 57, nays 130, not voting 73; as follows:

YEAS—57.

Aldrich,	Deering,	Jorgensen,	Robinson, G. D.
Bailey,	Denison,	Keifer,	Robinson, M. S.
Baker, John H.	Dunnell,	Keightley,	Ryan,
Bayne,	Dwight,	Ketcham,	Sampson,
Blair,	Eames,	Lathrop,	Shallenberger,
Briggs,	Ellsworth,	Lindsey,	Sinnickson,
Browne,	Errett,	Majors,	Smalls,
Bundy,	Evans, I. Newton	McKinley,	Starr,
Burdick,	Evans, James L.	Mitchell,	Stewart,
Butler,	Fort,	Norcross,	Strait,
Calkins,	Frye,	Oliver,	Thompson,
Camp,	Gardner,	O'Neill,	Tipton,
Campbell,	Garfield,	Overton,	Townsend, Amos
Cannon,	Hale,	Page,	Townsend, M. I.
Caswell,	Hanna,	Patterson, G. W.	Van Vorhes,
Clafin,	Haskell,	Phillips,	Wait,
Clark, Rush	Hazelton,	Pollard,	Ward,
Cole,	Henderson,	Powers,	White, Harry
Conger,	Humphrey,	Pridemore,	White, Michael D.
Cox, Jacob D.	Hungerford,	Rainey,	Williams, Andrew
Cummings,	James,	Reed,	Willits.
Davis, Horace	Jones, John S.	Rice, William W.	

NAYS—130.

Aiken,	Dibrell,	Huntton,	Saylor,
Atkins,	Dickey,	Ittner,	Scales,
Banning,	Durham,	Jones, Frank,	Shelley,
Beale,	Elen,	Jones, James T.	Singleton,
Bell,	Ellam,	Kenna,	Slomons,
Benedict,	Ellis,	Kimmel,	Smith, A. Herr,
Blackburn,	Evins, John H.	Knapp,	Smith, William E.
Bliss,	Ewing,	Landers,	Sparks,
Boone,	Felton,	Ligon,	Springer,
Bragg,	Finley, Ebenezer B.	Lockwood,	Steele,
Bridges,	Finley, Jessie J.	Luttrell,	Stenger,
Bright,	Fleming,	Lynde,	Throckmorton,
Brogden,	Forney,	Mackey,	Townshend, R. W.
Cabell,	Franklin,	Maish,	Tucker,
Cain,	Gibson,	Manning,	Turner,
Caldwell, John W.	Giddings,	Martin,	Turney,
Caldwell, W. P.	Glover,	Mayham,	Vanco,
Candler,	Goode,	McKenzie,	Veeder,
Carlisle,	Gunter,	McMahon,	Waddell,
Chalmers,	Hamilton,	Mills,	Warner,
Clark, Alvah A.	Hardenbergh,	Morgan,	Wigginton,
Clark of Missouri,	Harris, Henry R.	Morrison,	Williams, James
Clarke of Kentucky,	Harris, John T.	Morse,	Williams, Jere N.
Clymer,	Harrison,	Muldrow,	Willis, Albert S.
Cobb,	Hartzell,	Muller,	Willis, Benj. A.
Collins,	Hatcher,	Potter,	Wilson,
Cook,	Henkle,	Rea,	Wood,
Craven,	Henry,	Reagan,	Wright,
Culberson,	Herbert,	Reilly,	Yeates,
Cutler,	Hewitt, Abram S.	Rice, Americus V.	Young, Casey
Davidson,	Hewitt, G. W.	Robbins,	Young, John S.
Davis, Joseph J.	Hooker,	Ross,	
Dean,	House,		

NOT VOTING—73.

Acklen,	Crapo,	Killinger,	Robertson,
Bacon,	Crittenden,	Knott,	Sapp,
Bagley,	Danford,	Lapham,	Sexton,
Baker, William H.	Eickhoff,	Loring,	Southard,
Ballou,	Foster,	Marsh,	Stephens,
Banks,	Freeman,	McCook,	Stone, John W.
Beebe,	Fuller,	McGowan,	Stone, Joseph C.
Bicknell,	Garth,	Metcalfe,	Swann,
Bland,	Gause,	Money,	Thornburgh,
Blount,	Harmer,	Monroe,	Walker,
Bouck,	Harris, Benj. W.	Neal,	Walsh,
Boyd,	Hart,	Patterson, T. M.	Watson,
Brentano,	Hayes,	Peddle,	Whithorne,
Brewer,	Hendee,	Phelps,	Williams, C. G.
Buckner,	Hiscock,	Pound,	Williams, Richard
Burchard,	Hubbell,	Price,	Wren.
Chittenden,	Hunter,	Pugh,	
Covert,	Joyce,	Randolph,	
Cox, Samuel S.	Kelley,	Riddle,	

So the motion to take a recess was not agreed to.

During the call of the roll the following announcements were made:

Mr. COVERT. I am paired with Mr. STONE, of Michigan. I do not know how he would vote if present, but I should vote "no."

Mr. CRITTENDEN. I am paired with Mr. WILLIAMS, of Oregon. If he were here, he would vote "ay" and I would vote "no."

Mr. EDEN. Mr. SOUTHARD, of Ohio, is paired with Mr. WATSON, of Pennsylvania; and Mr. WHITTHORNE, of Tennessee, is paired with Mr. HARRIS, of Massachusetts.

Mr. COBB. My colleague, Mr. FULLER, is paired with my colleague, Mr. SEXTON. If they were here, Mr. FULLER would vote "no" and Mr. SEXTON "ay."

Mr. GAUSE. I am paired with Mr. SAPP, of Iowa. If he were here, I should vote "no."

Mr. HENDERSON. My colleague, Mr. BOYD, is paired with Mr. BICKNELL. I do not know how either would vote if here.

Mr. COLE. I desire to state that Mr. HISCOCK is paired with his colleague, Mr. HART; Mr. PUGH, of New Jersey, is paired with Mr. BUCKNER, of Missouri; and Mr. POLLARD, of Missouri, is paired with his colleague, Mr. CLARK.

Mr. LAPHAM. On this question I am paired with Mr. KNOTT, of Kentucky. If he were here, I would vote "ay."

Mr. FOSTER. On this vote I am paired with the gentleman from Georgia, Mr. BLOUNT. If he were here, I would vote "ay."

The result of the vote was then announced as above stated.

GEORGE F. SEWARD.

The question recurred upon agreeing to the resolution reported from the Committee on Expenditures in the State Department; and being taken, on a division, there were—ayes 115, no 1.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. CONGER and Mr. SPRINGER were appointed.

Mr. THOMPSON. Pending the vote by tellers and in order to prevent filibustering and delay, I move that the House now adjourn.

The SPEAKER *pro tempore*. That motion is not now in order; the House is dividing.

The question was taken upon agreeing to the resolution; and the tellers reported that there were—ayes 110, noes 24.

Mr. TIPTON. No quorum has voted.

Mr. LUTTRELL. I move that there be a call of the House.

Mr. SPRINGER. I desire to state to gentlemen on the other side, that before I heard any question raised in this matter I had stated to the Sergeant-at-Arms that no notice or paper would be put into his hand until to-morrow; so that there can be no purpose on the part of this side of the House to do any injustice to Mr. Seward.

Mr. CONGER. Then what is the object of voting to-night?

Mr. SPRINGER. Does the gentleman presume to say that I am not pursuing this course in good faith?

Mr. THOMPSON. I move that the House now adjourn.

The motion to adjourn was not agreed to.

Mr. DUNNELL. I desire to suggest to the gentleman from New York, [Mr. Wood,] the chairman of the Committee of Ways and Means, that the session of this evening begin at eight o'clock instead of half past seven.

The SPEAKER *pro tempore*. The question is on the motion to have a call of the House.

Mr. SPRINGER. I ask unanimous consent that the tellers resume their places and the vote be taken again upon agreeing to the report of the committee.

Mr. LUTTRELL. If a quorum will vote on that, then I will withdraw my motion for a call of the House. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is the motion for a call of the House.

The question was taken; and upon a division there were—ayes 74, noes 44.

So the motion for a call of the House was agreed to.

Mr. SPRINGER. I now move to reconsider the vote by which a call of the House was ordered, for the reason that I have the assurance of gentlemen on the other side of the House, after the statement I have made, that they will vote to make up a quorum on the adoption of the report of the committee.

Mr. CONGER. I desire to say a word. I did not know that the gentleman from Illinois [Mr. SPRINGER] had control of the execution of an order of this House, through the Speaker of the House and its Sergeant-at-Arms.

Mr. RICE, of Ohio. Is it possible?

Mr. CONGER. I think it is assuming a little more power than he has.

Mr. SPRINGER. The gentleman does not doubt my word, when I tell him that the order will not be made until to-morrow.

Mr. CONGER. No; but I say the gentleman cannot control it.

Mr. LUTTRELL. This is an every-day occurrence; let us meet it now. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is on the motion to reconsider the vote by which a call of the House was ordered.

The question was taken; and upon a division there were—ayes 119, noes none.

Mr. CONGER. No quorum has voted.

The SPEAKER *pro tempore*. The Chair is of the opinion that in proceedings relating to a call of the House less than a quorum can act. The order for a call of the House has been reconsidered; and the question recurs upon ordering a call of the House.

Mr. LUTTRELL. I withdraw that motion.

The SPEAKER *pro tempore*. The question then recurs upon agreeing to the report of the committee. When the vote was taken by tellers upon agreeing to the report of the committee no quorum voted.

Mr. HARRIS, of Virginia. Let the question again be taken by a rising vote.

The question was taken; and upon a division there were—ayes 105, noes 47.

So the report was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS FROM THE COMMITTEE ON PUBLIC LANDS.

Mr. PATTERSON, of Colorado. I now renew the request that when the House shall close its business to-morrow it will take a recess until ten o'clock on Saturday morning, for the purpose of giving one hour for the consideration of reports from the Committee on Public Lands, no report from that committee to which there shall be objection to be considered.

Mr. THOMPSON. I object to that.

Mr. RYAN. I think the gentleman ought not to object. There are bills before that committee to which no gentleman will object.

Mr. PAGE. There is no more important committee of this House.

Mr. THOMPSON. I withdraw the objection.

There being no further objection, the order was made.

CLAIMS OF OWNERS OF WHALING VESSELS.

Mr. ELLSWORTH, by unanimous consent, reported from the Committee of Claims a bill (H. R. No. 6513) for the relief of William T. Smith, of New Bedford, Massachusetts, agent and managing owner of the American whaling barks Midas and Progress, and the American whaling ship Daniel Webster; Jonathan Brown, Jr., of New Bedford, Massachusetts, agent and managing owner of the American whaling bark Lagoda; and Samuel Osborn, Jr., of Edgartown, Massachusetts, agent and managing owner of the American whaling ship Europa; which was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

REBECCA STRAUGHAN.

Mr. EVANS, of Pennsylvania, by unanimous consent, reported from the Committee on Revolutionary Pensions a bill (H. R. No. 6514) granting a pension to Rebecca Straughan; which was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. BURCHARD. Mr. Speaker, I now claim the floor upon the bill regulating the duties on sugar, if I am entitled to it.

The SPEAKER *pro tempore*. The gentleman is entitled to the floor. Mr. BURCHARD. I insist upon my right to the floor, but will yield to the gentleman from New York, [Mr. Wood,] who desires to move that the House now take a recess.

Mr. WOOD. There is no necessity for the gentleman from Illinois [Mr. BURCHARD] bringing up that question now, as it is entirely disconnected with the business of this evening. I move that the House now take a recess.

Mr. BAKER, of Indiana. Pending the motion for a recess I move that the House adjourn.

The question being taken on the motion of Mr. BAKER, of Indiana, it was not agreed to, there being—ayes 38, noes 79.

The motion then recurred on the motion of Mr. WOOD for a recess.

Mr. WOOD. I ask unanimous consent that the hour of meeting this evening be changed from half past seven to eight o'clock. There being no objection, it was ordered accordingly.

Mr. McMAHON. What is the business for this evening?

The SPEAKER *pro tempore*. Reports from the Committee of Ways and Means, and no other business.

Mr. McMAHON. Public or private?

Mr. WOOD. Both.

The motion of Mr. WOOD was agreed to; and accordingly, at six o'clock p. m., the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at eight o'clock p. m.

ORDER OF BUSINESS.

Mr. BALLOU. Mr. Speaker, I ask that such business on the Speaker's table as properly belongs to the Committee on Printing may be taken up and referred to that committee.

The SPEAKER. The understanding was that at this evening's session no business should be transacted except the consideration of reports from the Committee of Ways and Means.

Mr. BALLOU. Cannot my request be agreed to by unanimous consent?

The SPEAKER. Members who are not here at present asked the Chair to-day whether any other business than the consideration of reports from the Committee of Ways and Means would be in order at the session to-night; and it was stated distinctly that no other business would be in order. The Chair would prefer that the gentleman should delay his request till to-morrow morning.

Mr. KELLEY. I think it has frequently been held that where an evening is fixed for particular business, other business cannot be entertained even by unanimous consent.

The SPEAKER. The Chair will recognize the gentleman from Rhode Island to-morrow morning for the purpose he indicates.

APPEALS FROM DECISIONS OF COLLECTORS OF CUSTOMS, ETC.

Mr. WOOD, from the Committee of Ways and Means, reported, as a substitute for House bills No. 4790, No. 5549, and No. 6378, a bill (H. R. No. 6515) respecting protests or appeals from decisions of collectors of customs, and for other purposes; which was read a first and second time.

The bill provides in the first section that protests or appeals from decisions of collectors of customs as to the rate or amount of duties due on imports, heretofore filed at or before the liquidation of the entry, shall be regarded as of the same force and effect under section 14 of the act of 30th June, 1864, entitled "An act to increase duties on imports, and for other purposes," and under section 2931 of the Revised Statutes, as if filed within the time therein prescribed.

The second section provides that samples, sample books, and sample cards of goods or merchandise shall be exempt from entry and duty, and shall be delivered to the importer, consignee, or owner, or his order, immediately upon their arrival, under such regulations for the prevention of fraud and evasion as the Secretary of the Treasury may from time to time prescribe; provided each such sample is of such dimension, character, or quantity as to show that it is intended only as a sample of the article it represents, and is not adapted for use otherwise.

The third section provides that the indebtedness of the United States "to importers for excess of deposits for unascertained duties, or duties or other moneys paid under protest," when determined by the judgment of any court of the United States, shall be paid, regardless of the time of original payment thereof, with the interest and cost legally due thereon, under sections 959 and 966 of the Revised Statutes, from the permanent annual appropriation for that purpose in section 3659 of said statutes.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. WOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTEREST ON SURRENDERED OR CALLED BONDS.

Mr. WOOD also, from the same committee, reported a bill (H. R. No.

6516) to amend section 3697 of the Revised Statutes, with respect to interest on surrendered or called bonds; which was read a first and second time.

The bill provides that section 3697 of the Revised Statutes be amended so that the interest on the bonds called under the provisions of said section or surrendered under the provisions of the "Act to facilitate the refunding the national debt," approved January 25, 1879, shall cease and determine after the expiration of thirty days from the date of the surrender or the date of the notice and advertisement required to be given by the Secretary of the Treasury; but nothing herein is to affect existing contracts made in pursuance of law.

Mr. WOOD. I will explain in a few words, Mr. Speaker, that this is in accordance with the recommendation of the Secretary of the Treasury in his last annual report to Congress. As the law now stands, that is under the act of 1870, 5-20 bonds redeemed are entitled to bear interest to the holder for three months, and the 4 per cent. bonds by which the others are redeemed also draw interest of 4 per cent. for three months, so that in the process of refunding, the parties who relinquish their bonds under the call of the Secretary are for the time being in the receipt of some 10 per cent. interest. This shortens the time to thirty days instead of three months, so that when bonds are relinquished by the holder or called by the Secretary it is provided they shall bear but thirty days, and the four percents shall bear interest only for the same time. It is a unanimous report from the Committee of Ways and Means. It saves existing contracts under the syndicate, and we think this law should be passed at the earliest practicable moment to be applied to any future refunding.

Mr. BUCKNER. Does this apply to ten-forties or any other bonds?

Mr. WOOD. All bonds, sir, yet unrefunded. Under the law they can be voluntarily relinquished.

Mr. BURCHARD. Will the gentleman yield to me for a moment?

Mr. WOOD. Certainly.

Mr. BURCHARD. The Secretary of the Treasury in his last annual report, I think, recommended, as the gentleman has stated, that the time should be limited. The Committee of Ways and Means had under consideration a bill which was in accordance with that recommendation. There is an amendment which is incorporated in the bill, and I believe accompanies it as an original proposition, which applies this provision only to the 5 per cent. bonds. Do I understand correctly?

Mr. WOOD. I understand it applies to all bonds yet to be refunded.

Mr. BURCHARD. But excepts existing contracts.

Mr. WOOD. Yes, sir.

Mr. BURCHARD. The attention of the Secretary was called to the matter as it was being discussed by the Committee of Ways and Means, and he sent a letter, which I have not here or I would be glad to have it read, in which he objected to the terms of the bill as it then was framed, because since the 1st of January over \$250,000,000 of bonds had been called under the provisions of the then existing law, and upon those called bonds the parties holding them would be entitled to interest at 6 per cent. for three months, and as subscription for new bonds is conditioned that old bonds may be exchanged for them, it would violate contracts under the arrangement already made as well as contracts made as to bonds to be surrendered and negotiated abroad, sixes to be surrendered and four percents to be exchanged therefor to the extent of some \$40,000,000 or more. The act as now drawn is intended to except all existing contracts. The Secretary of the Treasury suggested that would not be objectionable, although the refunding is proceeding so fast it is questionable whether it is not better not to interfere with it at all. I believe, as stated by the gentleman from New York, after this modification no members of the committee objected to the bill as now drafted and reported.

Mr. HEWITT, of New York. I ask my colleague to yield to me for a moment.

Mr. WOOD. Certainly.

Mr. HEWITT, of New York. While, Mr. Speaker, I altogether approve of this bill, I am compelled to add that it is very much like locking the stable-door after the horse is stolen. If this bill could have been reported on the first day of the session, or even on the day before the recess, when I called attention to the large amount of double interest which was being paid, the result would have been the saving of from a million to a million and a half of dollars. I know my colleague, the chairman of the Committee of Ways and Means, was extremely anxious to report this bill. In justice to him I wish to say to this House the delay which, by some inscrutable process, has been forced upon him, has, in my judgment, cost a million and a half of dollars.

But I also want to add that it is a hollow pretense on the part of the Secretary of the Treasury to allege that he was under any obligation at any time to pay double interest for a single hour. I am very well aware he has said that he followed the precedents set by his predecessors, and that the act requires him to pay double interest. But I desire to call the attention of this House and of the country to the fact that his predecessor, Mr. Bristow, when he came into office, finding that double interest was being paid, stopped it, and thereafter, so long as Mr. Bristow continued in office, double interest was not paid.

During the Forty-fourth Congress I offered at least three resolutions to ascertain whether double interest had been paid or not, and a clear

and explicit answer could never be got from the Treasury. I find now that the reason why the answer could never be got was that the Secretary of the Treasury at that time, Mr. Bristow, who had very properly stopped the payment of double interest on the five percents then in negotiation, was unwilling by any act of his to cast reproach on his predecessor. But at all times pending this negotiation and the refunding of the national debt, which I regard as the most remarkable success that has ever occurred in the history of finance, it has been entirely possible within the law for the Secretary of the Treasury to have made such contracts and arrangements as would have saved to a large extent the payment of double interest which has been made.

The negotiation of the loan has largely fallen under the power and control of a single public depository, the First National Bank of the city of New York. They have conducted the business with wonderful boldness, skill, energy, and success. They have not, so far as I know, made a single dollar that the laws and the instructions of the Secretary of the Treasury did not authorize them to make, and no reproach can be cast upon this bank or any other of the fiscal agents of the Government who have monopolized the sale of the bonds under the regulations of the Treasury Department.

If unnecessary and improvident commissions and allowances of interest have been made the responsibility rests upon the Treasury and not upon those who have availed themselves of the opportunity to make millions at the public expense. Wonderfully successful as the refunding operations have been, they might have been conducted upon more favorable terms if it had been understood that other national banks and private banks had the same assurance that the First National Bank appears to have had. By the terms of the Treasury circulars issued in 1878, notice was given to banks who might choose to become agents and public depositories that the money received for the 4 per cent. bonds might lie in the banks upon the proper security during the three months. Upon the 5th of October last, however, a written and not a printed notice was issued from the Treasury Department, a copy of which I have seen, notifying some of the agencies, if not all of them, that the money instead of lying upon deposit during three months would thereafter be subject to call.

Therefore, every bank that did not have or could not have some understanding with the Secretary of the Treasury that the money would not be called for were practically driven out of the loan market. What assurances the First National Bank received I do not know, but I do know that the balances in that bank on the 1st November last were over \$28,000,000.

I do not say that any assurance was given to that bank that it would not be so called for, but the fact is that the money was allowed to lie there and that the bank, while it had this money under its control, entered into negotiations for refunding the 6 per cent. bonds into 4 per cent. bonds and the amount of profit and loss has been something enormous. I attribute to the bank no censure of any kind, but I say that the refunding of the loan was so managed as to throw immense profits mainly into the hands of a single concern and that the action of the Secretary of the Treasury excluded the great mass of the national banks and private bankers from the profit of refunding the national debt. Now I am ready to answer questions.

Mr. BREWER. The gentleman from New York stated that Mr. Bristow ceased to pay double interest. I desire to ask if he did not thereby cease to refund virtually.

Mr. HEWITT, of New York. No; I think he did not. Under his administration all the 5 per cent. bonds were sold except \$50,000,000, and when the present Secretary undertook the negotiations these bonds were at a premium and the \$50,000,000 which he sold to a syndicate were placed at $1\frac{1}{2}$ per cent. below the market rate. The people would have taken the bonds readily enough, but he has never offered to the public at large as good terms as he has made to syndicates and national banks. When he did offer them to the public the First National Bank was always able, by having the benefit of the double interest, to sell the bonds on better terms than the Treasury sold them, and hence the bank monopolized the business.

Mr. CLAFLIN. I would ask who is to blame for the loss to the Treasury which the gentleman says occurred from the national banks. The banks were not to blame. Who was to blame?

Mr. HEWITT, of New York. I say that the discretionary power was vested in the Secretary of the Treasury to make such terms as he might see fit. I bore willing testimony to the wonderful ability with which the transaction was conducted, but my point is that he could have conducted it on more favorable terms and that money has gone into the vaults of the First National Bank of New York which might have been saved to the Treasury.

Mr. CLAFLIN. If he conducted it with such remarkable ability what was at the bottom of the blame which he speaks of?

Mr. HEWITT, of New York. Because it could not have been done upon better terms.

Mr. CLAFLIN. That is a matter of opinion. I will ask the gentleman, as a business man, whether he thinks that this very fortunate refunding could have been placed upon the same terms as now; in other words, does he suppose, as a business man, that if the terms offered by this bill had been offered then the refunding could have been done?

Mr. HEWITT, of New York. I have not the slightest doubt of it; that is my answer. The truth is, that while the Secretary has dis-

played great energy in pushing the refunding operations and is entitled to credit for it, it is not to be admitted for a moment that the success of the transaction is due to him. It is due to the extraordinary state of the money market and the great surplus of idle capital all over the world which has made a 4 per cent. bond a desirable investment. The Secretary did not create this favorable and unprecedented state of the market, but he took advantage of it; but I do not think that he has turned it to the best advantage.

Mr. BURCHARD. It may be unfortunate for the country that the distinguished gentleman from New York [Mr. HEWITT] is not the Secretary of the Treasury, instead of the present incumbent. Doubtless he would have accomplished this magnificent result much better and much more rapidly. But when he assails the action of the Secretary of the Treasury he does it in face of the law which requires the Secretary to sell these bonds and from the proceeds of the sale to redeem the 6 per cent. bonds. The law gives the right absolutely to the holder of the 6 per cent. bonds to interest for three months after the notice to present them for redemption.

Now, the Secretary of the Treasury tells us very frankly in his annual report, giving us half a page of his reasons, that this refunding could be done by making a call in anticipation of the subscriptions by guessing or supposing or running the chance that the subscriptions will be made for an amount equal to the call. He says that it may be done by making the call before he has the money in the Treasury; but he says he does not think that would be a safe thing to do, for something might check the anticipated subscription, and the Treasury would be without funds to redeem the bonds which it had called. He says that by the terms of the law he must have received the subscriptions, must have the assurance that the money will be forthcoming, or will be at his demand on call, before he makes the call for these 6 per cent. bonds. He asks Congress to shorten the period for which interest must be allowed after the call, and this as soon as the subscription is made will operate to shorten the time for which interest can be allowed on called bonds. Perhaps the gentleman might do better.

Mr. HEWITT, of New York. Secretary Bristow found a better way of doing it.

Mr. BURCHARD. The gentleman says to us, "Oh, how much better I might have done it." I ask the House if it has not been done well? There are \$250,000,000 of 6 per cent. bonds now in process of cancellation called since the 1st of January, and the whole amount of these 6 per cent. bonds—\$360,000,000—outstanding at the commencement of the year will be called and refunded within thirty days of this time.

The gentleman, however, seems to desire an opportunity to attack the Secretary of the Treasury and his administration notwithstanding this magnificent result, and says it could have been done better in some other way. Perhaps it could and perhaps not. If there is any one to blame in this matter, it is our fault that we did not shorten the period, as the Secretary of the Treasury desired us to do.

It is not charged that the action of the Secretary is in any way illegal. The complaint is that it could have been done better in some other way and more advantageously.

Mr. CLAFLIN. Will the gentleman from New York [Mr. HEWITT] tell us how Mr. Bristow found a way to do it?

Mr. BURCHARD. The gentleman seems to be familiar with syndicate operations. I have not heard that it was done better by Secretary Bristow. The present Secretary of the Treasury gave this opportunity to the whole people, and allowed everybody to bring themselves within the terms of the proposition.

Mr. HEWITT, of New York. On the contrary, the Secretary has withdrawn the proposition to let the whole people in. He does not allow any commission on subscriptions for less than \$100,000, thus throwing the whole business into the hands of the banks.

Mr. BURCHARD. No, sir, he has not withdrawn his proposition to let the whole people subscribe except as to the foreign holders of the bonds. All the people of the United States can now subscribe. The gentleman from New York [Mr. HEWITT] himself can take these 4 per cent. bonds if he desires to, although a larger commission is allowed for the heaviest subscription.

Mr. CLAFLIN. How much did Mr. Bristow refund under his principle? How successful was he?

Mr. WOOD. I call the previous question.

Mr. HEWITT, of New York. I can answer the gentleman.

Mr. CLAFLIN. Let us have the answer.

Mr. WOOD. I insist upon the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMISSION OF DUTIES.

Mr. WOOD also, from the same committee, reported a joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to R. C. McCormick by American exhibitors at the Paris exhibition; which was read a first and second time.

The joint resolution authorizes the Secretary of the Treasury to remit or refund, as the case may be, the duties paid or accruing upon two articles of bronze presented to Commissioner-General R. C. McCormick by the American exhibitors at the Paris exposition of 1878.

The joint resolution was ordered to be engrossed and read a third time; and, it was accordingly read the third time, and passed.

Mr. WOOD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WOOD, from the Committee of Ways and Means, also reported as a substitute for House joint resolution No. 49 a joint resolution (H. R. No. 218) in regard to remission of duties; which was read a first and second time.

The joint resolution authorizes the Secretary of the Treasury to remit the duties upon the collection of metals, minerals, ores, models, and samples of manufacture which have been imported by, or for, or have been presented by the importers to, the American Institute of Mining Engineers at Philadelphia, for the purpose of exhibition and study only, and not for sale.

Mr. WOOD. There is a report accompanying the joint resolution, which had better be read if any gentleman desires it.

Many MEMBERS. Oh, no! Vote! Vote!

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES E. MONTELL.

Mr. KELLEY, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 2232) for the relief of James E. Montell, of Baltimore, Maryland.

The bill directs the Secretary of the Treasury to pay to James E. Montell, of Baltimore, Maryland, the sum of \$12,000, or so much thereof as the said James E. Montell shall prove to the satisfaction of the Commissioner of Internal Revenue that he has expended in the purchase of revenue stamps used by him to stamp and repack manufactured snuff upon which a tax had been previously paid or declared paid, or tax free, under the revenue laws in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of July 20, 1868; said payment to be made out of any money in the United States Treasury not otherwise appropriated.

Mr. THOMPSON. Is there a report accompanying this bill?

Mr. KELLEY. I am asked to explain this bill, and I will do so as briefly as possible.

Mr. DURHAM. Is not this bill subject to a point of order?

The SPEAKER. The Chair will look at it.

Mr. DURHAM. I think it contains an appropriation of money, and must go to the Committee of the Whole.

Mr. KELLEY. It is certainly a meritorious measure.

The SPEAKER. It is subject to a point of order.

Mr. KELLEY. I hope gentlemen will not insist on the point of order until they hear a word or two of explanation.

Mr. DURHAM. All these claims should stand on the same footing. Mr. HARRIS, of Virginia. I hope the gentleman from Kentucky will not make a point of order without understanding the case.

Mr. KELLEY. If the point of order is reserved, I can in two minutes state the facts.

Mr. DURHAM. I have a dozen meritorious cases on the general Calendar which I would like to have considered.

Mr. HARRIS, of Virginia. Would not the gentleman consider it very ungracious for a gentleman to object to one of his bills without understanding it?

Mr. DURHAM. I do not see why this bill should not stand on a par with other claims equally meritorious.

Mr. SAYLER. If the point is insisted upon, I presume during the course of the evening we shall have to go into Committee of the Whole.

The SPEAKER. The Chair sustains the point of order. The bill is referred to the Committee of the Whole.

BARK GRAPESHOT.

Mr. PHELPS, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (S. No. 964) for the relief of the owner of the bark Grapeshot.

The bill was read. It directs the Secretary of the Treasury to pay to George Law, the claimant and owner thereof, the sum of \$15,861.50, gold, the said sum having been paid into the Treasury of the United States for safe-keeping on or about July 1, 1862, as proceeds of a sale of the bark Grapeshot, which proceeds have been decreed by the circuit court of the United States for the fifth circuit to belong to said Law.

The SPEAKER. The report will be read.

Mr. EDEN. I desire to renew a point of order on this bill.

The SPEAKER. The point of order will be reserved.

The Clerk read the report, as follows:

Before and on the 15th day of July, 1858, George Law, of the city and State of New York, was the sole owner of the bark Grapeshot. On that day Wallstein, Massett & Co., of Rio Janeiro, Brazil, to enforce payment of a bottomry bond pre-

viously given them by the master of said bark, to secure the payment of a loan of \$9,769.45, and a premium thereon of 194 per cent. for the pending voyage, filed a libel against said bark in the district court of the United States for the eastern district of Louisiana.

Such proceedings were had in the cause that under said libel the said bark was sold, and the net proceeds of the sale, amounting to \$13,805.85, and also \$2,055.20, the net proceeds of the freight earned by said bark on said voyage, amounting in the aggregate to \$15,861.05 in gold, were by order of said court deposited in the registry thereof, subject to the order of the libellants.

The cause was appealed from the district to the circuit court for the fifth circuit of the United States, and, before final adjudication by said circuit court, the late civil war was commenced and the cause taken before a provisional judge of the Confederate States and by him decided in favor of the libellants. It was subsequently returned to the circuit court of the United States and by appeal taken to the Supreme Court of the United States, by which it was remanded to the circuit court under an order for a commission to examine and report the amount justly due; and on the 29th day of March, 1875, a final decree was passed in favor of the libellants for \$4,392.25, together with 194 per cent. maritime premium and 5 per cent. interest on said sum from July 3, 1858, until paid.

On the 27th day of May, 1876, the libellants received from George Law, the former owner of said bark, \$9,175.89, being the full amount of the judgment, including interest and costs, to which the libellants were entitled. Whereupon, and by virtue of such payment, on proper motion to and order of said circuit court, the said George Law was declared subrogated to all the rights of the libellants and to be entitled, in his own right, to all and singular the proceeds of said sale of said bark, and to said freight, and to the said money deposited as before stated in the registry of said court.

The said sum of \$15,861.05 so deposited was placed in the Bank of Louisiana, in the city of New Orleans, to the credit of the treasury of the Confederate States. On the 17th day of June, 1862, Major-General BENJAMIN F. BUTLER, then commanding the Department of the Gulf, ordered and compelled the same to be transferred, for safe-keeping, to the Treasury of the United States, where it has ever since remained as a technical deposit by the Government through its aforesaid military authority, but justly belonging to the said George Law, and payable to him in gold. The committee therefore recommend concurrence by the House of Representatives in the passage of the accompanying Senate bill.

Mr. EDEN. I insist on my point of order.

Mr. WOOD. I think the gentleman would not make a point of order if he understood the case. This is not money belonging to the United States; it is money of a private party, which has been paid into the Treasury and which he now desires to take out.

The SPEAKER. Is it in the Treasury?

Mr. WOOD. It is private money which was paid into court. The United States is merely the custodian of the money.

Mr. BUTLER. Before the Chair decides the point of order, I think a fact or two should be stated.

The SPEAKER. The Chair has not yet decided the point. He will examine the bill. Does the gentleman from Massachusetts [Mr. BUTLER] desire to be heard on the point of order?

Mr. BUTLER. Yes, sir. I want to say in the first place that I think Mr. Law ought to have his money. As appears by the report, I am somewhat acquainted with the facts of this case. When I was in command at New Orleans, I ordered all money deposited to the credit of the United States to be turned over to me, and I sent it all up here to the Treasury. The amount was some \$500,000, more or less. A part of that amount was the sum now in question here, which was then in the Bank of Louisiana to the credit of the registry of the court of the Confederate States. There was no United States court there then, and the money evidently could not be kept in the registry of the court. This amount of \$15,000 was sent here to the Treasury, accompanied with a letter stating what it was for. It was only sent to the Treasury for safe-keeping. If it remains in the Treasury, there ought to be no earthly objection to paying it over to Mr. Law or whoever may have obtained judgment for it. Some years ago I was applied to for a statement of facts, such as I am now making, by the officers of the Bank of Louisiana, who desired to have the money returned to them, from whom it had been taken. What the result of that application was I do not know. I made the statement requested. If this money is in the Treasury now, Mr. Law ought to have it. If it was sent back to the Bank of Louisiana, I am afraid he has lost it; for since that time the bank has failed. Does the chairman of the Committee of Ways and Means know, from any inquiry, that the money is in the Treasury? Some gentleman—I do not remember who—called on me with this report and asked me what I knew about it. I told him what I now state to the House; and I said to him, "You had better inquire at the Treasury whether the money is there." If it is in the Treasury, there cannot be any earthly objection to Mr. Law having it; it is his money. If it is not there, that will raise another and a distinct question.

Mr. MILLS. Is there any dispute about the ownership of the money?

Mr. EDEN. It seems to me the Chair must sustain the point of order.

The SPEAKER. The Chair is trying to ascertain the fact whether the money is in the Treasury or whether it is merely in the possession of the Secretary of the Treasury in trust. Of course there is a distinction.

Mr. BUTLER. If the bill be so guarded as to provide for paying over the identical money, then if it is not there this man cannot get it; if it is there he will get it, and that will be right.

Mr. EDEN. I am somewhat familiar with the cases in regard to property taken possession of by the Government when the city of New Orleans was captured.

I make the point of order for the reason that there are a great many cases growing out of the capture and seizure of property in the city of New Orleans when that city was taken possession of by the Government forces. This may be a meritorious case for anything I know, but I know a good many others which also have merit.

Mr. WOOD. I will say this does not come in under the head in any way, directly or indirectly, of captured property.

Mr. EDEN. I make the point of order that this makes an appropriation and must have its first consideration in the Committee of the Whole.

The SPEAKER. The Chair desires to know whether this money is in the United States Treasury as other money?

Mr. EDEN. The bill does make an appropriation.

The SPEAKER. The Chair decides that it is subject to the point of order if the money is in the Treasury of the United States, and cannot be drawn out without an appropriation.

Mr. EDEN. If the bill makes an appropriation it is subject to the point of order.

Mr. WOOD. That is it. I think it does not make an appropriation. The Chair will see that it does not.

The SPEAKER. The bill will be again read.

The bill was again read.

Mr. EDEN. If the point of order does not lie against that bill, then simply by changing the language and directing the money to be paid to the person instead of making an appropriation every dollar in the Treasury under the captured and abandoned property act can be appropriated, and the point of order cannot lie against it.

The SPEAKER. The Chair sees no difference in this bill and an appropriation bill because the words are left out "out of any money in the Treasury not otherwise appropriated."

Mr. MILLS. And that is surplusage in any bill.

The SPEAKER. The Chair thinks the omission of those words does not relieve the bill from the effect of the rule, and therefore decides, giving the doubt in favor of the Government, that the bill is liable to the point of order and must have its first consideration in the Committee of the Whole.

Mr. WOOD. I move to suspend the rules and put it on its passage.

The SPEAKER. The gentleman cannot make that motion.

Mr. EDEN. You will have to have a quorum here to pass that bill.

Mr. BURCHARD. I hope objection will be withdrawn and the bill allowed to be considered and amended.

Mr. ATKINS. What is before the House?

The SPEAKER. Nothing.

Mr. MILLS. Has the bill been disposed of?

The SPEAKER. It has gone to the Committee of the Whole under the point of order raised by the gentleman from Illinois.

ORDER OF BUSINESS.

Mr. PHELPS. I am directed by the Committee of Ways and Means to take from the Private Calendar House bill No. 526 and to put it on its passage.

Mr. EDEN. I make the point of order that that is not a report from the Committee of Ways and Means.

Mr. SAYLER. The report has already been made and is already before the House.

Mr. EDEN. Yes; when you go to the Committee on the Private Calendar to consider it.

The SPEAKER. The resolution under which the night session is held will be read.

The Clerk read as follows:

On motion of Mr. Wood, by unanimous consent,

Ordered, That there be a session to-morrow evening, commencing at seven and a half o'clock, for the consideration of reports from the Committee of Ways and Means.

The SPEAKER. The Chair rules under that order the proposition is not in order.

Mr. EDEN. I withdraw my objection.

Mr. THOMPSON. I renew it, because I think the committee should be held to the order.

The SPEAKER. The order does not mean to reach bills which have been heretofore reported from the Committee of Ways and Means and gone to the Committee of the Whole.

Mr. THOMPSON. I have no objection to hear the bill read if it is a special case.

The SPEAKER. The committee have had their day, as it were, in court, when the report has once been made and the bill gone to another position.

Mr. SAYLER. I hope the Chair will not insist upon that ruling if there be no objection.

The SPEAKER. The Chair does not interfere at all, but when the gentleman from Pennsylvania makes the objection it is the duty of the Chair to rule upon it.

Mr. THOMPSON. Let the report be read.

Mr. CONGER. Let the business go on under the rules. If we go outside of the order we do not know where it will reach.

Mr. PHELPS. The report in this case is a mere legal argument.

Mr. CONGER. I object to any variance from the order.

Mr. PHELPS. There are other bills, but they are subject to the same point of order.

SURETIES OF FRANK SOULÉ.

Mr. BURCHARD. I am directed by the Committee of Ways and Means to report back Senate bill No. 2 releasing Frank Soulé, late collector of internal revenue for the first district of California, and his sureties, from liability on his official bond, and to recommend that it be passed.

The bill, which was read, provides that Frank Soulé, late collector of internal revenue for the first district of California, and C. C. Webb, Ira P. Rankin, J. J. Felt, F. H. Waterman, James Dows, Samuel Soulé, W. A. Dana, James McM. Shafter, John Center, Horace Kilham, and Samuel Brannan, sureties of the said Frank Soulé, by bond to the United States dated January 12, A. D. 1867, be, and they are hereby, released from their liability arising from any defalcation that may have occurred in the office of the said collector during his term of service; and the proper officer of the Treasury Department is hereby authorized and directed to dismiss any and all suits that may have been instituted and are now pending against the sureties aforesaid upon said bond.

Several MEMBERS. Let the report be read.

Mr. BURCHARD. I send up the report of the Senate committee.

The Clerk read as follows:

The Committee on Finance, to whom was referred the petition of Frank Soulé, late collector of internal revenue for the first district of California, together with the bill (S. No. 2) for the relief of his sureties, having had the same under consideration, respectfully report:

The petitioner, Frank Soulé, in this case was collector of internal revenue for the first district of California for the period of four years and one month, and prays for the passage of a bill releasing him and his sureties from liability on account of certain defalcations that are shown to have occurred in the office of said collector during his term of service.

That said sureties, C. C. Webb, Ira P. Rankin, J. J. Felt, F. H. Waterman, James Dows, Samuel Soulé, W. A. Dana, James McM. Shafter, John Center, Horace Kilham, and Samuel Brannan, by bond to the United States dated January 12, 1867, also pray for relief from said liability.

The evidence in this case shows that one of the clerks in the office of the assessor, in computing the aggregate amounts shown on the pages of one of the assessment-books, omitted to include the footings of one entire page, and added up short of the true amount a number of pages in other assessment-books, the aggregate of such omitted sums being sufficient to cover the amount for which Mr. Soulé is charged as being in default; that such omissions were made for the purpose of deceiving, and did in fact deceive, the assessor; that Supervisor Foulke, a witness on the part of the Government in the suit brought by the United States against Soulé and his bondsmen to recover the amount of his alleged defalcation, testified that it was more than a year after the said assessor's books were delivered to him for examination, and more than a year after Mr. Soulé had ceased to hold the office of collector, before said Foulke discovered that an embezzlement had been committed; that Mr. Soulé testifies that he did not receive notice from Supervisor Foulke that an embezzlement had been committed in the collection of revenues under him (Soulé) until sixteen or seventeen months after he had ceased to hold the office of collector; that it was the duty of the assessor to ascertain by proper examination that his books were correct before delivering them up to the collector; that with the limited clerical force allowed him by the Government it was impossible to make such examination of the assessor's books in the office of the collector for the purpose of detecting errors; that the clerical force of his office was so limited that the clerks were compelled to labor upon Sundays, for which extra service he paid them at the same rate per diem as was paid them upon ordinary working days, which amounts he charged to the Government, but which the officers of the Government refused to allow, claiming that there was no authority for such allowance; that he paid between six and seven thousand dollars to detectives and informers as their legal percentage of the moneys collected for fines and forfeitures, such payments having been made after the passage of an act of Congress requiring all moneys recovered by such fines and forfeitures to be paid into the United States Treasury, and the amounts due thereon to such detectives and informers to be paid out of the Treasury upon the certificates of the collector; that he made such payments in accordance with the law in force when he assumed the office of collector and before he was officially advised of the change therein by the enactment of Congress referred to; that upon the trial of the suit brought against said Soulé and his sureties the court instructed the jury that the amounts so paid by said Soulé for the extra work performed on Sundays by his clerks, as before stated, and also the amounts paid out by him to detectives and informers as their legal share of fines and forfeitures collected prior to his receiving official notification of the change in the law in relation to the mode of making such payment, should be allowed said Soulé as an offset to the amount claimed by the United States as due from said Soulé; that because of the long delay in advising Mr. Soulé that a balance was found due from him to the United States, such delay covering a period of sixteen or seventeen months, he was prevented from ascertaining which one of his clerks had been guilty of the embezzlement, or to so far fasten the guilt upon any one of them as would justify his proceeding against them by legal process to compel a restitution; that the only mode by which the guilty party could have been discovered would have been by obtaining possession of the receipts given by his collection clerks to the persons whose names were entered upon that page of the assessor's books the footing of which was omitted in computing the aggregate amount shown on said book, as also the names of the persons entered upon the pages footed short, as above stated, such receipts being the only evidence to show which of his collection clerks received the moneys embezzled; that each collection clerk reported the collection to the book-keepers by receipt-tags, which were destroyed as soon as the moneys collected were credited to the payer; that when Mr. Soulé was notified of such embezzlement, numbers of persons of whom the moneys so embezzled had been collected had left the State, and others had changed their residences to other parts of the State, hence making it exceedingly difficult to collect the receipts, even assuming that none had been destroyed; that Mr. Soulé held the office of collector four years and one month, during which time he collected and accounted for nearly \$17,000,000, at an expense to the Government computed to be less than one-half of 1 per cent., including the present claim of the Government against him and his sureties.

In addition to this statement of facts, the prayer of the petitioners is supported by the recommendations of the jury, the judge of the United States circuit court, the United States attorney, and the chief witness on behalf of the United States in the prosecution, the United States supervisor of internal revenue. Their statements are as follows:

SAN FRANCISCO, CAL.

We, the jury before whom was tried the case of the United States against Frank Soulé and others, in the circuit court of the United States, at the February term of said court in the year A. D. 1875, hereby certify, that upon the trial of said case the United States claimed that there was due the United States from the said Frank Soulé a balance of \$18,373.36 upon his account as collector of internal revenue for the first district of California, as stated by the Treasury Department; that transcripts were introduced by the United States attorney tending to prove that fact; that testimony was introduced by the defense tending to disprove the claim of the United States; that upon the testimony and under the instructions of the court we rendered a verdict in favor of the United States for the sum of \$11,744.23.

We further certify that, from the evidence introduced upon the trial of the case, it was, and is now, our firm belief that no part of said balance of \$11,744.23 arose from any default or negligence on the part of said Frank Soulé.

We also certify that it satisfactorily appeared to us that Frank Soulé was col-

lector for a little over four years, during which time he paid over and accounted for to the Treasury Department nearly \$20,000,000.

We, therefore, respectfully, but earnestly, recommend Congress to relieve the said Frank Soule and the sureties on his official bond from any liability on account of the aforesaid balance.

E. G. Foreman.
GEO. H. BELL.
CORN. STORM.
A. ROMAN.
S. S. MORTON.
N. C. PADDOCK.
PHINEAS HASKELL.
J. SPAULDING.
CHAS. METZNER.
THOS. ROGERS.

I do not think Mr. Frank Soule received any part of the deficit as above, and so far, no further, indorse the foregoing.

G. C. HALL.

Upon a careful consideration of the testimony introduced on the trial of this cause, I am fully satisfied that Mr. Frank Soule, the principal in the bond, in no way profited by the defalcation charged in the complaint.

LORENZO SAWYER.
Circuit Judge.

As United States attorney at the time of the foregoing trial, I will state that I fully concur with Judge Sawyer in the opinion that Mr. Soule never profited by the deficiency in his said accounts.

WALTER VAN DYKE.

As United States supervisor of internal revenue of California, Oregon, Nevada, &c., at the time of the above-mentioned trial, and principal witness in behalf of the Government in the case, I fully concur with Judge Sawyer and Mr. Van Dyke that Mr. Frank Soule never profited by the defalcation in his accounts.

L. M. FOULKE.

We think that, from the evidence in this case, Mr. Frank Soule administered the duties of his office honestly and faithfully, and that he exercised proper vigilance in protecting the interests of the Government. The defalcations, which were discovered to him nearly seventeen months after he had ceased to hold the office of collector, were occasioned by a subordinate or subordinates in conspiracy, who so successfully laid their plans of operation as to deceive all the officers whose duty it was to pass upon and examine their accounts, and were only detected long after it was beyond the power of the collector to compel them to make restitution. There has been at no time any suspicion of fraud against the said collector, who, on the contrary, is held in highest esteem by all who know him and by all the officers of the Government who have been engaged in prosecuting frauds against the United States.

Similar cases have been passed upon favorably by Congress, none having more merit than this one; and we may mention the following as similar in principle:

Act of July 19, 1876, for the relief of James Atkins; Statutes at Large, volume 19, page 455.

Act of July 19, 1876, for the relief of James F. Buckman; volume 19, page 470.

Act of February 4, 1873, for the relief of John T. Mason; volume 17, page 723.

Act of April 17, 1872, for the relief of Sherman S. Bailey; volume 16, page 652.

Act of March 3, 1871, for the relief of Logan H. Roots; volume 16, page 690.

Act of December 20, 1870, for the relief of Lawrence L. Murry; volume 16, page 675.

Act of May 4, 1870, for the relief of James L. Ridgely; volume 16, page 664.

The following officers have been relieved from the default of employes by acts of Congress, to wit: William J. Patton, collector of internal revenue, second district of Arkansas, \$36,081.88; E. B. Pendleton, collector of internal revenue, fifth district of Virginia, \$26,476.28; J. L. Thomas, jr., collector of customs, Baltimore, \$27,540.25; F. E. Spinner, United States Treasurer, default of Seth Johnson, \$37,894.20; also for default of F. A. Marden, \$11,413.97.

The following cases are also similar in principle: E. H. Webster, 16 Stats., 703; R. R. Bolling, 17 Stats., 768; W. B. Thomas, 18 Stats., 555; Thomas Hillhouse, 18 Stats., 539; Willard Davis, 18 Stats., 533.

The Senate has recently passed favorably bills for the relief of collectors, also, similar in principle; and we may mention the cases of James C. McBurney, Senate bill No. 1033; W. L. Adams, S. No. 997; and J. W. Douglass, S. No. 55, all of this session.

We therefore recommend the passage of the said bill, S. No. 2, with an amendment including the name of the said principal, Frank Soule, relieving him and his sureties from liability on account of said defalcation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. LATHROP. I would like to know what the amount of this defalcation was.

Mr. BURCHARD. That was read in the report. The judgment was, I think, for \$11,000. The amount allowed by the report of the committee was recommended by the judge and the jury before whom the case was tried.

They exonerated this collector entirely, although technically he was liable, and they recommended to Congress that he be relieved from the payment of the penalties.

Mr. TURNER. I would like to hear the gentleman explain the report, for if I can understand what was read, and I think I heard it read correctly, it appears that the assessor made up the aggregate amount charged here to the Treasury, there was several thousand dollars less than the audited amount, and he did not discover it until some time after he had been removed from office and when it was too late to find out which of his clerks had made the false addition.

It is to my mind clear that the whole thing is wrong, if the report states the facts correctly.

I would like to hear an explanation. Where is the report of the committee of this House? What has been read is the report of the committee of the Senate.

Mr. BURCHARD. The matter has been fully examined by Congress. If there should be no recapitulation of the facts stated in the Senate report, by a committee of the House, of the amount charged here, the Treasury is saved thousands of dollars less than that which has been audited. This officer did not discover the error until he was out of office.

Mr. TURNER. Why was it not referred to a committee to examine?

Mr. BURCHARD. The whole thing was before the Committee of Ways and Means, and they were satisfied from the statement made here and the proofs and they believe that the distinguished Senator

from Delaware [Mr. BAYARD] who made this report was entirely just in the conclusion he came to.

Mr. TURNER. Was it not referred to a committee of this House? Mr. BURCHARD. We adopted the report of the committee of the Senate.

Mr. TURNER. Where is the report they adopted? I have not heard it read. In the mean time the Committee of Ways and Means are asking Congress to pass a bill for the relief of this party. Will you be kind enough to explain it, for if the Clerk read the bill aright there is not a pretext for passing this bill.

Mr. BURCHARD. I yield the remainder of my time to the gentleman from California, [Mr. DAVIS.]

Mr. DAVIS, of California. Frank Soule was a collector of internal revenue in the city of San Francisco for a period of four years and two months. During that time, by the misconduct of one or more of the clerks in the office of the assessor, money was embezzled belonging to the Government to the amount of \$11,744 and some cents. This embezzlement was not discovered until after Soule's term of office had expired, and until seventeen months after the expiration of the term of office, until the matter had passed entirely out of his hands, and it came in such shape that it was absolutely impossible for him to follow up this embezzlement. This gentleman now comes before you with the recommendation of the jury who tried the case in the United States court, and with the recommendation of the judge of the court and the United States district attorney.

Mr. TURNER. Read them.

Mr. DAVIS, of California. The officers of the internal revenue of the Treasury Department, through whom the matter was investigated, and with the recommendation from the evidence, the committee of the Senate unanimously recommended, by Mr. BAYARD, in the form of this printed report, which was adopted by the Committee of Ways and Means of this House, and on this ground we ask for the passage of this bill.

I will only add that Mr. Soule is a gentleman of high standing in the community, and that during the time he was collector of internal revenue over \$17,000,000 of Government money passed through his hands and at expense of only one half of 1 per cent.

Mr. TURNER. Where is the recommendation of the jury and the court?

Mr. DAVIS, of California. They are in the report.

Mr. TURNER. Why not read them?

Mr. DAVIS, of California. I will send them to the Clerk's desk and have them read.

Mr. BURCHARD. It is not necessary to read them.

Mr. TURNER. If the report of the Senate states the truth there is not a pretext for the payment of this claim, if I heard it right.

The question was taken; and there were—ayes 64, noes 15.

Mr. TURNER. No quorum has voted.

The SPEAKER. The Chair orders tellers, and Mr. DAVIS, of California, and Mr. TURNER are appointed.

The House again divided; and the tellers reported—ayes 92, noes 30.

Mr. TURNER. No quorum has voted.

Mr. BURCHARD. I ask the gentleman from Kentucky to withdraw the bill rather than break up the quorum.

Mr. PAGE. I do not understand that the gentleman from Illinois [Mr. BURCHARD] has any right to withdraw the bill.

Mr. BURCHARD. My instructions from the Committee of Ways and Means were to withdraw any bill which led to protracted discussion or debate. Perhaps the gentleman from Kentucky [Mr. TURNER] will not insist upon his point of order that no quorum voted.

The SPEAKER. The bill is withdrawn.

Mr. BURCHARD. Will not the gentleman from Kentucky withdraw his point of order?

Mr. PAGE. I ask the gentleman from Kentucky if he insists upon his point of order?

Mr. TURNER. I will withdraw it on condition that the bill be passed.

The SPEAKER. The point of order being withdrawn, the bill will be ordered to be engrossed, and read a third time.

Mr. TURNER. I do not withdraw the point of order except on the condition that the bill be passed over. [Laughter.] I am willing that it should be postponed, because if it is right I want to vote for it. According to the report as I heard it read it is not right. I want to investigate it further.

Mr. BURCHARD. Let it be postponed for the present.

The SPEAKER. By consent the bill will be postponed.

NEW YORK CHAMBER OF COMMERCE.

Mr. GIBSON, from the Committee of Ways and Means, reported a bill (H. R. No. 6517) to convey to the Chamber of Commerce of the State of New York certain lands in the city of New York; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury and the Postmaster-General are hereby authorized and required to convey unto the Chamber of Commerce of the State of New York the land and premises formerly occupied as the site of the post-office in the city of New York, lying upon Nassau street, between Cedar and Liberty streets, in the said city, upon receiving from the said Chamber of Commerce the sum of \$200,000, in such payment as shall be agreed upon; and said conveyance, when executed and delivered, shall operate to transfer and grant all the right, title, and interest of the United States in and to the said premises.

Mr. FORT. I think the point of order should be reserved on this bill.

Mr. GIBSON. Let the report be read.

The SPEAKER. The point of order will be reserved until the report is read.

The report was read, as follows:

That the Government of the United States, while seeking in 1860 for a suitable location for the post-office in New York, determined to purchase the church and grounds on Nassau street, between Cedar and Liberty streets, as the then most eligible and convenient site for the purpose aforesaid.

The amount of money at the command of the Department was limited to \$200,000, but the property in question could only be obtained for the sum of \$250,000. So unanimous, however, was the conviction of the mercantile community and others of the propriety of the selection that they immediately subscribed the sum of \$50,000 and presented it to the Government to be applied to the purchase.

The increased business, and the inadequacy of the building to afford the necessary accommodation for the Department, occasioned the subsequent appointment by Congress of a commission to select another location upon which to erect a building, at once central and commodious, that would answer the necessities of the Department and be creditable in its exterior appearance and internal arrangement to the chief commercial city of the country.

The commissioners at once fixed their attention upon the southern portion of the city park, and the city authorities with great liberality transferred and conveyed to the United States, for the sum of \$500,000, a plat of ground valued at \$2,000,000 by competent judges.

The new edifice is completed and occupied, and the Government has leased the old site for a small sum, having no occasion to occupy it, but which would be of great use to the Chamber of Commerce, which body represents through its members the various interests which contributed as aforesaid to its purchase, such of the contributors as survive and could be reached having assigned to the Chamber whatever claims in equity they might have by reason of their original subscription.

In view, therefore, of the premises, and taking into consideration the fact that the city of New York, through her constituted authorities, has conveyed to the Federal Government for its uses a beautiful and most valuable portion of her domain for what may be termed a nominal price, and as the said property is no longer in the use or occupation of the Federal Government, and it is now proposed that it shall be devoted to a beneficial public purpose and not to private or personal profit, your committee recommend that the Chamber of Commerce be permitted to purchase the old post-office site for the sum of \$200,000, being the amount of the original cost to the United States.

The Chamber of Commerce is the representative of the great commercial metropolis of our country. Its organization antedates the Revolution; its influence has always been manifested in the interests of law and liberty; and by securing to it a proper site for a fire-proof building, its valuable archives will be protected from untimely loss. A bill is therefore reported.

The SPEAKER. Does the gentleman from Illinois [Mr. FORT] still insist upon the point of order?

Mr. FORT. I insist upon the point of order. I think this bill should receive its first consideration in Committee of the Whole.

The SPEAKER. The bill is subject to a point of order, because it proposes to part with the title of certain property of the United States. Mr. JONES, of Ohio. I desire to offer a substitute for the bill.

The SPEAKER. The bill is not before the House.

Mr. CLAFLIN. I hope the gentleman from Illinois [Mr. FORT] will withdraw his point of order.

Mr. FORT. I find that some one has penciled upon a copy of the bill an amendment which I think is very proper. It is that the property shall not be conveyed for less than \$200,000, but shall be sold for as much more as it may be worth. I understand that there is now a building on this ground.

Mr. CLAFLIN. The building is valueless; it is not worth being torn down. We have already given the State of Illinois all they wanted, and I hope the gentleman will not object.

Mr. FORT. I have a right to make a point of order, and I do not care to be lectured by the gentleman, even if I was not born where it is said if a man is born he need not be born again.

Mr. CLAFLIN. I do not wish to lecture the gentleman.

Mr. THOMPSON and others called for the regular order.

Mr. CONGER. Do I understand that the bill is not before the House?

The SPEAKER. The bill has gone to the Committee of the Whole on a point of order.

CHARLES CLINTON.

Mr. GIBSON, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 6102) for the relief of Charles Clinton, late assistant treasurer at New Orleans.

The bill directs the Secretary of the Treasury to pay to Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, out of any money in the Treasury not otherwise appropriated, the sum of \$5,850, being the amount of public money stolen from his office on the 1st day of May, 1871, and refunded by him to the Government of the United States.

Mr. EDEN. I will reserve the point of order on this bill until I can hear some explanation of it.

Mr. GIBSON. Let the report be read.

The report, which was read, states that the Committee of Ways and Means have given full consideration to the bill providing for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, and all the facts connected therewith: that it appears from the information furnished from the Treasury Department that on the morning of May 1, 1871, the sum of \$5,850 was stolen from the office of the assistant treasurer at New Orleans by some party unknown, and that immediately thereafter the amount was refunded to the Government by the assistant treasurer. It also appears from the testimony submitted to the committee that a thorough examination of the facts and of the business of the office of the assistant treasurer by the special agent of the Treasury Department exonerated the

cashier and employes of the office in New Orleans and the assistant treasurer himself from all fault or blame.

It is made to appear that in addition to the usual duties of the assistant treasurer he was required by the Secretary of the Treasury to take charge of all internal-revenue stamps to be sold throughout the Southwest, and to sell the same from his office without being allowed any increase of force, although he frequently applied for authority to employ a clerk to take special charge of this business, and informed the Secretary that without an increase of force he could not conduct the office satisfactorily. To this the Secretary replied that no appropriation had been made for this purpose, and therefore the request of the assistant treasurer could not be complied with.

It appears that while the cashier was engaged for a moment in attending to the duties of his office, away from the counter on which were several packages of money lying, some thief fished up one of them by reaching over the barrier in front of the counter, and immediately disappeared. There is no ground of suspicion against the assistant treasurer, or his cashier, or any of the employes of his office. The committee state that it appears the assistant treasurer was a zealous and careful officer, and the cashier was also diligent and faithful. Large sums of money passed through this office, every dollar of which was faithfully accounted for. There was at no time any complaint. It is also made to appear by the testimony before the committee that the assistant treasurer exercised due diligence and watchful care over the appointments and over the actions of his subordinates. In the opinion of the committee the proof absolutely excludes any presumption of fraud or misconduct on the part of the assistant treasurer or his subordinates, or any privy or knowledge on the part of the assistant treasurer. The committee therefore recommend the passage of the bill.

The SPEAKER. Is the point of order insisted upon?

Mr. GIBSON. The point of order, I understand, is withdrawn.

Mr. HARTZELL. I renew the point of order.

The SPEAKER. As the Chair understands, the assistant treasurer at New Orleans was robbed of \$5,850. This amount was refunded to the United States and went into the Treasury. The bill proposes to take this amount from the Treasury and pay it to this party. The case differs from one where merely a credit is allowed. In the opinion of the Chair the bill comes within the scope of the rule and must go to the Committee of the Whole.

Mr. CONGER. Mr. Speaker, sometime ago I objected to a bill presented by the gentleman from Connecticut because it was not exactly in order. I now withdraw that objection.

The SPEAKER. The gentleman from Connecticut is not new in his seat. The Chair will notice the fact that the objection is withdrawn.

ALBERT U. WYMAN.

Mr. GARFIELD. The Committee of Ways and Means have unanimously directed me to report a bill for the relief of Albert U. Wyman, late Treasurer of the United States. A bill precisely similar to the House bill has been passed by the Senate and is now on the Speaker's table. I therefore ask unanimous consent that the bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States, be taken from the Speaker's table and put upon its passage.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a bill of the Senate, exactly similar in language and purpose to one which has been favorably considered by the Committee of Ways and Means, be taken from the Speaker's table and considered. Is there objection?

Mr. EWING. I reserve the right to object until the bill has been read.

The Clerk read the bill. It authorizes and directs the Secretary of the Treasury to pay to Albert U. Wyman, late Treasurer of the United States, out of any money in the Treasury not otherwise appropriated, the sum of \$2,351.70, to reimburse said Wyman for two bonds of the United States known as "sixes of 1881," of the denomination of \$1,000 each, and coupons thereon, purchased by him to replace two bonds of like issue and amount, the property of the First National Bank of Newport, Rhode Island, lost or abstracted from the vault of the national-bank division while Treasurer of the United States.

Mr. GARFIELD. I will merely state—

Mr. HARTZELL. I reserve the right to make the point of order.

Mr. GARFIELD. Of course the bill is liable to a point of order, if it be insisted upon; but when I have stated the case I think there will be no objection to passing the bill.

The present assistant treasurer of the United States was for the period of one year the Treasurer, being the successor of Mr. New, of Indiana. When Mr. Wyman became Treasurer a count was made of all the funds in the Treasury for the purpose of transferring the whole custody and responsibility from the outgoing Treasurer, Mr. New, to the incoming Treasurer, Mr. Wyman; and at that time there was a period of four or five days when there was no Secretary of the Treasury, it being just prior to the assumption of the office by Mr. Morrill. During that time, as is supposed while the process of counting was going on, two bonds of \$1,000 each were by some means or other stolen. All the power of the secret-service division of the Government has been employed to discover the thief, but without success. The coupons of those bonds have been presented at several places for redemption, so that it is known they have passed into other hands than the rightful owners; but the thief has never been found, and probably never can be found.

Now, the Treasurer of the United States gives bond to indemnify the Government against all such losses. But of course it is not supposed possible that he or his bondsmen can make good these losses. A theft was committed during the incumbency of Treasurer Spinner, and Congress, satisfying itself only that he had used all due diligence, released him from the payment of the amount. But Mr. Wyman, having just become Treasurer at the time when this theft occurred, and not wishing to appear as a claimant on the Government for the loss, paid it himself by purchasing in open market two bonds to replace those stolen. The certified receipt for that purchase is here in my hand. After having spent nearly two years in trying by every means in his power to discover the thief, but without success, Mr. Wyman now asks—I think very properly—that he be reimbursed for the loss which happened through no fault or neglect of his. The probability is that the theft was committed during the very act of counting the bonds and their transfer to him.

This bill received the unanimous recommendation of the Senate committee and the unanimous vote of the Senate. It has also the unanimous approval of the Committee of Ways and Means; and I trust it will have the unanimous sanction of this House. Of course it is liable to a point of order, if any gentleman chooses to make it.

The SPEAKER. The gentleman from Illinois [Mr. HARTZELL] has reserved the point of order.

Mr. HARTZELL. Let the bill go to the Calendar.

The SPEAKER. The Chair must sustain the point of order. The bill is referred to the Committee of the Whole.

RELIEF, ETC., OF THE HEIRS OF RICHARD STEVENSON.

Mr. GARFIELD, from the Committee of Ways and Means, reported back the bill (H. R. N. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen.

The bill, which was read, provides that the heirs and legal representatives of Richard Stevenson, late an assistant quartermaster of volunteers, and his official sureties or bondsmen, are hereby released from any liability to the United States on account of any moneys or property received or disbursed by said Richard Stevenson as such quartermaster; and the proper accounting officers of the Treasury Department are hereby directed to close all accounts of said Richard Stevenson as such quartermaster, in accordance with the intent of this act.

Mr. GARFIELD. I will make a brief statement of this case. It relates to a very serious defect, I think, in our laws, yet we thought it best to present the specific case rather than to amend the general law. What brings this case here is this: upon the death of Senator Morton, of Indiana, when his executors came to settle up his estate, they found his name was on the bond as surety of the late Captain Stevenson, quartermaster of volunteers in the Army, although that officer had been dead sixteen years. Yet because his accounts were as yet unclosed by the accounting officer of the Treasury the estate of Senator Morton could not be released and there is now no law on the statute-book by which the estate of the person dying even can be released as surety, however long time may have elapsed since he became surety. I think that is a hardship in the general law and ought to some time be remedied. But as we were not willing to open the whole question I am authorized to report this special case.

I will state in a moment or two the merits of the case. In 1862 Captain Stevenson was disbursing quartermaster at Nashville, Tennessee. It was in the midst of the active operations of the war, and it was his duty to pay about twelve hundred laborers of the quartermaster and other departments at Nashville. He made out his payroll toward the close of the month, and forwarded it to his superior officer as proof he needed the amount of money summed up on the pay-rolls. The amount was forwarded to him and disbursed in accordance with the duplicate roll which he himself kept. Thus \$100,000, in the course of his whole term of service, was paid to him, and all of it is supposed to have been fully and properly disposed of because every month he paid his employes he made the return of receipted vouchers and, of course, showed his work was thus far completed. But he was suddenly taken sick with typhoid fever in the month of September, 1862, and died just a little time after he had sent on his request for a sum of money to be paid out. We suppose he paid that sum of money as usual, and the best proof in the world that he paid it is that the twelve hundred people whom he drew for remained silent for sixteen years without demanding pay for that month. The statement of Quartermaster-General Meigs and the statement of Captain Bingham, who was his immediate superior, all establish the strongest moral evidence which could well be received, that he did disburse those moneys honestly and faithfully; but he was taken sick, and died suddenly, and in the transfer of his office to other hands the roll was never found.

Mr. PRIDEMORE. Did the gentleman say that the number of employes paid by Captain Stevenson was twelve hundred?

Mr. GARFIELD. Yes, sir.

Mr. PRIDEMORE. Is there any evidence from any of those twelve hundred that this money has been paid?

Mr. GARFIELD. I cannot say there is; but employes who are in the regular receipt of pay from the Government every month, who do not present a bill for a given month after a period of sixteen years, it is fair to presume they were paid.

Mr. PRIDEMORE. I presume these parties would be well known on the rolls.

Mr. GARFIELD. They were fugitive people employed as laborers.

Mr. PRIDEMORE. They could procure testimony of one or more who had been paid for that time.

Mr. GARFIELD. It would be impossible now, after the lapse of sixteen years, to skirmish the country over and get affirmative proof this money was paid. This bill therefore provides the sureties of Captain Stevenson shall be released and the captain's accounts closed. Power is given to the accounting officers in the Treasury to do it in their discretion, and that is all. If gentlemen have no further questions, I will call the previous question.

Mr. PRIDEMORE. One other question. The gentleman refers to the fact that these employes have not brought a bill for money due them. Let me ask how long is it since this bill was introduced?

Mr. GARFIELD. It was introduced recently.

Mr. PRIDEMORE. Then why did you wait for this quartermaster sixteen years before applying for relief?

Mr. GARFIELD. The point is this: these were all transactions of 1863, and it is perfectly proper for these people at any time to present their claims for payment to the War Department. They would not present them to Congress, but would go to the War Department.

Mr. TUCKER. I will satisfy my colleague. The reason this bill has not been introduced before is because the executor of the late Senator Morton wants to settle up his estate, and he cannot settle it up so long as there is any outstanding claims. There has been no claim made for this sum of money during the life of Senator Morton, and his executor only wants to settle up the estate.

Mr. PRIDEMORE. How long has Senator Morton been dead?

Mr. TUCKER. Only a year.

Mr. PRIDEMORE. Did he during his life-time apply for relief?

Mr. GARFIELD. Senator Morton never applied for relief, because he was never applied to to pay any one of these claims. He did not know—perhaps he had wholly forgotten—that he was upon the bond. As a mere matter of law his executor finds his estate cannot be settled until the United States releases the surety in Senator Morton's case.

Mr. PRIDEMORE. I do not see the force of the argument of the gentleman; but unless other gentlemen object I will withdraw my objection to the bill.

Mr. GARFIELD. I call for the previous question on the passage of the bill.

The SPEAKER. The question is on the engrossment and third reading.

Mr. PRIDEMORE. I think I must object.

Mr. GARFIELD. It is too late.

Mr. PRIDEMORE. Points of order were reserved.

Mr. GARFIELD. I do not think the bill is subject to the point of order. It is not an appropriation of money out of the Treasury.

The SPEAKER. The bill really takes no money out of the Treasury which is in there but keeps money from going into the Treasury, and that is not within the scope of the rule.

Mr. PRIDEMORE. I do not know as much about this claim as gentlemen of the Committee of Ways and Means, but certainly it does not come within my view of such bills as we ought to pass. I will, however, withdraw the objection if other gentlemen are satisfied.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. GARFIELD. At the request of my colleague on the Committee of Ways and Means, [Mr. BANKS,] I present a bill which was unanimously agreed to by that committee. It is the bill (H. R. No. 100) to amend section 2958 of the Revised Statutes.

The Clerk read the bill, as follows:

Be it enacted, &c., That section 2958 of the Revised Statutes be, and the same is hereby, amended, as follows:

Add in the sixth line, after the words "other merchandise" the words "and marble in blocks may, in the discretion of the Secretary of the Treasury, be bonded in open yards, under the care of an officer of customs, at the expense of the owner or importer."

Mr. GARFIELD. I will say that under the present law it is found that the principle of carrying on the manufacture of marble in bonded warehouses is inconvenient, and it is not thought desirable to have marble brought in large blocks if it has been imported into a house to be manufactured. It is impossible to carry out that law, and this bill simply provides that the marble in large blocks may be bonded in open yards rather than to take them into a building. The present provision of the law is inconvenient in regard to this class of business. I ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

N. AND G. TAYLOR COMPANY.

Mr. GARFIELD, from the Committee of Ways and Means, reported a bill (H. R. No. 6518) for the relief of "N. & G. Taylor Company." The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to refund and pay to "N. & G. Taylor Company," of Philadelphia, out of any moneys in the Treasury not otherwise appropriated, the sum of \$11,017.66, being the amount of duties paid by them under protest and appeal on certain importations, in excess of the legal rates, as ascertained by the decision of the United States circuit court for the southern district of New York, giving construction to the law, said decision having been acquiesced in and said rate thereafter adopted by the Treasury Department.

Mr. GARFIELD. I ask that the bill and accompanying papers be printed and referred to the Committee of the Whole on the Private Calendar.

There being no objection, the motion was agreed to.

Mr. GARFIELD. I ask unanimous consent that an amendment which I desire to offer to the sugar bill may be printed for the use of the House.

The SPEAKER. That is other business than that which the House determined to consider to-night.

Mr. WOOD. There was a general bill passed to-night by unanimous consent which would cover that case.

Mr. GARFIELD. By unanimous consent the House can order it to be printed.

The SPEAKER. The Chair has once already to-night refused to ask unanimous consent for business, and the Chair does not like to be inconsistent.

CUSTOMS-REVENUE LAWS.

Mr. SAYLER, from the Committee of Ways and Means, reported back, with a recommendation that it do pass, the bill (H. R. No. 5150) for the correction of errors and amendments of customs-revenue laws. The bill was read, as follows:

Be it enacted, &c., That nothing contained in section 26 of the act entitled "An act to amend the customs-revenue laws and to repeal moietyties," approved June 22, 1874, shall be construed to prevent any individual from pleading or offsetting any claim or deduction he may have or heretofore have had against any claim or demand prosecuted on behalf of the United States, and existing prior to the passage of said act.

Sec. 2. That whenever it shall appear to the satisfaction of the Secretary of the Treasury, or of a judge of a United States court of the district wherein any goods, wares, and merchandise have been imported, that an error of fact, committed prior to June 22, 1874, and subsequent to the passage of the act of June 30, 1864, has been made by a collector or appraiser of United States customs revenue in such district in the ascertainment or collection of duties, such error shall be corrected on the certificate of a United States appraiser in said district, under section 2950, Revised Statutes, by order of the Treasury Department or of said United States district court judge, who is hereby empowered to grant such order and the entry relinquished, with right of protest and appeal, and suit arising therefrom, notwithstanding that the technicalities of law, in whole or in part, have not been complied with, and payment of the uncollected duty shall be required of the importer or the excess refunded, respectively: *Provided*, That no payments of such refunds shall be made in excess of the amount of the receipts or recoveries on account of such uncollected duties; and that all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Sec. 3. That certificates of appraisal or returns by the United States appraisers upon importations subsequent to the passage of this act shall be made in writing, giving a true description of the merchandise declared in the invoice and entry; the classification thereof in the terms of the tariff act usual in designating similar merchandise under the laws existing at the date of importation or entry for payment of duty; the commercial name by which such merchandise is known in the United States; the market value at the principal markets of the country whence imported; the material or materials of chief value of which a class of merchandise is composed, when so required by law; the number of threads per square inch, and the length, width, and weight per square yard, of such textile fabrics manufactured from vegetable or animal fiber as may be requisite for a basis for classification for duty.

Sec. 4. That upon such return in detail, or certificate of the United States appraiser, the collector, and naval officer, if there be one, shall assess the duties and liquidate the entries under the general instructions of the Treasury Department. Such liquidation shall be made within thirty days from the date of the appraiser's return or certificate, and at such ports as may be designated by the Secretary of the Treasury. Notice thereof shall be given by an official statement published in a commercial morning newspaper in the collection district (to be annually designated for such purpose by the collector) within three days after the date of said liquidation, giving date of importation, name of vessel and importer, and amounts due to the Government or to the importer. Such liquidation shall be final and conclusive on all parties except in case of fraud, or of error of fact when discovered within one year from date of payment, and notice given within ten days of date of discovery by the collector to the importer of amounts claimed to be due to the United States, and by the importer to the collector of customs of amounts claimed to be due by the United States to the importer; and payment of the uncollected duty shall be required of the importer or the excess refunded, respectively, unless the owner, importer, or consignee shall be dissatisfied therewith, in which case he shall have the right of protest and appeal within ten days succeeding said notice of liquidation or the payment of duty on said merchandise, setting forth specifically the grounds of protest; and that thereupon the collector shall forward said protest and appeal, with a report thereon, to the Secretary of the Treasury, who shall within thirty days thereafter issue a decision on said appeal; and that if the importer, agent, or consignee be dissatisfied therewith, he shall have the right to commence suit in the United States court within ninety days after said Treasury decision.

Sec. 5. That the Secretary of the Treasury be, and is hereby, authorized and directed to make such equitable rules and regulations as shall give effect to the foregoing act; and that all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. SAYLER. I do not desire at this late hour to attempt an elaborate explanation of this bill. It is approved, if I understand aright, by the entire body of the Committee of Ways and Means. It gives the same provision for the protection of merchants in the customs revenue that now prevails in the internal-revenue service. It interests chiefly the merchants in New York, Philadelphia, Boston, and Baltimore, and yet at the same time it interests, favorably as I think,

the internal cities. That is all I desire to say in regard to the bill, and unless some member objects I will call the previous question, although I do not desire to cut off debate upon the bill.

Mr. CONGER. I ask if this bill is a unanimous report?

Mr. SAYLER. It is the unanimous report of the Committee of Ways and Means.

Mr. FOSTER. I would like to inquire further if it is in accord with the wish of the Treasury Department?

Mr. SAYLER. I have been informed that it is, but I do not know personally. I suppose some member of the committee, probably the chairman, can say whether it has the approval of the Secretary of the Treasury.

Mr. WOOD. I understand that the Treasury Department would prefer a different phraseology for a part of one of the sections of the bill. The assistant treasurer, Mr. French, has suggested something in reference to the legal effect of one of the provisions of the bill. Otherwise I understand that the bill is in accordance with the desires of the Treasury Department.

Mr. STARIN. I move to strike out the third, fourth, and fifth sections of the bill, with the consent of the gentleman from Ohio, [Mr. SAYLER.]

Mr. SAYLER. I am perfectly willing to yield the floor to the gentleman to make that motion if he desires it. I do not think there is anything in those sections that will result as he believes. I certainly would not be a party to do anything that would destroy any industry in his district, and I do not believe this bill will do so in any way. I will yield for the amendment, and then will call the previous question on the bill and amendment.

Mr. CONGER. It seems to me that this bill makes such radical changes—

Mr. BUTLER. That part of the bill is to be taken out.

Mr. CONGER. It makes such radical changes that it would be well to discuss it before the bill is passed, unless it has been presented to the Treasury Department and has received the approval of the Secretary of the Treasury.

Mr. GARFIELD. I hope my colleague will consent to striking out those three sections.

Mr. SAYLER. Certainly not. I will consent that the amendment may be offered.

The SPEAKER. The House can strike them out; but the gentleman has no power to consent to striking out any portion of the bill reported from the committee.

Mr. SAYLER. I certainly am very much opposed to striking out those sections.

Mr. CONGER. If the gentleman will allow me, I desire to say one or two words.

Mr. SAYLER. I will hear the gentleman.

Mr. CONGER. If I have understood the bill from hearing it read the first time, the intention is to provide two or three places or more on the sea-coast of the United States where this law shall take effect, and not extend it to other ports.

Mr. BUTLER. Oh, no; it is a general law.

Mr. CONGER. There are certain places to be named where this law is to take effect.

Mr. SAYLER. Not at all.

Mr. CONGER. Is it a general law?

Mr. SAYLER. It is a general law.

Mr. WOOD. It applies throughout all the United States, to every port of entry and every port of delivery.

Mr. LATHROP. Will the gentleman allow me to ask a question?

Mr. SAYLER. Certainly.

Mr. LATHROP. Does not this bill open up all cases of importation from 1864 to 1874 for readjustment and settlement?

Mr. SAYLER. It does wherever there has been error. It gives precisely the same protection in other words to the importer in regard to the collection of customs revenue that the producer has now in the collection of internal revenue, and we think that ought to be done.

Mr. LATHROP. It opens up to new controversy every dispute that has arisen between 1864 and 1874 as to the assessment of duties.

Mr. HISCOCK. Will the gentleman allow me to ask him a question?

Mr. SAYLER. Certainly.

Mr. HISCOCK. Will not the effect of this bill be to send to the courts the question of the valuation of goods, whereas now only the question of classification goes to the courts?

Mr. SAYLER. The bill allows an appeal to the courts.

Mr. BUTLER. That portion goes out with the amendment which has been offered.

Mr. HISCOCK. It will go out with the sections which it is proposed to strike out if that motion is carried. But I desire to say that under the present law the question of valuation does not go to the courts; simply the question of classification. Under this bill the proposition is to send the question of valuation also to the courts.

Mr. SAYLER. That is, it allows an appeal to the courts.

Mr. HISCOCK. Has that the sanction of the Secretary of the Treasury?

Mr. SAYLER. My understanding is that the bill in all its sections has the indorsement of the Secretary of the Treasury. I understand what the chairman has stated, that there was some question raised

as to the verbiage of one of the sections, but substantially the bill has the indorsement of the officers of the Treasury Department. That is my understanding and the understanding of the committee, and it is undoubtedly the fact.

The SPEAKER. The Chair thinks that the better way would be to read again this bill omitting the sections which it is proposed to strike out, in order that there may be no misapprehension about it.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, &c. That nothing contained in section 26 of the act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874, shall be construed to prevent any individual from pleading or offsetting any claim or deduction he may have or heretofore have had against any claim or demand prosecuted on behalf of the United States, and existing prior to the passage of said act.

Sec. 2. That whenever it shall appear to the satisfaction of the Secretary of the Treasury, or of a judge of a United States court of the district wherein any goods, wares, and merchandise have been imported, that an error of fact, committed prior to June 22, 1874, and subsequent to the passage of the act of June 30, 1864, has been made by a collector or appraiser of United States customs revenue in such district in the ascertainment or collection of duties, such error shall be corrected on the certificate of a United States appraiser in said district, under section 2950, Revised Statutes, by order of the Treasury Department or of said United States district court judge, who is hereby empowered to grant such order and the entry reliquidated, with right of protest and appeal, and suit arising therefrom, notwithstanding that the technicalities of law, in whole or in part, have not been complied with, and payment of the uncollected duty shall be required of the importer or the excess refunded, respectively: *Provided*, That no payments of such refunds shall be made in excess of the amount of the receipts or recoveries on account of such uncollected duties; and that all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. EDEN. I desire to ask a question. Having just heard the bill read, of course I could not give an exact construction of it. If I understood correctly the reading of one of the sections, it allows persons who allege that any mistake occurred from 1864 to 1874 in reference to the collection of duties on imports to go back through that period of ten years and have the correction made. Now, it occurs to me that that is opening a pretty wide door.

Mr. SAYLER. I yield to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER. I desire to give the House my understanding of this bill. It was first read to me, I think, in the Treasury Department. The act of June or July, 1874, contained a provision which was construed by the courts in a manner that was not intended in the passage of the act. It was held under that act that neither the Government nor the importer could go back and correct errors of classification; that if, under a certain law, goods ought to be classified in one way, but were in fact classified in another, neither the Government nor the importer had any redress. From the beginning of the Government the power of correcting errors had always resided with the Department itself. The first two sections of the bill, which are not stricken out, and which constitute the bill before us, give that power.

The Department also desired, as did many others, that there should be a correction of a law under which great wrongs had been done to the revenue. The law was, and is, that wherever goods are manufactured abroad they may be sold in open market there, and the invoice valuation fixed by that sale. Under that provision of law great wrongs were done. For instance, gloves were manufactured in Naples for our hands, which are larger than those of the people there. Offering those gloves in that market, they would not bring anything. Yet the sale there fixed the value at which they might be invoiced. Therefore this bill undertook in the sections which have been struck out to establish a home valuation and a home denomination in this country for the purposes of the invoice. But the glove-manufacturing interest in this country, which is a very large interest, thought that by going to the courts it might be possible for large importers to oppress the domestic interest. Hence those sections have been struck out. If the Secretary of the Treasury desires a restoration of those sections, they may be inserted in the Senate, and then the question will again come before the House.

Mr. EDEN. I would like to ask the gentleman from Massachusetts, who I have no doubt is entirely familiar with this question, whether the bill does not propose to give to importers a right to correct alleged errors beginning as far back as 1864 and extending to 1874, a right never existing heretofore?

Mr. BUTLER. The right to go back and correct errors existed before the law of 1874, and nobody ever supposed that that law was intended to prevent such action.

Mr. EDEN. That law, as I understand, did not give the right to go to the courts and correct these errors.

Mr. BUTLER. Yes, sir; it gave that right after protest. Now, here this right is allowed both to the Government and to the importer. It is understood that large amounts of duties can be recovered by the Government as well as by importers.

Mr. EDEN. Under this bill will the Government be enabled to go back for fifteen years to collect duties where errors occurred that long ago?

Mr. BUTLER. For my part I am for going back and doing justice at any time when it can be done.

Mr. EDEN. I presume that if the Government goes back fifteen years to collect old duties, it will not get much. It will probably lose much more than it will make.

Mr. BUTLER. My friend from Illinois would not, I am sure, object

to going back more than twenty years to correct an error when convinced that he had made one.

Mr. EDEN. Certainly not.

Mr. BUTLER. And I do not think he would want the Government to do differently from what he would himself.

Mr. FOSTER. As I understood the reading of the bill, the refund is limited to the amount of uncollected duties.

Mr. SAYLER. It provides for both sides—for the Government and for the importer.

Mr. CONGER. I wish some gentleman would state how large a thing this is, so that we can come anywhere within hundreds of thousands.

Mr. BUTLER. My belief is that it will go beyond that.

Mr. CONGER. Into the millions?

Mr. BUTLER. Oh, yes.

Mr. CONGER. Well, I think we had better not dispose of the millions to-night.

Mr. HISCOCK. As I understand, the effect of the bill is to waive on the part of the Government the "right of protest and appeal and suit arising therefrom, notwithstanding the technicalities of law in whole or in part have not been complied with." Now, as I understand, under the law as it now exists it is necessary that claims should have been filed within a given period of time. The object of this bill is to waive that provision of law on the part of the Government. Now, I wish to ask what effect this will have on the claim for two or three million dollars which was investigated by the Senate committee last year and the appropriation for which was thrown out on account of those technicalities not having been complied with, it having turned out that notices had been falsely filed, affidavits falsely made and surreptitiously placed in the custom-house? Does this bill affect that claim at all?

Mr. BUTLER. Not at all. It cannot do so, because there must be a new appraisal under this bill.

Mr. HISCOCK. In the case I refer to the parties had no cause of action, because they had not complied with the law. The notices had not been filed, and for that reason the Senate refused to make the appropriation.

Mr. SAYLER. I shall have to insist on my demand for the previous question.

Mr. BUTLER. That was in a case where by fraud upon the Government they had got themselves by fraudulent papers rightly into court.

Mr. HISCOCK. Now the point I make is this: whether this does not waive that fraud?

Mr. BUTLER. Oh, no.

Mr. SAYLER. I decline to yield any further; it is getting quite late, and I demand the previous question.

Mr. HISCOCK. The point I make is this: that under those claims it was held they had not the right to recover those judgments if they were paid by the Government because it was proved that those protests or those reclamations had been illegally filed. Now this act does away with the necessity of filing them at all, and under this act they would be entitled to have those judgments paid.

Mr. BUTLER. Will my friend look and see nothing can be done until there is reappraisalment.

Mr. HISCOCK. But it puts every one of these claimants in court, as I understand it.

Mr. BUTLER. Not at all; they have already had their judgments.

Mr. HISCOCK. No, they had not collected their judgments.

Mr. BUTLER. I have not said they have collected them, but they have got their judgments; it is said by wrong, but I do not know whether by wrong or right. It does not meet that question.

Mr. SAYLER. I demand the previous question.

The House divided; and there were—ayes 22, noes 49.

The SPEAKER. The previous question is not seconded.

Mr. GARFIELD. I hope my colleague will withdraw his bill.

Mr. SAYLER. Will this be regarded as the pending business in the morning?

The SPEAKER. It will not, as the previous question has not been seconded.

Mr. ATKINS. I move the House do now adjourn.

Mr. SAYLER. I wish to yield to a gentleman on the other side.

Mr. ATKINS. I move that the House do now adjourn, and I insist on my motion.

Mr. SAYLER. I have other bills to present from the Committee of Ways and Means, but will not present them, as this does not seem to be a good night for private bills. [Laughter.]

Mr. ATKINS. I withdraw the motion to adjourn.

The SPEAKER. The gentleman from Illinois [Mr. HARTZELL] objected some time ago to the bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States. He now withdraws his objection. Is there further objection?

Mr. SAYLER. What became of my bill?

The SPEAKER. The House refused to second the demand for the previous question, which throws the bill open for further objection.

Mr. REED. Is it in order to move to lay that bill upon the table?

The SPEAKER. It is.

Mr. BURCHARD. I hope the gentleman from Ohio will withdraw his bill, as there is a majority against it.

Mr. SAYLER. I do not believe there is a majority against it.

Mr. REED. I move to lay it upon the table.

Mr. SAYLER. I ask unanimous consent to withdraw the bill for the present.

Mr. BRAGG. I object.

Mr. SAYLER. I will introduce it when there is a full House.

The SPEAKER. The Chair thinks the gentleman has the right to withdraw it.

Mr. SAYLER. I do withdraw it.

ALBERT U. WYMAN.

The SPEAKER. The gentleman from Illinois [Mr. HARTZELL] withdraws his objection to the bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States. Is there further objection?

There was no further objection.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FORT. I wish to withdraw my objection to House bill No. 6517. I founded my objection upon a letter which I deemed to be trustworthy.

Mr. SPARKS. What is the bill?

Mr. BUTLER. I shall renew the objection.

Mr. TURNER. I move the House adjourn.

SURETIES OF FRANK SOULÉ.

Mr. BURCHARD. I ask to have entered the motion to reconsider the vote by which the House postponed the bill (S. No. 2) releasing Frank Soulé, late collector of internal revenue for the first district of California, and his sureties, from liability on his official bond.

The SPEAKER. That motion will be entered under the rules.

ORDER OF BUSINESS.

Mr. TURNER. I have made the motion to adjourn, and I insist on it being put to the House.

The SPEAKER. The gentleman's motion will be put.

The House divided; and there were—ayes 22, noes 70.

So the House refused to adjourn.

NEW YORK CHAMBER OF COMMERCE.

Mr. FORT. I wish to withdraw the objection that I made to the bill to convey to the Chamber of Commerce of New York certain lands in the city of New York, and to state that I made it on information contained in a letter which I deemed correct, and a worthy and responsible letter.

Mr. BUTLER. I renew the point of order on that bill.

Mr. STEELE. What is the bill?

Mr. GIBSON. I will state that the bill was the unanimous report of the Committee of Ways and Means.

Mr. BUTLER. I renew the point of order on the bill.

The SPEAKER. The Chair sustains the point of order.

ORDER OF BUSINESS.

Mr. ROBBINS. I trust I shall be allowed to report three private bills. [Cries of "Regular order!"]

WILLIAM A. COURTENAY.

Mr. TUCKER. I am instructed to report the bill (H. R. No. 6519) for the relief of William A. Courtenay, agent for the Clyde lines of steamers from Charleston, South Carolina, to New York and Philadelphia.

The bill was read. It provides that the time within which William A. Courtenay, agent for the Clyde lines of steamers from Charleston, South Carolina, to New York and Philadelphia, may appeal from the decisions of the collector of the port of Charleston, South Carolina, to the Secretary of the Treasury, as to the rate and amount of duties paid on the tonnage of the vessels (called entrance fees) of said lines entering at Charleston from 1870 to 1877, is hereby extended until the expiration of ninety days from the date of the approval of this bill.

Mr. TUCKER. At the time this claim arose William A. Courtenay was the agent of the Clyde lines of steamers from Charleston to New York and Philadelphia.

Mr. BRAGG. I would like to inquire, has the time expired under which he can make his appeal?

Mr. TUCKER. It has.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

The question was taken; and on a division there were—ayes 46, noes 3.

Mr. BRAGG. No quorum has voted.

The SPEAKER. No quorum having voted, the Chair will appoint tellers; and appoints Mr. BRAGG and Mr. TUCKER, who will act as tellers.

The House again divided; and the tellers reported—ayes 56, noes 5.

Mr. BRAGG. No quorum has voted.

Mr. BURCHARD. I hope the gentleman from Virginia will withdraw the bill and send it to the Committee of the Whole.

Mr. KEIGHTLY. I move that the House do now adjourn.

Mr. TUCKER. There are some other private bills which I would like to report.

Mr. ROBBINS. Mr. Speaker, as a member of the Committee of Ways and Means I have been jumped all night, and I want to know why I have been jumped and under what rule I have been jumped.

The SPEAKER. The Chair does not know of any rule by which the gentleman has been jumped.

Mr. ROBBINS. I want to report three bills to go upon the Calendar and be printed, and I do not care if they remain upon the Calendar forever or not.

Mr. TUCKER. I desire to state to the gentleman from North Carolina that I only wish to report three bills, but as there seems to be an indisposition on the part of the House to act upon anything, I suppose it is better to adjourn, and I move that the House do now adjourn.

Mr. BUTLER. I objected to a bill, and if it can be amended as reported by the gentleman from New York, I shall have no objection to it now. The difficulty is that it will allow property worth \$400,000 to be sold for \$200,000.

Mr. BURCHARD. I think the gentleman from North Carolina is reasonable.

The SPEAKER. The Chair was instructed by the chairman of the Committee of Ways and Means to recognize the gentleman from Virginia, [Mr. TUCKER.]

Mr. ROBBINS. I do not understand that the chairman of the Committee of Ways and Means is authorized by any rule to award the floor to one colleague rather than to another. I stand third upon the committee, and have made every possible effort to be recognized.

Mr. TUCKER. I stand second on the committee, and all that I ask is that he allow me to put upon the Calendar some bills which I am instructed to report. Let them go on the Calendar, at least, if nothing more be done with them.

Mr. BRAGG. I have no desire to deny jurisdiction to the Committee of Ways and Means, but they have reported bills this evening that should have come from the Committee on Public Lands, or from the Committee of Claims, and one that should have come from the Committee on the Judiciary, regulating proceedings in the courts, to which I objected.

Mr. TUCKER. The gentleman from Wisconsin shows that he made the objection to that bill in profound ignorance of the nature of the bill. [Cries of "Regular order!"] I now offer the bill which I send to the Clerk's desk. I ask that it be placed upon the Calendar.

Mr. KENNA. The motion to adjourn has been pending for nearly half an hour. Why can we not have the question put upon it?

Mr. SPARKS. Is there any objection to these bills being placed upon the Calendar?

The SPEAKER. The Chair thinks there ought not to be any.

Mr. TUCKER. If the motion to adjourn be insisted on let the question be put upon it.

The SPEAKER. The Chair wants to remark that no possible harm can result from reporting these bills to be referred to the Committee of the Whole and placed on the Private Calendar.

Mr. COVERT. I call for the regular order.

The SPEAKER. There does not appear to be a quorum present in the House and the only motion in order under the circumstances is for a call of the House or to adjourn.

Mr. MCGOWAN. I insist upon the motion to adjourn.

The motion to adjourn was not agreed to.

The SPEAKER. The Chair will now ask that the gentleman from Virginia [Mr. TUCKER] and the gentleman from North Carolina [Mr. ROBBINS] be allowed to report their bills, have them read by their titles, the accompanying reports to be printed, and the bills to be referred to the Committee of the Whole and placed on the Private Calendar.

Mr. ROBBINS. And the gentleman from Georgia [Mr. HARRIS] has a bill to report.

The SPEAKER. The gentleman from Georgia also.

Mr. PRIDEMORE. If there is no discussion.

The SPEAKER. To be reported without discussion and without action.

There was no objection.

BILLS REPORTED.

Mr. TUCKER, from the Committee of Ways and Means, reported the following bills; which were read a first and second time, with the reports ordered to be printed, and referred to the Committee of the Whole on the Private Calendar:

A bill (H. R. No. 6520) for the relief of Minthorne Tompkins and others;

A bill (H. R. No. 6521) for the relief of J. Henry Rives, collector fifth Virginia district; and,

A bill (H. R. No. 6522) to refund to Calvin Bronson, of Toledo, Ohio, the amount paid by him illegally assessed upon a tax on tobacco.

Mr. ROBBINS, from the Committee of Ways and Means, reported back the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1307) for the relief of George Eyster, assistant treasurer of the United States at Philadelphia, Pennsylvania;

A bill (H. R. No. 2065) for the relief of W. W. Mills; and

A bill (H. R. No. 757) for the relief of William H. Powell and F. A. McDowell.

Mr. HARRIS, of Georgia, from the Committee of Ways and Means, reported back the following bill; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed:

A bill (H. R. No. 2244) for the relief of Ford, Moorman & Co., of Lynchburg, Virginia, by refunding a sum of money, the proceeds of sale of certain tobacco seized and sold by the Government.

NEW YORK CHAMBER OF COMMERCE.

Mr. GIBSON. The gentleman from Massachusetts [Mr. BUTLER] withdraws his objection to the bill to convey to the Chamber of Commerce of the State of New York certain lands in the city of New York.

Mr. HEWITT, of New York. As modified?

Mr. GIBSON. It is not a private bill, but a bill in reference to the Chamber of Commerce of the State of New York.

The SPEAKER. The proposition is that the bill be amended so that the property in New York may be sold at public auction for not less than \$200,000.

Mr. ROBBINS. I understood that the amount was to be fixed at \$250,000.

Mr. GIBSON. No; the Chamber of Commerce has already paid \$50,000.

Mr. BRAGG. I move that the bill be referred to the Committee on Public Lands.

Mr. HEWITT, of New York. Why? It has nothing to do with public lands.

Mr. BRAGG. Does not the United States own this land?

Mr. HEWITT, of New York. The United States owns it.

Mr. BRAGG. All lands belonging to the United States are public lands. I do not know why propositions in regard to lands in New York should not go to the Committee on Public Lands as well as those relating to land in my State.

Mr. ROBBINS. I must object unless the sum is fixed at \$250,000, as agreed to in the Committee of Ways and Means.

The SPEAKER. The gentleman from North Carolina [Mr. ROBBINS] says that the understanding in the Committee of Ways and Means was that the sum should be fixed at \$250,000.

Mr. HEWITT, of New York. Very well, then, let it be so.

Mr. GIBSON. The Chamber of Commerce should be credited with \$50,000, which they subscribed to the original purchase of the property.

Mr. SPARKS. Let it be made \$250,000.

Mr. HEWITT, of New York. I will consent to that.

The SPEAKER. The proposition, then, is that objection be withdrawn to the consideration by the House of the bill in question, provided it is amended as will now be read by the Clerk.

The Clerk read the bill as proposed to be amended, as follows:

Be it enacted, &c., That the Secretary of the Treasury and the Postmaster-General are hereby authorized and required to sell at public auction to the highest bidder, for not less than \$250,000, the land and premises formerly occupied as the site of the post-office in the city of New York, lying upon Nassau street between Cedar and Liberty streets, in the said city; and if the Chamber of Commerce of the State of New York shall be the purchaser they shall have credit for the sum of \$50,000 heretofore contributed to the United States by the citizens of New York, and the conveyance thereof when executed and delivered shall operate to transfer and grant all the right, title, and interest of the United States in and to the said premises.

Mr. PRIDEMORE. I object to that bill.

Mr. STONE, of Michigan. I move that the House now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of certain women of Ohio, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

Also, the petition of certain women of Terre Bonne Parish, Louisiana, of similar import—to the same committee.

By Mr. BACON: The petition of Etheridge, Fuller & Co. and others, in relation to the tariff on sugar—to the Committee of Ways and Means.

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring an appropriation for Davis Island dam—to the Committee on Commerce.

By Mr. BURDICK: The petition of M. A. Shaw and 50 others, citizens of Fayette County, Iowa, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of wholesale grocers and dealers in sugar, of Dubuque and 50 other cities and towns in Iowa, against the passage of the pending sugar bill—to the Committee of Ways and Means.

By Mr. CONGER: The petition of William Anderson and others, citizens of Decatur, Michigan, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. DANFORD: The petition of Mrs. May A. Armstrong and 85 others, citizens of New Athens, Ohio, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. DUNNELL: The petition of citizens of Minnesota, that the

tariff on sugar be regulated on the *ad valorem* principle—to the Committee of Ways and Means.

By Mr. EKRETT: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring an appropriation for Davis Island dam—to the Committee on Commerce.

By Mr. FORT: The petition of Mrs. J. B. Deselm and 8 others, of Rockville, Illinois, for legislation to suppress polygamy—to the Committee on the Judiciary.

By Mr. HANNA: The petition of Henry Wood and others, of Indiana, against the passage of the bill known as the Robbins sugar bill—to the Committee of Ways and Means.

By Mr. HATCHER: Memorial of wholesale grocers and dealers in sugar in Missouri, of similar import—to the same committee.

By Mr. HENDERSON: The petition of P. B. Durley, William E. Eddy, and 349 others, citizens of Putnam County, Illinois, for the building of a ship-canal from Chicago to the Illinois River, and for the improvement of said river—to the Committee on Commerce.

By Mr. KEIGHTLEY: The petition of Grange 291, Saint Joseph County, Michigan, for the passage of the Reagan interstate commerce bill—to the same committee.

By Mr. KELLEY: The petition of 81 citizens of Erie County, Pennsylvania, for liberal appropriations for public improvements—to the Committee of Ways and Means.

Also, the petition of 46 citizens of Erie County, Pennsylvania, of similar import—to the same committee.

By Mr. LORING: The petition of Levi Stockbridge and others, of Amherst, Massachusetts, for aid to the industry of agriculture—to the Committee on Agriculture.

Also, the petition of George W. Putnam, of Massachusetts, for the extension of a patent—to the Committee on Patents.

By Mr. LUTTRELL: The petition of Jane M. McCrabb, for a pension—to the Committee on Invalid Pensions.

By Mr. MORGAN: The petition of William O. Butler and others, of Lawrence County, Missouri, for the passage of a law equalizing bounties of soldiers of the late war—to the Committee on Military Affairs.

Also, the petition of wholesale grocers and dealers in sugar, of Saint Louis, Missouri, that the duties on sugar be regulated on the *ad valorem* principle—to the Committee of Ways and Means.

By Mr. PRICE: The petition of the Women's Christian Temperance Union and 30 others, of Sabula, Iowa, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. THORNBURGH: The petition of James S. Fain for compensation for services rendered in the United States Army—to the Committee on Military Affairs.

Also, the petition of ladies of New Market, Tennessee, relative to polygamy in Utah—to the Committee on the Judiciary.

By Mr. STONE, of Michigan: The petition of Lydia U. Bingham and 75 other women, of Plainwell, Michigan, for legislation to make more effective the anti-polygamy law of 1862—to the same committee.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, to grant Government lands to ex-soldiers—to the Committee on Public Lands.

Also, a memorial of the Legislature of Minnesota, for the improvement of the western channel of the Mississippi River at Saint Paul, Minnesota—to the Committee on Commerce.

By Mr. WRIGHT: Memorial of the Brotherhood of Labor of the District of Columbia, praying for reforms in government by which the rights of the people may be recognized—to the Committee on Education and Labor.

IN SENATE.

FRIDAY, February 28, 1879.

The Senate met at eleven o'clock a. m.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

THE JOURNAL.

The VICE-PRESIDENT. The Secretary will delay the reading of the Journal for the present.

Mr. INGALLS, (at eleven o'clock and five minutes a. m.) I ask for the reading of the Journal.

The VICE-PRESIDENT. There is not a quorum present.

Mr. INGALLS. Then I ask for a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll of the Senate.

The Secretary called the roll, and thirty-nine Senators answered to their names.

The VICE-PRESIDENT. There is a quorum present. The Secretary will read the Journal of the proceedings of yesterday.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Major C. M. Terrell, chief paymaster, Department of Texas, denying the statement contained in the letter of Major A. E. Bates to Hon. H. B. Banning, published in the CONGRESSIONAL RECORD of the 2d instant, so far as

it commits him as in favor of the bill (S. No. 1491) to reduce and reorganize the Army of the United States and to make rules for its government and regulation; and a letter of Major A. E. Bates withdrawing the statement; which was ordered to lie on the table.

SENATOR FROM SOUTH CAROLINA.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from David T. Corbin.

The Secretary read as follows:

WASHINGTON, D. C., February 28, 1879.

SIR: I have been before the Senate for two years actively asserting my right to a seat in the Senate as Senator-elect from the State of South Carolina. I have most persistently pressed my claim because the lawful legislature of South Carolina on the 12th day of December, A. D. 1876, duly elected me to said office. The committee of the Senate on Privileges and Elections has, after elaborate investigation into the law and facts of my case, reported to the Senate that I was duly and lawfully elected by the Legislature of South Carolina to a seat in this body, as Senator from the State of South Carolina, for the term of six years commencing on the 4th of March, A. D. 1877, and that I am entitled to be sworn in as such. This report is before the Senate waiting action, but I now learn, to my great surprise, that some of those Senators, supposedly willing to consider and dispose of the subject-matter of said report on its merits, are not disposed to consider it at all. Their action formally appearing on the record indicates conclusively that my right to a seat in the Senate will not be passed upon during the present session of Congress. It will be useless for me to return here to prosecute my claim before the next Senate.

Not wishing to prolong a fruitless contest, already extended over a period of two years, and at great sacrifice and expense, I now withdraw from the same. I wish to emphasize and I repeat, that I withdraw now from this contest because I am satisfied beyond question that I cannot by any proper effort of mine obtain my seat. I believe that I have in the contest I have made discharged to the full measure of my ability my duty to the Legislature of South Carolina that elected and sent me here, and have also done my duty to the many personal and political friends whose interests and rights were involved in my admission to my seat. That I have failed to obtain my seat I sincerely regret, as I represented many and peculiar interests. Had I been admitted to the floor of the Senate, I might there have spoken for them and been heard. I might have been able, among other duties, to have rendered essential service to the colored race of South Carolina and the South, now sadly in need of help, and with whose wrongs I am very familiar. But I am shut out from this service, and through no fault of my own. The responsibility of my failure to obtain my seat rests with others, and if it proves a burden to them they will no doubt assume and bear it as best they may.

I am, very respectfully,

DAVID T. CORBIN.

Hon. WILLIAM A. WHEELER,
President of the Senate.

Mr. THURMAN. To whom is that paper addressed?

The VICE-PRESIDENT. To the Senate of the United States.

Mr. THURMAN. It is a very singular paper, I must say. I am half disposed to move that it be returned to the man who sent it here; but I make no motion about it.

The VICE-PRESIDENT. The paper will lie upon the table.

PETITIONS AND MEMORIALS.

Mr. PADDOCK. I present a memorial and joint resolution of the Legislature of the State of Nebraska, with reference to the Santee Sioux Indians and relief of Knox County. As it is an important matter, and a very short memorial, I ask that it be read.

The Secretary read as follows:

Memorial and joint resolution with reference to the Santee Sioux Indians and relief of Knox County.

To the honorable the Senate and House of Representatives
of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the State of Nebraska, would respectfully represent to your honorable body that a part of the Sioux Nation of Indians remain trespassers upon the soil of Nebraska, notwithstanding their participation in recent treaties between the United States and various tribes of the Sioux; that the lands which they now occupy in the county of Knox, in our State, were never owned or claimed by them, or by the Sioux Nation, but were seized and appropriated by the Interior Department for the use of the Santee Sioux Indians contrary to law, after being settled upon and cultivated by citizens of Knox, formerly L'Eau-qui-court County; and that certain islands in the Niobrara River, within the boundaries of Knox County and State of Nebraska, withdrawn from market for the use of the Ponca Indians, have not yet been restored to such market, notwithstanding said Ponca Indians have been removed to the Indian Territory south; and

Whereas that portion of the now unoccupied lands known as the old Ponca reservation, incorporated in the great Sioux reservation and recently vacated by the Spotted Tail band, is most desirably situated, and equal in all respects to the lands now held by the said Santees in our State; and

Whereas the aforesaid old Ponca reserve is not more than six miles distant from the said lands held by the Santees as aforesaid, in the county of Knox, and no hardship, but lasting benefits, would result from their permanent location upon their own land, namely, the said former Ponca reservation; and

Whereas the speedy removal of these Sioux Indians is of vital importance to the county of Knox and Northern Nebraska; Therefore,

Be it resolved, That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure such action of Congress as may be requisite for the removal of said Indians, and for the restoration to their former condition as public lands of the United States all the lands within the said county of Knox, including the above-mentioned islands in the Niobrara River.

Resolved, That the secretary of state be, and is hereby, instructed to transmit a certified copy of this memorial and joint resolution, together with a copy of the report of the committee thereon, to our Senators and Representatives in Congress.

CHARLES P. MATHERSON,

Speaker of the House of Representatives.

EDMUND C. CARNS,

President of the Senate.

Mr. PADDOCK. Accompanying this memorial there is transmitted by the order of the Legislature a report of the committee on federal relations of the house of representatives of that Legislature, with full exhibits in regard to this matter. I move that be referred, in connection with the memorial, to the Committee on Indian Affairs, and printed.

The motion was agreed to.

Mr. McMILLAN presented a memorial of the Legislature of Minnesota, praying legislation for the relief of certain settlers on railroad lands in the town of Birch Cooley, in Renville County, in that State; which was referred to the Committee on Public Lands.

Mr. WITHERS presented a memorial of Friendship Grange, No. 32, of Frederick County, Virginia; a memorial of Elon Grange, No. 405, of Amherst County, Virginia; a memorial of Angola Grange, No. 46, of Cumberland County, Virginia; and a memorial of Totaro Grange, No. 104, of Brunswick County, Virginia, in favor of a reduction of the tax on tobacco; which were ordered to lie on the table.

He also presented a memorial of Friendship Grange, No. 32, of Frederick County, Virginia; a memorial of Elon Grange, No. 405, of Amherst County, Virginia; a memorial of Angola Grange, No. 46, of Cumberland County, Virginia; and a memorial of Totaro Grange, No. 104, of Brunswick County, Virginia, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which were referred to the Committee on Commerce.

Mr. WALLACE presented a memorial of Mount Joy Grange, No. 537, of Armstrong County, Pennsylvania, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

He also presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of an appropriation for the completion of the dam at Davis's Island; which were ordered to lie on the table.

Mr. MAXEY presented a memorial of Valley River Grange, No. 88, of Cooke County, Texas, in favor of a reduction of the tax on tobacco; which was ordered to lie on the table.

He also presented a memorial of Valley View Grange, No. 88, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of an appropriation for the completion of the dam at Davis's Island; which were ordered to lie on the table.

He also presented a petition of citizens of Canonsburgh, Pennsylvania, soldiers of the late war, praying for the passage of the bill granting equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of Illinois, presented additional testimony in support of the claim heretofore presented of W. C. Flagg, late collector of internal revenue for the twelfth district of Illinois, for payment of a balance alleged to be due him for services rendered as collector and disbursing agent; which was referred to the Committee on Claims.

Mr. TELLER presented a memorial of the Legislature of Colorado, praying for such legislation as will confirm the equitable rights of settlers upon the Maxwell land grant in that State; which was referred to the Committee on Public Lands.

Mr. FERRY presented a memorial of Ashland Grange, No. 545, of Newaygo, Michigan, in favor of the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of Armistead Burwell, praying for himself and on behalf of others, for the refunding of taxes collected on cotton during the years 1865, 1866, 1867, and 1868, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 2885) for the relief of Mary C. Webber, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Commerce, to whom was referred the joint resolution (H. R. No. 227) for securing reports of the products of the fisheries, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. No. 5030) to extend the operations of the Light-House Board over the Saint Croix River and Lake, in the States of Minnesota and Wisconsin, and the Chippewa River, in the State of Wisconsin, reported it with an amendment.

Mr. RANDOLPH, from the Committee on Commerce, to whom was referred the bill (H. R. No. 5897) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam vessels, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 5704) extending the jurisdiction of justices of the peace in the District of Columbia, reported it with an amendment.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (S. No. 1473) granting a pension to Sally Murray Buchanan, reported it without amendment.

Mr. ANTHONY. The Committee on Printing, to which was referred a memorial of the American Geographical Society, asking for the printing of certain documents relating to a canal to connect the

Atlantic and Pacific Oceans, have instructed me to report back the same and ask to be discharged from its further consideration. The committee are of opinion that these documents should be printed, but it is so late in the session that they cannot be sent for and furnished to the Senate so that the estimates required by law may be made at this session.

The VICE-PRESIDENT. The committee are discharged.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4360) granting a pension to Isaac Winans, of the Ohio militia, in the war of 1812, reported it without amendment.

Mr. BAILEY, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4365) granting an increase of pension to Mary F. McKeever, reported it without amendment.

EPIDEMIC DISEASES.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to print copies of the report of the select committee appointed to investigate and report the best means of preventing the introduction and spread of epidemic diseases in the United States, together with the accompanying documents, have instructed me to report it with amendments, and to ask for its present consideration. By unanimous consent, the Senate proceeded to consider the resolution.

The amendments reported from the Committee on Printing were, in line 1, to strike out "— copies of;" in line 14, after the word "printed," to insert the words "and also 6,000 additional copies, 2,000 of which shall be;" and after the word "Senate," at the end of the resolution, to add "and 4,000 for the use of the House;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring.) That the report of the select committee of the Senate appointed to investigate and report the best means of preventing the introduction and spread of epidemic diseases in the United States, with the testimony taken by said committee, and the report and maps of what is known as the yellow-fever commission organized by the Supervising Surgeon of the Marine Hospital Service in 1878, and the report of the board of experts appointed by said committee, and certain communications from medical associations and eminent medical men, be printed; and also 6,000 additional copies, 2,000 of which shall be for the use of the Senate and 4,000 for the use of the House.

The amendments were agreed to.

The resolution, as amended, was agreed to.

PARIS EXPOSITION REPORTS.

Mr. ANTHONY. The same committee, to which was referred a concurrent resolution for printing the reports of the Paris exposition, have instructed me to report it without amendment and to recommend its passage. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the following resolution:

Resolved by the Senate, (the House of Representatives concurring.) That the Secretary of State be, and he is hereby, authorized to have the reports of the commissioners of the United States to the Paris exposition of 1878, or such of them as may be accepted by him for publication, printed and bound at the Congressional Printing Office, and that in addition to the usual number there shall be 3,000 extra copies for the use of the Senate, 6,000 for the use of the House of Representatives, and 4,000 for the use of the Department of State.

Mr. HOAR. I ask the Secretary to read again the number which is given to the Department.

The Secretary read as follows:

And 4,000 for the use of the Department of State.

Mr. HOAR. I move to amend by adding these words:

Of which 600 copies shall be distributed among the authors of the reports printed.

The amendment was agreed to.

The resolution, as amended, was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That John A. Shaw have leave to withdraw from the files of the Senate the papers filed with the bill for his relief, which has become a law.

On motion of Mr. COCKRELL, it was

Ordered, That C. W. Brink have leave to withdraw from the files of the Senate the papers relating to his applications for relief.

PERMANENT ANNUAL APPROPRIATIONS.

Mr. DAVIS, of West Virginia, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate at its next regular session a tabulated statement showing the annual amount paid under what is known as "Permanent annual appropriations," from 1866 to 1879, inclusive, separating the amount expended by each Department; and also payments on account of the public debt, giving reference to the laws under which the different amounts were paid.

TENTH CENSUS.

Mr. MORRILL. I am directed by the Select Committee on the Census, to which were referred the amendments of the House of Representatives to the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses, to move that the Senate non-concur in the amendments and ask for a committee of conference.

Mr. CONKLING. I should like to hear read the House amendments in which we are to non-concur.

The VICE-PRESIDENT. The amendments will be reported.

The Secretary proceeded to read the amendments of the House of Representatives, and continued the reading until he reached the

amendment on page 10, at the end of line 25, in relation to obtaining certain facts from railroad and other corporations.

Mr. MORRILL. I desire to say that this provision is in relation to the railroads of the country and in relation to the insurance companies, and contains provisions that were provided for by the Senate bill by a general clause without going into all of these details in the very elaborate manner now proposed.

Mr. CONKLING. If the Senator will allow me to interrupt him a moment, I want to reserve all points of order upon this bill. I do not desire to interrupt the Senator; but I do not wish to be told hereafter that I am too late. I understand this came here this morning.

The VICE-PRESIDENT. It came yesterday.

Mr. EDMUNDS. It is reported this morning just now.

Mr. MORRILL. I merely desire to say that I do not suppose that any one member of the Committee on the Census agrees to this proposition of the House, but all are in favor of the original proposition. The substantive amendment of the House is in relation to the appointment of supervisors, upon which there is a difference between the House and the Senate.

Mr. CONKLING. I do not think there is.

Mr. MORRILL. I think there is. In relation to the other amendments, they are mainly formal.

Mr. CONKLING. I ask for the reading of the amendments, not wishing to do anything unnecessarily to retard the bill. I think, however, they ought to be printed and I am ready for one to say that some of them are in my judgment great improvements upon the bill, the amendment to which the Senator refers, among others. I see no reason why these officers, important as they are to be, should not be appointed in the customary way, instead of in the very unusual way, I think, that is prescribed by the bill as it passed the Senate. Therefore, at the proper time I shall wish to test the sense of the Senate upon agreeing to at least some of these amendments. In the mean time I should like to have them printed, and I think the bill should lie over.

The VICE-PRESIDENT. The amendments will be printed, and the bill will go over under the rule.

Mr. MORRILL. Will not the Senator be willing to test that point, for I think that is the only one?

Mr. CONKLING. I would rather see all the amendments in print. I think myself this bill as it passed the Senate is a great mistake. I think we are going to devote an enormous sum of money to the doing of a thing which can be done equally well with much less money, and I confess I look at this bill, in the light of other bills which have been passed by the Senate and are to be, with a great deal of concern, and I do not wish myself to vote \$9,000,000 to count the noses of this people if in truth, three millions will do it.

Now, I do not wish to dispute about this matter with any member of the Committee on the Census. I have given some attention to the subject now and heretofore. I have a very fixed belief about it. I am opposed to the Senate bill; and without meaning to make any factious opposition to it, I do not intend that that bill shall become a law without doing what I think is fairly incumbent upon me, to present to the attention of the Senate some points in regard to it. Therefore I want to see these amendments in print, and when they are in print I will move as to some of them that the Senate concur.

Mr. MORRILL. I suppose, of course, it is in the power of almost any Senator to prevent the passage of any bill at this late period of the session of the Senate. I do not desire that any part of this bill shall become a law against the will of a majority of both Houses; but yet the proposition to delay it until the several amendments can be printed and acted upon in detail, I think almost practically prevents the action of the Senate upon this bill during the present session. I hope that the motion to delay this bill for the purpose of having the amendments printed will not prevail.

The VICE-PRESIDENT. It is not a motion. The report having been made to-day, it goes over, under the rule, on a single objection.

Mr. CONKLING. I beg to say one word. The Senator from Vermont puts himself, I submit, in a rather odd position in bestowing the criticism upon me that he does. As a matter of parliamentary proceeding, the first motion is to bring the two Houses together. In place of making that motion, he proposes that the Senate shall disagree to all these amendments, and then commit this whole subject to a conference committee, which means probably but one Senator and one member of the House, considering how much occupied all the members and all the Senators are; so that that being his motion, I think he can hardly charge upon me a proceeding for delay. To print these amendments will take until to-morrow morning at most. That is a very short delay. And, moreover, should the bill pass beyond this session no harm whatever will come to the proceeding at which it professes to be addressed. This is February, 1879. This census is not to be taken, and the beginning of it is not to be made until months after the next regular session of Congress begins. Therefore if you assume that a new act of Congress is necessary should the bill go beyond this session, which it will not by any factious opposition of mine, there would be no loss in the end.

Mr. MORRILL. Of course it is impossible to struggle against the rules of the Senate as to the delay from to-day until to-morrow. I therefore ask that the amendments of the House, as proposed, shall be printed together with the bill.

The VICE-PRESIDENT. They will be printed. That order has already been made.

HENRY M. MEADE.

Mr. McPHERSON. I ask unanimous consent to take up House bill No. 138.

The VICE-PRESIDENT. The Senator from New Jersey asks the Senate to consider at this time the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy. It authorizes the accounting officers of the Treasury Department to adjust the accounts of Henry M. Meade, late a paymaster in the United States Navy, and to credit him with \$2,545.22 for unavoidable losses and checkages sustained by him in the legitimate performance of his duties as paymaster in the Navy from 1862 to 1872.

Mr. EDMUNDS. Let us hear the report.

Mr. McPHERSON. I will state, for the information of the Senator from Vermont, that this bill passed through both Houses of the Forty-fourth Congress and failed to receive the signature of the Executive. It has been again considered by a committee of the House at this Congress, also a committee of the Senate, and been favorably reported. I have a copy of the report here, and it can be read if desired.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report submitted by Mr. McPHERSON on the 20th instant:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy, submit the following report:

The said Meade was paymaster in the United States Navy from January 31, 1862, to February 23, 1872, a period of over ten years, during which his accounts were promptly rendered, showing great care, fidelity, and accuracy. During his service more than twenty millions of dollars' worth of money and property passed through his hands, and his duties during the war were extremely arduous. All his commanding officers bear willing testimony to his scrupulous honesty, zeal, and industry. The unfortunate dissipation into which he fell during the last four months of his official career was not the cause, either immediately or remotely, of the losses mentioned in his petition, and provided against in this bill; but such losses are the result of incomplete vouchers to the amount of about \$2,500, which the accounting officers of the Treasury Department regretted their want of authority to allow.

In the peculiar situation in which said Meade was placed during the war, it was impossible for him to avoid losses, and relief has been frequently granted by Congress in cases not so deserving as the one presented by him. He was disbursing officer of the flagship Mattabesett, which did duty in the sounds of North Carolina, from February, 1864, to June, 1865. This entailed upon him heavy responsibilities with very meager facilities. In addition to his duties as disbursing officer for the entire fleet, he assumed control of the powder division. While he was thus acting, he suffered for the want of sufficient depositories in the loss of clothing and small stores to the amount of about \$1,000. It was impossible under the circumstances, amid the excitement and confusion of the frequent engagements by the fleet with the enemy, to avoid such losses.

While the United States steamer Kearsarge, of which said Meade was paymaster, was in April, 1869, at Talcahuano, Chili, he sold to Barton & Turnbull, ship-chandlers, ten barrels of salt beef, condemned by survey, for \$7.97. Soon after the vessel was ordered suddenly to sea, before the collection was made. The agents of the Government had had large dealings with this firm, and they were considered entirely reliable. But they dissolved without paying for this beef. We consider that said Meade in this transaction was not guilty of any negligence, and should be allowed this voucher. So he should be allowed \$49.98 for coffee stolen from him in Callao, Peru, without any fault or neglect on his part. As the vessel was on the eve of sailing, no board of survey was called and the Treasury Department could not make this allowance.

There are other small items, running through his ten years' service, aggregating \$536, as equally deserving, and which should be allowed. The petitioner holds vouchers against the United States steamer Nyack for supplies purchased by Commander Eastman while at Callao, Peru, in the spring of 1870, to the amount of \$175, and paid for by said Meade at the request of said Eastman. If any one should lose this money it should be Eastman and not Meade, and we recommend it be allowed the latter as credit. The checkage of \$93.42 against said Meade in favor of Paymaster Fulton was not proper. It was an error upon the books of said Fulton, and Meade should not suffer the loss. The Treasury Department allowed one Charles Stewart a credit of \$100 in his settlement of accounts, claimed to have been advanced officially by him to said Meade. This was a private loan, and promptly paid back by said Meade, and the said Stewart imposed upon the Department. He had no legal voucher, and the allowance to him by the Department was erroneous, and Meade should not be forced to pay both the Government and Stewart.

While said Meade was paymaster of the Kearsarge, one William S. Huddell was paymaster's clerk from January, 1868, to April, 1869, when he was transferred to the United States steamer Tuscarora as acting assistant paymaster. In making up his accounts it was discovered he had overdrawn to the extent of \$425.33. The said Huddell had free access to the books of the paymaster, but there is no evidence that he intended anything wrong; but, as he fell a victim soon afterward to the yellow fever, he had no opportunity to reimburse the Government, and left no means out of which it could be done. This seems an unavoidable loss upon the part of the petitioner, and is a proper item for relief. Therefore this committee do recommend that said bill do pass.

The VICE-PRESIDENT. The morning hour has expired. Is there unanimous consent that this bill be further considered at this time?

Mr. McPHERSON. I hope unanimous consent will be given.

The VICE-PRESIDENT. The Chair hears no objection.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

COURTS IN LOUISIANA.

Mr. THURMAN. I have been trying for two or three days to get up a bill that ought to pass at once—a bill of a local character, to divide the State of Louisiana into two judicial districts.

The VICE-PRESIDENT. Is there objection to the present consideration of this bill?

Mr. HOWE. I want to say to the Senator from Ohio that I am extremely reluctant to stand in the way of anything he or any other Senator wants done; but day after day and for weeks I have sat here

with bills on the Calendar. Persons interested in them besiege me morning and evening to move those bills. My only explanation why I do not is that I have to antagonize the whole Calendar when I do. Now I beg Senators for the present to consent to the execution of the order and let the Calendar have its chance.

Mr. THURMAN. This bill could have been passed while the Senator has been speaking.

Mr. HOWE. So in a short time I could have passed every bill I am interested in.

Mr. THURMAN. This bill came from the House; it has been considered in the Judiciary Committee; we have reported it with an amendment; both the Senators from Louisiana are anxious for its passage. It is absolutely necessary if the court down there is not to be utterly deluged with the amount of business it has, and its sessions prolonged until, if not through, the summer.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Ohio. The consideration of the Calendar is now in order.

THE CALENDAR.

Mr. CAMERON, of Pennsylvania. Mr. President—

Mr. EDMUNDS. Regular order.

The VICE-PRESIDENT. The regular order is demanded, which is the consideration of the Calendar of general orders under the special order.

Mr. CAMERON, of Pennsylvania. I trust the Senator from Vermont will permit me to call up a bill.

Mr. EDMUNDS. I ask for the regular order.

The VICE-PRESIDENT. The Secretary will report the first bill on the Calendar, commencing at the point reached yesterday.

Mr. VOORHEES. May I ask consent of the Senate to consider order of business No. 1057, a bill for the relief of Mark Walker, which I have tried to call up several times? I do not wish to be persistent or disagreeable to the Senate, and it is not necessary for me to take time to explain that I am not. I hope there will be no objection.

Mr. EDMUNDS. I see that Senators prefer to make the Calendar a grab-bag and I withdraw my objection, first in favor of the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. VOORHEES. I did not hear the Senator's remark.

Mr. EDMUNDS. I said that I perceived we were all disposed to make the Calendar a grab-bag as they say at the church fairs, and I yield to the Senator from Pennsylvania who first appealed to me.

Mr. VOORHEES. The Senator from Vermont does not mean to apply that remark to me.

The VICE-PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. VOORHEES. I object to any other business except the Calendar, if the bill I have called up cannot be considered.

The VICE-PRESIDENT. Objection is made. The Secretary will report the first bill on the Calendar.

Mr. THURMAN. In view of the fact that I allowed the Louisiana bill to go aside at the request of Senators, I ask unanimous consent to take it up now.

Several SENATORS objected.

The VICE-PRESIDENT. Objection is made. The Secretary will report the first bill on the Calendar.

PHILIP W. STANHOPE.

The bill (H. R. No. 1901) for the relief of Philip W. Stanhope was considered as in Committee of the Whole.

Philip W. Stanhope, late captain of the Twelfth United States Infantry and brevet lieutenant-colonel of the United States Army, having been placed upon the list of supernumeraries, from which he was mustered, under the mistake of groundless charges as the superinducing cause thereof, the President is authorized by the bill to restore him to his proper rank and promotion in the Army; and the Secretary of War is directed, on account of his disabilities incurred in the line of duty, to place him on the retired list, without regard to the limit as to numbers heretofore fixed by law. He is to receive no pay or allowances for the time he was out of service other than that already received at the time of his muster-out.

Mr. COCKRELL. I ask the Senator reporting this bill from the committee if this officer is not also drawing a pension, and whether it is not the policy that an officer shall not draw a pension and be on the retired list at the same time; that is, that he shall not draw his pension while he is drawing his retired pay?

Mr. SPENCER. Certainly he cannot draw a pension if he is on the retired list. Whether or not this officer draws a pension now I do not know; but of course he cannot draw a pension while on the retired list.

Mr. SARGENT. That is a proposition I endeavored to establish here the other day, but it was disputed by Senators from the Pension Committee who reported a bill giving a pension to a person who was on the retired list of the Navy. I think if there is any doubt in Senators' minds it would be better to put a clause in the bill to provide for that.

Mr. COCKRELL. I move, then, to amend the bill by adding:

And provided further, That he draw no pension while on the retired list.

Mr. SPENCER. I have no objection to that.

Mr. BURNSIDE. That is a proper amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALFRED MULLER.

The next bill on the Calendar was the bill (H. R. No. 1162) for the relief of Alfred Muller, assistant surgeon United States Army; which was considered as in Committee of the Whole. It appropriates \$600 for the reimbursement of Alfred Muller, late acting assistant surgeon in the United States Army, at Fort Ridgely, Minnesota, for the loss of property destroyed by the burning of Government buildings at the post on the 19th of January, 1865.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HENRY E. WILKINSON.

The next bill on the Calendar was the bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers; which was considered as in Committee of the Whole. It provides for the payment to Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers, \$414.20, being the amount justly due him as first lieutenant from September 1, 1862, to December 26, 1862, for which time he has never received any pay or other allowance.

Mr. EDMUNDS. How does that happen? Let us hear the report. The PRESIDING OFFICER, (Mr. HERFORD in the chair.) The report will be read.

The Secretary read the following report submitted by Mr. SPENCER on the 28th of January:

The Committee on Military Affairs, to whom was referred H. R. No. 1301, "An act for the relief of Henry E. Wilkinson, late first lieutenant Company I, Ninety-ninth Regiment Pennsylvania Volunteers," have had the same under consideration, and submit the following report:

This bill provides for payment to said Wilkinson the sum of \$414.20, amount claimed to be due him for pay as a first lieutenant of infantry from September 1, 1862, to December 26, 1862.

The following is the report of the House Committee on Military Affairs, the record sustaining the facts therein set forth, together with the conclusions of the committee:

[H. Report No. 260, Forty-fifth Congress, second session.]

Mr. STRAIT, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. No. 1301:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers, have had the same under consideration, and report the same back to the House and recommend its passage.

It is shown by the evidence that Henry E. Wilkinson, late first lieutenant Company I, Ninety-ninth Regiment Pennsylvania Volunteers, was sentenced by court-martial in November, 1862, to loss of two months' pay, and to be reprimanded in general orders.

It is shown that by the operation of military law, and not by sentence of the court, he was dismissed the service with the loss of all pay and allowance.

It is also clearly shown that the officer was in fact not guilty, and but for the ignorance of military law on the part of the officer and the court which tried him, no conviction could have been had, as the charge on which he was tried and the circumstances of the case were such that the charge was considered frivolous and not well founded by the officers of the command to which said Wilkinson belonged.

It is shown that said officer was restored to duty by competent authority previous to and was absolutely on duty at the time of his trial, and it was believed the charge, "breach of arrest," had been or would be dismissed.

It is shown that he continued on duty and in command of his company after his trial, and that he greatly distinguished himself in the battle of Fredericksburgh, Virginia, after the date of the order of dismissal was issued, and before it reached his regiment.

It is shown by the evidence that said order was subsequently so modified by the War Department as to allow the officer to again enter the service, which he did, and served to the close of the war, and was honorably mustered out with his command.

It is also shown that said Wilkinson was among the first to volunteer at the beginning of the war in the three months' service; and that it was greatly owing to his own money and personal efforts afterward that the Ninety-ninth Regiment was brought into the field, with which he bore an honored and conspicuous part.

It is shown that said Wilkinson was a brave, worthy, and exemplary officer. It is also found that he has never been paid, and that there is still due him pay as first lieutenant, from August 31, 1862, to December 26, 1862, being the sum of \$414.20; and your committee would therefore recommend the passage of the bill for his relief for said amount.

This case was passed upon favorably by the Senate Committee on Military Affairs first session Forty-fourth Congress, and reported without amendment by Mr. Logan, then chairman. (See Senate Journal, page 604, first session, Forty-fourth Congress, June 21, 1876.)

Not having been reached prior to the expiration of the Forty-fourth Congress, it is now presented to the Forty-fifth Congress. Inasmuch as the facts are the same, your committee recommend concurrence of the Senate in the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MATHIES AND M'KAY PATENT.

Mr. EATON. I gave notice yesterday that I should call up to-day a certain bill and ask to suspend the rules and all other business for that purpose. I now move that Senate bill No. 1629 be taken up.

Mr. EDMUNDS. Let us hear the notice.

The PRESIDING OFFICER. The Secretary will read the notice of the Senator from Connecticut.

The Secretary read as follows:

Mr. EATON gives notice that at or before the expiration of the morning hour on Friday, February 28, he will move the suspension of the Anthony rule and all other rules and the postponement of the pending and all other orders that the considera-

tion of Senate bill No. 1629, to allow the Commissioner of Patents to extend the patent numbered 6535 of reissues, may be proceeded with.

Mr. EATON. This is a bill to allow the Commissioner of Patents, if he thinks proper on the evidence, to extend a patent that will expire—

The PRESIDING OFFICER. Does the Senator from Connecticut make a motion to suspend the rules at this time?

Mr. EATON. I did give notice yesterday.

The PRESIDING OFFICER. Does the Senator make that motion now?

Mr. EATON. I do.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

Mr. BOOTH. I do not know whether I ought to object to the consideration of this bill, but I desire to call attention to the fact that it is a bill for the extension of a patent and will involve considerable discussion, I think. I make that statement.

Mr. PADDOCK. I hope the Senator from Connecticut will withdraw his motion until we get to the end of the morning hour, which is ten minutes only. That will enable us to pass one or two more bills.

Mr. EATON. It is only a little over five minutes. I do not think it is worth while to withdraw my motion for that. I insist on my motion.

Mr. INGALLS. Will the effect of that motion be, if adopted, to displace the unfinished business at the expiration of the morning hour? I give notice that at the expiration of the morning hour I shall call up the unfinished business.

Mr. PADDOCK. I do not wish the Senator from Connecticut to understand that I object to this motion.

Mr. EATON. But I fear my friend will vote against it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut to suspend the Anthony rule and all other rules and orders for the purpose indicated by him.

Mr. BLAINE. What is the immense pressure for that particular case that the Calendar should be stopped? Will my friend tell us?

Mr. EATON. I desire to have it acted on, if possible.

Mr. BLAINE. There is not a Senator on this floor I would rather oblige than the Senator from Connecticut; but it seems to me we shall all deal fairer with each other by going on with the Calendar and taking things as they come.

Mr. EATON. The trouble is that there is too much on the Calendar ahead of me, and I want to get this bill up if I can.

Mr. BLAINE. That is not my friend's fault, but his misfortune. It may be the misfortune of his case. If we begin the business of picking out cases here and there and making a struggle for what we shall get, nobody will get anything. If you will let the Calendar run, there will be some sort of impartial dealing with every case; but if you begin the struggle which my friend initiates in this way for precedence for this case and that case, the result will be that nothing will be done. I hope the Calendar will not be arrested.

Mr. HOWE. I am extremely anxious to act with the Senator from Connecticut in reference to the measure he moves, but if it be moved now, in antagonism to the Calendar, in which my life I really think is invested, I feel compelled to vote against him.

Mr. EATON. If my friend is in such a bad condition as that, and really his life is in danger, I hardly know how to answer him. Hoping that his particular disease will be cured to-day, I now give notice, Mr. President, or rather I renew the notice, that I will ask that this be taken up to-morrow, Saturday morning, because I desire to save the society of my very valuable friend from Wisconsin. I will make the same motion to-morrow morning that I proposed, by giving notice, to make this morning.

Mr. HOWE. I know I was making as strong an appeal as possible to my friend from Connecticut.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 27th instant, approved and signed the following act and joint resolution:

An act (S. No. 1099) to provide for the settlement of tax-lien certificates erroneously issued by the late authorities of the District of Columbia; and

A joint resolution (S. R. No. 66) authorizing sale of public property in Cincinnati.

EIGHT-HOUR LAW.

Mr. WALLACE. I give a notice, which I send up.

The notice was read, as follows:

Mr. WALLACE gives notice that he will to-morrow, or as soon thereafter as he can get the floor, move to suspend the Anthony rule and all other orders to proceed to the consideration of House joint resolution No. 176, order of business No. 544.

Mr. EDMUNDS. I reserve all points of order on that notice, Mr. President.

THOMAS W. SEGAR.

The PRESIDING OFFICER. The next bill on the Calendar will be reported.

The bill (H. R. No. 4289) for the relief of Thomas W. Segar was considered as in Committee of the Whole. It directs the Secretary

of War to place the name of Thomas W. Segar on the rolls of Company D, Eightieth Regiment Illinois Volunteer Infantry, as a second lieutenant, and his muster into service as such heretofore made, to date from the 8th of October, 1862, and authorizes the proper officers of the War and Treasury Departments to pay him the difference between the pay of a sergeant of infantry and a second lieutenant from October 8, 1862, until April 8, 1863.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SPENCER January 28:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 4289) for the relief of Thomas W. Segar, having had the same under consideration, submit the following report:

The Committee on Military Affairs of the House of Representatives, at the second session of the Forty-fifth Congress, made the following report:

[House Report No. 480.—Forty-fifth Congress, second session.]

“Mr. BRAGG, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. No. 4289:

“The Committee on Military Affairs, to whom was referred petition for the relief of Thomas W. Segar, have had the same under consideration, and submit the following report:

“On the 25th August, 1862, Thomas W. Segar was mustered in the service of the United States and appointed sergeant in Company D, Eightieth Regiment Illinois Volunteer Infantry.

“On the 9th day of October, 1862, he was appointed a second lieutenant of Company D, Eightieth Regiment Illinois Volunteer Infantry, and was commissioned such by the governor of Illinois, with rank from said 9th day of October, 1862, the company having at the date of the appointment a quota of men sufficient to authorize the muster of second lieutenant, and there being a vacancy, which he was promoted to fill.

“From the date of his promotion until his capture, hereinafter stated, he discharged all the duties and assumed all the responsibilities of the office of second lieutenant.

“On the — day of —, 186—, Lieutenant Segar was captured by the enemy while in the line of his duty with his command at ——. The commission issued to him had not reached him before his capture by reason of the continued change of base of his command. He remained a prisoner until March, 1864, when he was exchanged, and received his commission, which had been issued to him as aforesaid.

“On the 6th day of April, 1864, he was regularly mustered, but under the mustering regulations of the Army he was unable to be mustered back to the date of his commission. And the officers of the Pay department, upon application, have decided that they had no authority to pay him as an officer while he was a prisoner and not mustered as an officer, but only paid him his pay as first sergeant.

“These facts bring the case directly within the letter and spirit of joint resolution No. 102, (46 United States Statutes at Large, page 385.) And without such joint resolution the committee believe the facts would entitle this officer to payment.

“The committee therefore report the bill (H. R. No. 4289) and recommend its passage.”

Your committee adopt said report and recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED RECESS.

The PRESIDING OFFICER. The morning hour has expired.

Mr. VOORHEES. Pursuant to the notice that I gave yesterday, I now renew the proposition I then stated, that the Senate this evening take a recess until half past seven, and then proceed with unobjected cases on the Calendar.

Mr. EDMUNDS. I call for the regular order.

Mr. VOORHEES. I will fix the hour at which the recess shall be taken at five o'clock.

Mr. BLAINE. I suggest to the Senator from Indiana that that ought to be made—I am heartily in favor of having it made—when it is done, subject to appropriation bills, which are very pressing and urgent.

Mr. VOORHEES. We can consider the conflicting duties that may present themselves at that time. Let the proposition stand as I make it, and take a recess at five o'clock until half past seven, and then we will consider the order of business; but the proposition I make is that we then proceed to the consideration of unobjected cases on the Calendar.

The PRESIDING OFFICER. Is there objection?

Mr. SARGENT. I shall object to any arrangement that does not except appropriation bills when the appropriation bills are ready to go on.

Mr. EDMUNDS. I call for the regular order.

Mr. VOORHEES. I submit to the Senator from California that it is not altogether certain whether the appropriation bills will be ready to be proceeded with this evening; but if they are, it will be within the power of the Senate to change the order and proceed to whatever business is deemed most pressing.

Mr. SARGENT. The sundry civil appropriation bill is now ready.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that an objection will carry his proposition over. The regular order is demanded.

Mr. VOORHEES. It does not require unanimous consent. I ask for a vote on the proposition.

Mr. EDMUNDS. It does require unanimous consent to make such a motion.

Mr. VOORHEES. I make that motion.

Mr. EDMUNDS. I make the point of order that the motion is not in order.

Mr. VOORHEES. I move that the Senate at five o'clock take a recess until half past seven o'clock, then to proceed with the unobjected cases on the Calendar, subject to appropriation bills.

Mr. EDMUNDS. I make the point of order that the motion is not in order under the rule. The rule says that when a question is under debate no motion shall be received but so and so, specified, and this is not one of them.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. VOORHEES. I do not understand the point of order made by the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. Yes, sir, I will state it again. Rule 43:

When a question is pending, no motion shall be received but—

To adjourn,

To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,

To take a recess,

To proceed to the consideration of executive business,

To lay on the table,

To postpone indefinitely,

To postpone to a day certain,

To commit,

To amend,

which several motions, &c.

This motion is not either one of those named in the forty-third rule. It will be in order for the Senator at five o'clock to move to take a recess until half past seven, and it will be in order to move at any time to postpone the present and all prior orders and take up the Calendar. The Senator can do that now; but I do not wish to hamper the action of the Senate on appropriation bills in advance by any order or understanding whatever. I shall be just as glad as the Senator is if there is any time to take up the unobjected cases on the Calendar, he may be sure.

Mr. VOORHEES. In the midst of the constant conversation that is going on around me, it has been most difficult for me to catch the point of order made by the Senator from Vermont. I aimed to do so, for I always feel instructed by him on questions of this kind. I was quite sincere, for I am not apt on parliamentary points; but if I can get a motion in order, I will do so, to take a recess at five o'clock this evening until half past seven, and then proceed with the unobjected business on the Calendar. If that motion is in order, I make it.

Mr. EDMUNDS. It is not in order.

The PRESIDING OFFICER. The point of order made by the Senator from Vermont is that the motion made by the Senator from Indiana is not in order, for the reason that if the Senator desires the Senate to take a recess the motion must be made now.

Mr. VOORHEES. I am making it now.

The PRESIDING OFFICER. The recess must be taken now, or the Senator from Indiana can at five o'clock make the motion to take a recess at that time.

Mr. EATON, (to Mr. VOORHEES.) Give notice that you will move it.

Mr. DAWES. Does the Senator from Indiana desire to take a recess from now or from five o'clock?

Mr. VOORHEES. Certainly not from now. Everybody understands that. Does the Chair sustain the point of order?

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. VOORHEES. Then I give notice that at five o'clock I shall move to take a recess until half past seven o'clock.

Mr. DAWES. That will be in order then.

Mr. EDMUNDS. I do not make the point of order now against a simple motion. I agree to it for one, by unanimous consent, that we take a recess from five o'clock until half past seven simply, and then at half past seven determine what shall be considered, whether it be an appropriation bill or the unobjected cases on the Calendar.

Mr. VOORHEES. I will agree to that as the best thing we can do. Is there unanimous consent?

The PRESIDING OFFICER. The Chair does not hear any objection.

Mr. HOAR. I must object to tying up the Senate to lose those two hours. We may find that we need them very much indeed. I have no doubt a recess will be agreed to when the time comes, but it is an absolute mortgage on those two hours to make the order now.

Mr. VOORHEES. I understand it to be in order.

Mr. EDMUNDS. No, but I waived the point of order for that purpose, was all.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. VOORHEES. Do I understand that there is objection to the motion in the form suggested by the Senator from Vermont that we take a recess at five o'clock till half past seven this evening, without indicating what the business shall be this evening?

Mr. HOAR. I object to anything which puts it in the power of any single member of the Senate at this time to determine that we shall not go on with business at five o'clock without a recess, if every other Senator then wants to go on, and that will be the effect of what the Senator asks.

Mr. VOORHEES. I conceive that I have done my duty in trying to get at the business on the Calendar, and I shall leave the question where it is.

Mr. HOAR. I do not object to the Calendar; I object to the recess.

CORRECTION.

Mr. ANTHONY. I desire to correct the Journal if the Journal reads as the RECORD does. The RECORD states that—

Mr. ANTHONY, from the Committee on Printing, to whom was referred an

amendment to the sundry civil appropriation bill submitted by Mr. PADDOCK on the subject of forestry, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

The committee recommended the amendment to the Committee on Appropriations.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the Journal does not show that.

Mr. INGALLS. I call for the regular order.

APPROPRIATION FOR PENSION ARREARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, the pending question being on the amendment of Mr. INGALLS as additional sections to the bill.

The PRESIDING OFFICER. The Secretary will read the amendment.

Mr. INGALLS. It has been once read.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Kansas [Mr. INGALLS] from the Committee on Pensions.

Mr. VOORHEES. Let it be reported.

The PRESIDING OFFICER. The Secretary will report the amendment.

Mr. INGALLS. It is quite a long amendment, that has already been once reported. I presume that if attention is called to it that the reading will be unnecessary, as that would consume considerable time. It is the amendment which proposes the districting of the country for the purpose of taking testimony in regard to the admission of persons to the pension-rolls.

Mr. VOORHEES. I assure the chairman of the Committee on Pensions that my only object in having the amendment reported was in order that it might be called to the attention of Senators freshly before voting on it. If it is understood, I do not insist on having it read.

Mr. INGALLS. If any Senator wishes it to be read I have no objection.

The PRESIDING OFFICER. Does the Senator from Indiana desire the amendment to be read?

Mr. VOORHEES. I withdraw my request for the reading of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GORDON. Is that the amendment proposed by the Senator from Kansas?

The PRESIDING OFFICER. It is.

Mr. ANTHONY. Is that the long amendment altering the whole pension laws?

Mr. INGALLS. It is a long amendment, but it does not alter the whole pension laws. It proposes to change them in one particular, and that is as to the method of obtaining testimony upon which pensions are to be granted.

I only desire to repeat what I said last night, that I have no personal interest whatever in this amendment. I presume it is unnecessary for me to say that it has been reported from the Committee on Pensions after very mature deliberation. It is an effort in the direction of economy and reform. It is an attempt to correct evils that all admit to exist. It has been stated by the Commissioner of Pensions that not less than 10 per cent. of the entire amount expended for this purpose annually is improperly paid, making an amount not less than \$3,000,000 per year. It is my belief, and the belief of a majority of the Committee on Pensions, that that estimate is too low, and that not less than fifteen or twenty per cent. is so improperly paid.

Mr. PADDOCK. May I inquire of the Senator if this particular amendment is recommended and advised by the Commissioner of Pensions himself?

Mr. INGALLS. It has been recommended by the Secretary of the Interior, by the Commissioner of Pensions, and by the Committee on Pensions, after mature deliberation, as the best scheme that can be devised for the purpose of correcting these evils that are admitted to exist.

Mr. PADDOCK. That is sufficient for me.

Mr. INGALLS. If any Senator has any proposition that is better, or can suggest any alteration that will perfect the scheme, I shall be very glad to hear it. As I said, I am not wedded to this or any other system, but when it is confessed that flagrant and extraordinary wrongs are permitted under the present system, it certainly is not just, it is not wise, for Senators to resist an effort that will save from three to five million dollars of this expenditure annually unless they submit something better than this.

Mr. President, I have had placed in my hands this morning a most infamous and scandalous circular, emanating from the claim agents and bounty jumpers of this city, who have been preying upon the great body of pensioners for the last fifteen years. While there may be some honorable exceptions, as a class they are the worst species of vermin that ever infested the body-politic. I may say that all the objection that has been presented against this scheme emanates from that source, and this circular, which I now hold in my hand, is their latest effort to prevent this scheme from being carried through to

perfection, the result of which will be to deprive them of a very large share of their annual ill-gotten gains. There are hundreds of thousands of dollars paid annually to this class of men here in this town, and their objection to this amendment arises from the fact that under it they will be prevented from still further carrying on their schemes of robbery and speculation. This circular is headed: "A national returning board: a scheme to add \$600,000 expenses to the tax-payers for the purpose of whipping in the ex-soldiers to vote the republican ticket in 1880."

In order to show the good faith of this scheme, I may add that this circular has been distributed exclusively among the democratic members of the Senate, and this copy came into my hands simply by an accident within the past few minutes. It closes by saying:

Senator INGALLS, on Friday, the 21st instant, from the Senate Pension Committee, reports in favor of tacking this pet republican scheme on the bill appropriating money for the arrears of pensions. He calls it an amendment to prevent fraud.

Respectfully submitted by order of the democratic ex-soldiers committee, Washington, District of Columbia.

See H. R. No. 2766.

Mr. President, on behalf of the Committee on Pensions, on behalf of the republican members of that committee, on behalf of the democratic members of that committee, who acted with us in reporting this amendment, I denounce that as being an infamous and unwarranted aspersion. The measure is neither republican nor democratic; it is an honest effort on the part of the committee, irrespective of politics, to attempt to cure evils that we admit and that all deplore. I ask Senators before they are influenced by the accusations of this class of men to examine this scheme, and if they cannot support it, at least to offer us something better.

The pension system is one of very great magnitude. Since this Government was inaugurated more than \$600,000,000 have been paid out in pensions. During the present year, under the operations of the arrears of pension act, more than \$60,000,000 are to be expended; and now when we come here and ask that this system, which all admit to be erroneous, shall be so amended that testimony may be taken upon which the Commissioner can properly judge as to whether men are placed correctly upon the pension-roll or not, we are met by the charge that this is an attempt to whip ex-soldiers into the support of the republican ticket in 1880. That is not the proper kind of argument to address to the Senate nor to the country upon this subject; and I trust, notwithstanding the length of this amendment, and notwithstanding the assertion that it is intended to change the whole administration of the pension system, Senators will give it some attention and reflect that here is an attempt made to save not less than three, and probably five or six, millions annually in the disbursement of this fund.

Mr. GORDON. Mr. President, I do not wish to antagonize this amendment except to the extent of asking the attention of the Senate to the fact that, as I understand, it proposes almost an entire change in the administration of the Pension Office, at least in one very important branch of administration; it proposes a very large number of appointees and the redistricting of the United States into sixty, I think, or seventy-six divisions with officers appointed and a clerk to each one of these. This certainly involves a very grave change and a very large amount of machinery and expenditure to be acted upon in this late hour of the session.

I do not know but that I shall be prepared to vote for the amendment after thorough examination, but I submit that in a department where there are two hundred and thirty thousand soldiers now interested, with I think about one hundred and thirty thousand more applicants, with the expenditure of thirty millions of money per annum, to undertake to alter in so important a particular all the laws respecting this great department, is too grave a matter for these last hours of the session.

I would submit, therefore, as something better, in my judgment, that provision be made for a commission of say two Senators and three members of the House, who shall take this question in hand and report to us at the next session upon this measure or the advisability of some change in this matter.

I agree with the Senator from Kansas that whatever is fraudulent in this department ought to be lopped off. Wherever there are impositions upon the Pension Bureau we ought to ascertain the cause, but we ought not thoughtlessly or hurriedly to involve the interests of these two hundred and thirty thousand soldiers, here at this late hour of the session, in probably the inextricable difficulties which would arise from this new system. It is not by any means certain that we shall always find honest men to divide the honest from the dishonest pensions; and I simply rose to submit that it is a very grave question, and I think too grave a question to admit of full discussion at this late hour, in view of the appropriation bills which are now pressing upon us.

Mr. WITHERS. Mr. President, as a member of the Committee on Pensions, and as one who favors the legislation proposed, I think it incumbent upon me to say a word or two in this connection. The existence of frauds involving millions of dollars is asserted by the Pension Commissioner and by the Secretary of the Interior, and reiterated year after year. Some remedy must be devised. It is a patent fact that under the existing organization and administration of the Pension Bureau it is impossible to detect, ferret out, and punish the

perpetrators of these frauds. For three years the effort has been made to secure a reform in this particular. This particular project, or a modification of it, has been presented time and again to the Pension Committee for their consideration, and it obtained the attention and assiduous labor of a subcommittee of the Pension Committee during nearly the whole of the last session, because it was then complicated with another proposition, to change the mode of paying pensioners and have them all paid at the Treasury as other claimants against the Government are paid. They could not devise at that time any bill which would embody all the points which were desired to be secured in a practicable form, and therefore no recommendation came from the committee.

But immediately after the passage of the arrears of pension bill the avalanche of applications that was at once precipitated upon the Pension Bureau and upon the committee indicated an indispensable necessity for some change in the mode of investigation and adjudication of these claims.

I would call the attention of my friends who differ with me in opinion on this subject, and who complain of the enormous amount of patronage which would be involved in the execution of such a law, and the large additions required to the officials connected with the Pension Office, to the fact that whether this amendment be adopted or not a very large addition is indispensable. It is imperative that it shall be made, even if no change is inaugurated in the mode of investigating these cases, if you recall to recollection the fact that the number of undetermined cases, notwithstanding the most earnest efforts and labors of the Pension Bureau, the additions to the clerical force which have been from time to time made under the operations of laws passed by Congress, has steadily increased and is to-day steadily increasing, and that they cannot dispose of the cases as rapidly as they come. If this was the case as it was before the passage of the arrears of pension law, now that difficulty has been intensified and applications which came in formerly at the rate of about thirty a week, are now coming in at the rate of about fourteen hundred a week. It is evident, therefore, that unless some great change is made, a large increase in the clerical force of the Department is necessary if you administer the law as it is at present administered. My view of the matter was that a commission, constituted as this is, would be better able to detect any attempt at fraud than the *ex parte* examinations now made; and that lies at the foundation of the whole question. If that be admitted, I think it is worth while to make the experiment. The Commissioner of Pensions and the Secretary of the Interior, who have devoted, I presume, more time and attention to the investigation and study of this question than any other persons whatsoever, have more than once recommended a change. They believe that it would result in a large saving to the Government, not only in the matter of correction of frauds, but in the expense of administering the office; and to their judgment I am willing to yield my own opinion. I believe that they will be found more nearly accurate than the random statements of opponents of the proposed change made on this floor without adequate investigation.

I would say in conclusion in connection with the statement made by the Senator from Kansas, that so far as I am advised not the slightest taint of political partisanship has ever influenced the Pension Committee in its deliberation or action.

Mr. VOORHEES. I must confirm the statement of the Senator from Kansas, chairman of the committee, and of the Senator from Virginia in regard to the entire and utter absence of all party considerations in the Pension Committee. Inasmuch as I oppose the proposed amendment, I think it proper to say that, in view of the paper which the Senator from Kansas has read and animadverted upon in this body. My opposition to this measure is based upon the fact that it directs a new and very expensive and extraordinary system of procedure outside of the Pension Bureau. I am not going to detain the Senate upon this point. I hope the vote will be taken as speedily as possible, and when that vote is taken I desire Senators to understand that they are voting for the creation of at least three hundred, and in less than two years it will be five hundred additional Federal officers at very extraordinary salaries. This measure provides that the Secretary of the Interior may appoint, without limit as to number except his own judgment, surgeons who shall have certain traveling duties, and with each one of them shall go a person denominated a pension clerk, that, according to the description of this amendment, shall be learned in the law and have had practice in his profession, and then the doctor and the lawyer are to be paid \$2,500 a year each for their services. It is difficult to estimate the amount of money that will be required to carry on this system. Indeed no estimate can be made while the number of persons to be so appointed is left at the discretion of a Cabinet officer or a bureau officer; but it will be seen at once that these Federal officers will constitute a very important class of persons and will be receiving larger pay, I believe, than anybody connected with the Pension Bureau except the Commissioner of Pensions himself. I believe there is no class of persons connected with the discharge of pension duties which is paid as these persons are to be paid.

Further, this amendment provides for the division of the United States into various pension districts, as I suppose we may call them, and a post in each one of the pension districts is to be designated by the Commissioner of Pensions, a post to which the officers of the Government shall proceed and there, in some way, not clearly pointed

out in this measure, obtain the attendance of the pensioners and such witnesses as it may be desirable to examine, and I see no provision in this measure by which a person whose claim for a pension is being examined can compel the attendance of witnesses for him. I see no provision of that kind in the measure; but there is a sort of court provided for as I have stated. The time and place is to be fixed by the Commissioner of Pensions, and then an advertisement of time and place is to be put in some newspaper, and that is to affect everybody with notice. There are some men, Mr. President, who have fought well who do not take newspapers, some who are not able to take newspapers, some who could not read them if they did take them, and there are the widows and orphans of those who died in the service of their country who have not had the opportunity of education and who would be practically denied notice under this measure of the time and place when and where their most vital interests were being passed upon.

There are numerous objections to this measure. I agree with the Senator from Kansas, likewise with the Senator from Virginia, that something ought to be done in order to facilitate the examination and transaction of pension business, not merely to prevent pension frauds but on the other hand to grant to the beneficiaries of the Government the boon which we proffer them by our pension laws, but I do not conceive that this measure is one that commends itself or ought to commend itself to our favorable consideration.

In regard to the consideration which this measure has had, I have only this to say: I believe I have been as prompt in my attendance in the Pension Committee room as any other member of that committee; but in some way or other—I can hardly say how—I have been ignorant of the fact that this subject was under consideration by a subcommittee, and I was not present when the measure was adopted and ordered to be reported here, and the first notice—of course nobody intended to deprive me of notice, but the fact is nevertheless so—the first notice I had that such a measure was adopted by the committee was yesterday when it was about to be called up.

It is great and important legislation, not in a political sense. The Senator from Kansas animadverted more strongly than I can upon the introduction of partisanship into this sacred subject of pensions; but if an abuse were sought to be inflicted upon the country, there is no instrumentality, in my judgment, more capable of being used by designing men than that which is embraced in this measure. Parties exist in this country, and they generally use the means at their command. I do not say that the republican party that the Senator from Kansas spoke of will try to get the soldiers' votes by this measure; yet if it were sought to be done, perhaps it could be used in that way. Nor do I say that the party to which I belong might not use it as an instrument of abuse hereafter when it succeeds to power, as well as the party on the other side. Let all that pass.

I am opposed to this measure because I do not think in a practicable or beneficial point of view it is advisable, and I think we had better address ourselves to making the inside of the bureau as it stands now more efficient. If more clerical force is needed, let us give it. I introduced a resolution weeks ago on that subject, calling on the Secretary of the Interior to tell us what additional clerical force was needed in that office, either to prevent frauds or to facilitate the transaction of business. The answer came here that they needed no more clerks, but they needed clerks of a different grade of intellect or education. They say now they need lawyers; they need men who are versed in sifting testimony. Very well; there may be something in that, or there may not be much in it; but whether there is or not, I think the place to begin reform is in the office here, instead of covering the whole country with perambulating courts, if I may so designate them.

Mr. WITHERS. I would not deem it necessary to continue the debate further after the statement which I have already made, except to call attention to the fact that the amendment as proposed can certainly be relieved of one of the objections so forcibly urged by the Senator from Indiana with reference to the unlimited number of appointments as provided in this amendment. It will be perfectly easy and perhaps eminently proper for the Senate, if they fear that abuses will creep into the administration of the pension laws under this amendment, to limit the number of appointees within such reasonable limits as will secure efficient service and therefore prevent its extension beyond that point.

It seems to me that the conjunction of a lawyer and an expert in medicine, which appears by some to be regarded as rather a ridiculous feature of this proposed amendment, constitutes in reality the very essence of its merit. Applications for pensions must be considered in two aspects: first, as to the amount and extent of disability, for which the opinion of a medical officer is imperatively demanded; and second, whether the testimony adduced to support the claim as to service and other various collateral issues is of such character as entitles the party to the pension; and that properly passes under the purview of the legal man, a man learned in the law, to use the technical expression. And, therefore, with all due deference to those who have suggested a different opinion, I think that this constitutes one of the essential elements which ought to be retained in this or any other system of examination.

My friend from Indiana avers that he had no knowledge that such a proposition was pending or to be reported. My friend has been certainly oblivious of the fact that I myself notified him that we wished

a general meeting to consider this particular amendment before it was reported and expressed a desire to learn whether he would be able to be present. He said that if it were possible he would attend; but he was not present at the meeting and was the only member who was absent. I take pleasure in stating that that was an exception to his usual custom.

Mr. VOORHEES. The statement of the Senator from Virginia is binding on me as to the question of fact. All I can say is that my mind was so diverted by something else, or so absorbed when he made that statement to me, that I have not the slightest recollection of it. If he states it, it must be so of course.

Mr. BAILEY. As a member of the Committee on Pensions I wish to say that the amendment proposed by the committee meets my hearty approbation and met my hearty approbation in the committee. I think, if adopted, it will protect those who are borne on the pension-roll and who are entitled to have their names there inscribed from the practices of claim agents and others who have made out of that class of our fellow-citizens great fortunes in the last few years; and also for the reason that I believe the Treasury will be protected and can be protected if this measure shall become a law and shall be faithfully and honestly executed—and I have no reason to believe that it will be otherwise than honestly executed—against a great many fraudulent claims.

It is estimated by the Commissioner of Pensions, I believe, that from 5 to 10 per cent. of the sums of money now paid under the appropriations for pensions might be saved by a proper administration of the law; in other words, that from 5 to 10 per cent., or, as estimated by some persons, from 15 to 20 per cent., of the claims are fraudulent claims. The Commissioner is a clear-headed man, a sagacious business man, and he is of opinion that many of these fraudulent claims can be cast from the rolls by the method of investigation that is proposed by this amendment. What is it? It is that a lawyer—I have no objection to a lawyer; I belong to the legal profession myself, and I believe that it is essential to the proper investigation of these claims that one trained to the ascertainment of fact, to the investigation of facts, and one who by his profession is enabled to detect fraud—shall be appointed on this commission; and to accompany him shall be a physician who is capable of making an examination into the actual condition of the claimant and to determine whether his condition is that contemplated by the pension law.

I believe myself that this system may be administered fairly and honestly. I see no reason to apprehend that these persons appointed—lawyers and physicians—will be converted into partisans and will abuse the confidence of the country by becoming simply the tools of partisan leaders.

For these reasons I gave my consent in committee to the measure that was presented, and for these reasons I shall vote for it here as an amendment to this appropriation bill. If gentlemen are uneasy and apprehensive that none but partisans will be appointed who will lend themselves to partisan work, it is very easy by an amendment providing that these agents shall be appointed by the President by and with the advice and consent of the Senate, to avoid any such evil.

Mr. KIRKWOOD. Mr. President, I have examined during the last two sessions of Congress with some care the condition of the Pension Bureau and the business of that bureau. There are two difficulties at present existing in regard to it, as I understand. With the exception of evidence that is of record in the Departments of the Government, the office of the Surgeon-General and the Adjutant-General, the evidence upon which pension claims are allowed is wholly *ex parte*. It is prepared by the attorneys or agents for the pensioner or claimants for pensions in the shape of affidavits and sent to the Commissioner, and upon that testimony we annually appropriate at least \$30,000,000. Whether or not it is safe to continue to do that, Senators who vote these appropriations must judge for themselves. Whether that system is open to abuse or not, Senators are as capable of judging as I; but those who have had any experience in passing upon claims of any kind against the Government must know, it seems to me, that appropriating large sums of money in satisfaction of claims wholly by *ex parte* testimony is a dangerous proceeding.

I do not know how many of the pensions now being paid are fraudulent; doubtless some of them are so. It is unfortunately true that all soldiers are not honest men. There were shirks in the Army as well as elsewhere—men who were always at the rear and never at the front when a fight was going on; and while there are hundreds of thousands of just as good and true men as the world ever saw, it still remains that there were bad men in the Army, and men who would abuse the Government in procuring a fraudulent claim if they could, as they abused it in not doing their duty as soldiers while the war lasted. It is unfortunately true, too, that there are dishonest claim agents; I will not say that all are such; there are honest and true men among them; but it is also true that there are dishonest men among them who look to nothing but the compensation they will get for putting a claim through the Pension Bureau by any and every means. When you bring together the dishonest claimant and the dishonest agent, and compel the man who passes upon and directs the disposition of your money to act upon *ex parte* testimony alone, it seems to me you are organizing a machine that is almost sure to do injustice to the public Treasury.

Now, at least, in the present condition of our financial affairs, we

must pay some regard to the men who pay the money that goes into the United States Treasury as well as to the men who receive that money. The capacity of the people to pay is limited; the capacity to receive seems to be unlimited. If the United States Treasury were like the widow's cruse of oil that never got empty by pouring out of it, it might be that we should pay no attention to the manner in which money does go out of it. But the money that comes into the Treasury is paid by men, many of whom can ill spare the amount they have to pay. I repeat, we must pay some attention to the capacity of the people to pay as well as to the capacity of ourselves and others to receive. Something can be done in that direction then, Mr. President, it strikes me.

The difficulty is complicated largely by the legislation at the present session. Every Senator has had, I suppose, my own experience. Not a day passes that I do not receive from some man who has been a soldier a letter inquiring of me as to the condition of his claim in the Pension Bureau. I refer it to the Pension Bureau, and get information that I send to him. I recollect a letter that I received a few days since from the Pension Bureau in respect to a letter of inquiry sent to me. It was that the claim had been referred to some other bureau, as required by law, in October last, and that they expected by about the 1st day of July next to get a reply from that bureau.

We know that at the last session the Surgeon-General's Office, not from any fault there at all, was some eight to nine months in arrear; certain queries sent to it for information required to be had by the Commissioner of Pensions before he could act could not be answered for eight or nine months. Now, when you throw upon that bureau the additional labor required by the passage of the arrearage bill, it reaches just this point, and Senators might as well meet it and consider it as not: that bureau must break down and be utterly unable to perform its duties, or some relief in some way must be afforded to it. It may be all very well for us to adjourn here and go home among our constituents and say how much we have been doing for the soldier, making appropriations for him, giving him his arrearages and everything else, and throw the blame of his not receiving the money that we say he is entitled to upon somebody other than ourselves; but I say it is cruel and cowardly—I repeat the words, it is cruel and cowardly for us to undertake here to hold out to these men the promise of compensation that they should receive and not provide some means by which they can get it. If you leave the Pension Bureau as it is without doing something for it, it is utterly impossible within a reasonable time to perform the duties to be thrown upon it, it is utterly out of the question.

Now, sir, I do not know whether the plan proposed by the Committee on Pensions is the best that can be proposed or not. No man can tell as to the future of a proposition of that kind. The best he can do is to give it his judgment, and my judgment is that the plan proposed is both safer and better for the honest, true soldier and better and safer for the Government than the present plan. I believe it will not be as good for the dishonest soldier, the cowardly shirk who did not do his duty while the war lasted and who is desirous of collecting a pension that he does not deserve. I do not believe it will be as well for him; I do not believe it will be as well for the dishonest agent who tries to force claims through the Pension Bureau whether they are honest or dishonest; but for the honest soldier, for the true soldier, the deserving soldier, I believe it will be better, and for the Government as well. It has received the careful consideration and examination and is supported by the recommendation year after year of the Commissioner of Pensions.

My connection with the Pension Bureau has enabled me to say, and I take pleasure in saying, that I believe the Commissioner of Pensions is an intelligent, capable, faithful, and honest officer; that he has been doing his duty as well as any man under the circumstances by which he is surrounded could do it; that the delays arising in the examination and determination of claims before him are not his fault; the fault lies elsewhere, and I think that we ought, if possible, to try to remedy it.

I do not choose to allude to the circular read by the Senator from Kansas this morning. I had never seen it nor heard of it until he alluded to it. I have but this to say: it seems to me that the persons who prepared it had a very low estimate of the intelligence of those to whom they addressed it.

It is said that this thing is thrust upon the Senate suddenly without time for examination. The action of this body themselves has compelled it. The enormous increase in the business of the Pension Bureau caused by the passage of the arrears bill has increased the labors of that office so enormously that I repeat again unless you do something you are but cheating the men in whose behalf you passed the pension-arrears bill.

Mr. SHIELDS. Mr. President, I feel it my duty to say a few words on this question. I have been acquainted with pension systems and pension claims and pensioners for some forty years. I have acted as agent for pensioners for service in two wars, and not like the pension agents whom my friend from Kansas speaks of—I never received a fee for any service I rendered. Nothing is truer than the statement of the Senator from Kansas and other Senators that something is needed to be done to prevent abuse in this system; but I fear the remedy now proposed will increase the difficulty, and I will tell you why, Mr. President. We have now the most complicated pension

system on the face of this earth. We have more machinery and more provisions to prevent fraud than exist in any pension system in Europe, perhaps than in all Europe put together; and I say here in the Senate of the United States that my experience for forty years is this, that not a single provision has been added to the simple, plain old pension law to prevent fraud that has not tended to increase fraud. An eminent judge once said that in his opinion the statute of frauds created more fraud than any other statute on the book. Now, sir, the pension system requires revision from bottom to top; it requires simplification; it should all be reconstructed. That is my opinion, judging from my experience, and I undertake to say it is the opinion of every man in America who understands the subject thoroughly. One-tenth of the frauds did not take place when we had a much simpler system than the present. I agree with the Senator from Kansas that some remedy is needed, and especially now when we are increasing the business of the Pension Bureau. I have not had time to examine and investigate this amendment in detail. I fear it, however, because of the new complications it will engender; I fear it because of the amount of machinery it will create.

If I am right, I shall vote against the amendment, not because I am opposed to the reasons given by the Senator from Kansas, but I fear that instead of checking and preventing frauds it will augment and increase them. I know one thing: every provision now in the pension system calculated and intended by Congress to prevent fraud has obstructed the honest, humble, ignorant soldier, and has enabled fraudulent men to obtain pensions. And what I am afraid of is that this amendment will increase the complications. I should like to have further time to examine it, and I really think it would be dangerous at this stage of the session to adopt it. This is comparatively a total change of the whole system, and I think it is not really a revision and improvement of it.

Mr. THURMAN. Mr. President, I know so well the necessity of economizing time that I shall occupy but a very few minutes of the attention of the Senate.

Mr. SHIELDS. Will the honorable Senator allow me to say another word? I never saw the document or appeal made to this Senate until I heard it here to-day; I never heard of it before, and I do not think there are three Senators on this side who received it.

Mr. THURMAN. That induces me to say that I never heard of it until the Senator from Kansas produced it this morning, and in the distribution of it I was overlooked; I do not know why.

Mr. President, I have very great reason to distrust my own judgment where I find myself opposed to so able and industrious a committee as the Committee on Pensions, but I cannot as at present advised vote for this amendment. I am quite willing to admit that a better plan than the present laws provided for examining pension cases may be devised. It may be a difficult task, it is true, for our pension system is the result of many years' experience, more than three quarters of a century of experience, and a system that has grown up in that way may be fairly supposed to be reasonably sound and reasonably effective. Yet that it may be improved I have no doubt. Whether this particular bill improves it seems to me to be somewhat questionable, unless indeed I misunderstand it. It is possible I do, as I have never had occasion to examine it until this morning, and therefore I want to ask a question of my friend from Kansas who is so well informed on all the pension laws and of course informed on this amendment which he has moved to the bill.

It is said that fraudulent claims are allowed, and various estimates are made of the number of fraudulent claims. Some say 5 per cent., some 10, some 15, some 20, of all the pension claims that are allowed are fraudulent claims. If that is the case then one of two things is certain, or both in fact: either that our pension system and the means that we provide for ascertaining whether a pension ought to be granted or not are radically defective, or the administration of the Pension Office is radically defective and wrong. One of the two must be so, or both; and now how does this amendment remedy it? If I understand this amendment, notwithstanding the appointment of these one hundred and twenty peripatians, the Commissioner of Pensions can go on just as before, on just the same kind of testimony, in just the same mode, granting or refusing pensions. Am I right in that?

Mr. INGALLS. The Senator stated that he desired to ask me some question for the purpose of obtaining further illumination upon the subject now under discussion.

Mr. THURMAN. That is the first question.

Mr. INGALLS. The Senator's question is so elaborate and involved and intricate that I can hardly ascertain the precise branch to which he desires to direct my attention. If he wants to know why this amendment is an improvement upon the present system so far as evidence is concerned, I shall be glad to tell him.

Mr. THURMAN. The question I asked I thought was a very simple one. Suppose this measure should pass, cannot the Commissioner of Pensions proceed just as he has heretofore proceeded, upon just such testimony as he has heretofore received, to grant a pension?

Mr. INGALLS. I will answer the Senator in a moment. The difficulty that attends the discussion of this amendment arises from the fact that all the opponents of it candidly admit that they do not know anything about the system; that they are entirely unadvised as to the practical machinery and operations of the present pension system. There is the trouble about that. The difficulty is that under

the present system there is no possibility for personal inspection of the claimant or for the cross-examination of witnesses, and the Senator from Ohio, who has been so long at the bar, and who for a long time adorned the bench, understands how powerful an instrument is the personal appearance and examination of a witness in the ascertainment of the truth. Under the present method an applicant for pension files his papers before a notary public, a justice of the peace, or a commissioner. That application is sent forward here to Washington. Then an order goes to an examining surgeon who lives in the neighborhood, who may be at the time the physician of the applicant, and he makes an examination of the claimant. Then there is further corroborative testimony, taken in the way of ascertainment, by his neighbors and comrades and friends, and this *ex parte* testimony is sent forward to the Commissioner, and the decision is made wholly upon that class of evidence. The object of this amendment as declared in the eighth and ninth lines of the first section is "to make medical and surgical examinations and to take testimony in pension cases," and its purpose is merely to allow some evidence to get before the Commissioner of Pensions that is derived from a personal inspection of the claimant and from a cross-examination of the witnesses by agents of the Government for that purpose. That is all the object of the section.

Mr. THURMAN. The Senator in his long speech has not answered my question at all. He has given a very clear statement of the mode in which applications for pensions are now made and the kind of proof by which they are sustained. My question to him was whether precisely that same mode may not continue to be followed even if this amendment should be adopted.

Mr. INGALLS. It cannot be, because all the testimony that goes before the Commissioner where an application is filed is to be derived from the sources provided in this amendment, which are entirely different from those now in force.

Mr. THURMAN. But is there a word in this amendment that says that? Is there a word in this amendment that puts an end to the provisions under which the former act has been abused?

Mr. INGALLS. The Senator from Ohio is adopting a singular method of argument, at least in regard to this measure. I state that the object and the purpose is precisely what I say, and that the intention is to have this evidence procured by the surgeons and experts who are provided for in the amendment. Now he asks me where is the provision that declares it shall not be taken in the other way. This is a provision of law that becomes immediately operative, and it is binding on the Commissioner of Pensions like any other officer of the Government. If the Senator desires a negative statement incorporated, that hereafter no testimony shall be filed except that taken under this provision, it can be put in; but that will not change the provisions on the face of this amendment.

Mr. THURMAN. Without something of that kind, it seems to me very clear that the old mode can be followed just as if this amendment never were adopted; but now it is said that the object is to make this the exclusive mode by which testimony in pension cases shall be taken. I wish to call the attention of the Senate to the scope of this amendment. It contemplates that the Commissioner of Pensions in his discretion may have every case on the pension-roll re-examined.

Mr. INGALLS. They ought to be. A vast number of them are improperly there.

Mr. THURMAN. Will the Senator tell me how many there are on the roll—two hundred odd thousand are there not?

Mr. INGALLS. There are in round numbers two hundred and thirty thousand cases on the roll, and with the exception of those that are on the roll by reason of certain specific, defined disabilities, such as the loss of a member or of a limb or a gunshot wound that has been certified to when the person was discharged, I state that they ought all to be re-examined to ascertain whether they are now on the roll at the rate to which they are entitled, or whether they were properly placed there in the first place.

Mr. THURMAN. Then I must assume that that is the purpose of this amendment.

Mr. INGALLS. That is one of the purposes.

Mr. THURMAN. And if it is, it is an amendment which will carry terror into the whole ranks of these two hundred and thirty thousand men.

But now I want to come to the practical view of this subject. Having this statement before us, that some two hundred thousand, perhaps, of these men ought to have their cases re-examined, men who have been in the receipt of pensions for years, whose cases were long ago decided, whose witnesses may be dead; let us see what the machinery is for their re-examination.

Mr. INGALLS. If the Senator will allow me, I wish here to say that information reaches the Commissioner every day in regard to persons who are improperly on the pension-roll. In those cases special agents are detailed, and during the past year nearly \$500,000 of pensions were suspended and cut off on account of discoveries that persons were improperly on the roll.

Mr. THURMAN. I am quite aware that there is a provision authorizing the Commissioner to send out and have examinations made, and that makes it a little stranger to me why any other or different provisions are necessary; why that is not sufficient. But I have got down to what I wish to call the attention of the Senator and the Senate.

This amendment provides that the United States shall be divided into districts, not more than sixty in number. The whole United States are to be divided into districts not exceeding sixty in number, and into each one of these districts are to be sent a lawyer and a doctor, who constitute a board to examine the applicants or the pensioners, and to take testimony. Now let us see what kind of a district they will have. We have thirty-eight States and nine Territories and the District of Columbia. That makes in round numbers, according to territory, for present purposes thirty-eight States and ten Territories, forty-eight in all, and you are to have not exceeding sixty districts. What is the consequence? The consequence is a district will be almost as large as a State.

Mr. INGALLS. How many districts does the Senator from Ohio suppose would be necessary south of the Potomac River?

Mr. THURMAN. Not a great many; that is true; but there will be some undoubtedly. I have heard of Kentucky troops that fought on our side; I have heard of troops from Tennessee that fought on our side; I have heard of even troops from Arkansas that fought on our side. So I think the Senator will find that his districts will be, as I say, each one of them almost as large as a State. Now, I will take the State of Ohio. These two gentlemen came into the State of Ohio with eighty-eight counties in the State, and not one single county in the State in which there is not a pensioner. I am quite safe in saying that. Where are they to hold their sittings and discharge this duty in the time that is specified, and how are these pensioners all to get notice? By publication in a newspaper in the district. The district may comprise sixty counties in Ohio, and this would not be more than a fair average size for each one of the districts; and in some one newspaper in that district there is to be a notice that this board will sit. Sit where? Sit for the examination of whom? It seems to me that it would be utterly impracticable for them to discharge this work, to perform this duty.

But that is not all. I doubt exceedingly the propriety of appointing these surgeons, because I believe that under the present system the examination made by surgeons in the neighborhood of the man who is under disability or has been wounded is much more likely to result in a correct opinion than would be an examination made by a surgeon who sees the man for half an hour, never saw him before, and never will see him again. There is no trouble when a man has lost an arm or lost a leg or lost an eye; it requires no surgeon to see that. But when a man is under a disability resulting from disease, how is this surgeon, sent perhaps from Washington City or detailed from the Army or Navy, and seeing a man for half an hour whom he had never seen before and with whose habits he is wholly unacquainted, to form a correct opinion of that man at all comparable with the surgeon in his neighborhood who has known him well and is competent to form a judgment about him? I do not think it can be done. I think the present system in that respect is better, especially when the appointment of the examining surgeon rests with the Commissioner of Pensions.

Sir, I know some of these examining surgeons in my State, and every one of them whom I know is a man of high honor, of high standing in his profession. There is not one of them that would give a false certificate, much less one of them that could be corrupted to give a false certificate. They are just as good men as these sixty men would be under this bill, and that, Mr. President, I take it is a much more economical plan if I am right. Here are to be sixty lawyers and sixty doctors, and they are to receive \$2,500 apiece each year. That makes \$5,000 for the two in each district. Multiply that by sixty, the number of districts, and you have \$300,000 to be annually paid to these lawyers and these doctors. It may be that that would be a wise expenditure, it may be that it would result in economy, but at first sight it does not look so to me.

Mr. INGALLS. I do not mean to interrupt the Senator if he objects to interruption; but will reply when he gets through. The point he makes is one to which the measure is not obnoxious. I shall be glad to make a statement on that subject now, or make it hereafter as suits him.

Mr. THURMAN. If I have fallen into error I would rather be corrected; but I do not want to occupy the floor long, and if the Senator had not interrupted me I should have been done long since.

I think the Senator will admit that there is to be one lawyer and one doctor for each of these districts. That makes—

Mr. INGALLS. I do not dispute the accuracy of the Senator's figures at all.

Mr. THURMAN. Then if the Senator does not do that, I see nothing to correct.

Mr. INGALLS. I understood the Senator to say that that was in excess of the present expenditure.

Mr. THURMAN. Not at all.

Mr. INGALLS. An addition to the present amount expended for the administration of the Pension Bureau?

Mr. THURMAN. I did not say that at all. I say that I think that would be greater than the present expenditure, that is for medical examinations and for the taking of testimony. I may be mistaken about that, however; and I will not put my word against the superior knowledge of the chairman of the Committee on Pensions.

Now, Mr. President, one word more, and I shall not detain the Senate longer. There are several other points in relation to this amendment that I should like to speak about, but I do not want to

detain the Senate at this late hour of the session. I regret that this is moved as an amendment to the bill now under consideration. I think it is calculated to embarrass the bill. While I will go as cheerfully as any one or as the Committee on Pensions in framing any system which they deem advisable for the prevention of fraud, I am sorry that at this late hour in the session this system comes for the first time, not to them, but to the attention of the majority of the Senate or, perhaps, nearly all the Senate, to be determined upon in these last days of this short session. I should be very glad, indeed, if some better system could be provided.

Now, while I am up, however, I want to say one word, occasioned by a remark made by the Senator from Kansas. I understood him to say we shall need \$50,000,000, by reason of the arrears of pension next year.

Mr. INGALLS. No, sir. I stated the expenditure this year in consequence of additions to the pension-roll by arrears would involve an expenditure of about sixty million.

Mr. THURMAN. Then that includes the other. About \$36,000,000 others say. I voted for the arrears of pensions bill and should have voted for it even if we had had the statement made that is made to us now, but I must confess my surprise. When that arrears of pension bill was under consideration, if my ears did not deceive me, the chairman of the committee read a communication from the Commissioner of Pensions, about a year old I think it was, in answer to a question put by some Senator here how much that would take out of the Treasury; and that statement, if I heard it aright, was that it would take about \$18,000,000. It certainly was so understood all around me, and the Senator from Kansas *ex gratia*, I think, said it might be \$20,000,000; he was disposed to put it at twenty millions. The very next thing after the passage of the bill that I heard was that the Commissioner of Pensions required \$4,000,000 for the present fiscal year, and thirty-odd million dollars for the next fiscal year, and there is no telling where it is to end; and we are told in some quarters that it will take fifty, some say sixty, and some say one hundred millions out of the Treasury. I must say that, if that is so, there was a grievous error somewhere, a grievous mistake somewhere when the arrears of pensions bill was considered.

Mr. WITHERS. Perhaps I can explain to my friend one source of the error. The estimate which was read here was predicated upon the proposition of the Pension Committee by which the arrears of pension were to be paid only from the date applications for pensions had been filed, but as it subsequently passed it dated back clear to the time of discharge or disability, involving of course a very much larger amount of money.

Mr. THURMAN. All I can say is that the explanation may be entirely satisfactory, no doubt it is, but that is not what the Senate understood. Undoubtedly we did understand, we had the impression, that the amount to be taken out of the Treasury by the arrears of pension bill could not exceed \$20,000,000 at the outside. I say again I should have voted for that bill if I had known all that I now know, but perhaps there are others who would not; at all events they are grievously disappointed to hear it said now that that bill will take fifty or sixty millions out of the Treasury. I hope it will not do any such thing, and I hope the chairman will be able to assure the country that there is no danger of its doing any such thing.

Mr. President, there are some other considerations, but I will not trouble the Senate with them now.

Mr. CHANDLER. Mr. President, I am in favor of this amendment. While in charge of the Interior Department I sought in every way to search out and prevent the payment of fraudulent pensioners. I asked for an appropriation of at least \$100,000 for the purpose of sending surgeons from one section to another to make investigations. The great source of fraud on the Pension Bureau arises from popular sympathy in the neighborhood where the parties seeking pensions reside. The surgeon before whom a case is tried has his sympathies deeply enlisted for the pensioner or applicant; the witnesses have their sympathies deeply excited for the pensioner; and we are looked on as a great and rich Government, so that with a poor soldier on one side and the Government on the other the Government stands no chance whatever in the controversy.

Now, sir, while this may not be a perfect measure, while I have not had time to examine to see how nearly perfect it is, it is a very great improvement upon the present system. Substantially it does what I asked to have done two or three years ago. It sends examining surgeons to points with which they are not familiar to examine persons of whom they know little or nothing, and it enables disinterested and well-informed men to decide upon each case on its merits.

Now, sir, allusion has been made to the expense. It is true it will entail some expense; but I said two or three years ago that if Congress would give me \$100,000 to send experts from one portion of the country to examine the pensioners in another, I thought with that \$100,000 I could save a million a year. I believe now that we could have done it, and I believe that this amendment, if passed, will be a measure of economy, commencing from its first inception. I am, therefore, in favor of this amendment to the bill, and hope it will be passed, because it is some improvement, although it may not be all that is desired. Future legislation can remedy any defect that may be found in it if the same system be not pursued, though to a certain extent it must be; but the great, the chief obstacle in the way of judicious allowances will be removed by this measure.

Mr. INGALLS. Mr. President, the Senator from Ohio who has departed from the Chamber since he made the inquiry, and to whom therefore I cannot personally respond, made an allusion to a statement that I addressed to the Senate when what is known as the arrears of pension bill was under consideration, to the effect that I believed the amount required to render that measure operative would be about \$18,000,000 or \$20,000,000. Since that time there have been many allegations in the press and elsewhere that this was largely beneath what would be demanded, and that the amount might rise as high as thirty, or forty, or fifty millions, and I have heard it estimated even at twice the largest amount that I have named. Justice to myself requires me to again repeat the statement that, from authentic information then derived and still in my possession from the Department of the Interior, I still am of opinion that the amount required will not be in excess of \$20,000,000, and I will state the data from which I form that estimate.

On the 6th day of June, 1876, this subject was under consideration by the Senate, and I obtained from the then and present Commissioner of Pensions, J. A. Bentley, a statement as to the amount that would then be required to pay arrears under existing laws. At that date, June 6, 1876, the total amount, under all cases then on the roll, invalids, widows, and dependents, required to pay arrears back to the date of death or disability was estimated to have been \$13,417,109. Of course I must again repeat what I stated when the bill was under discussion, that these computations must be largely in the nature of conjectures, because it is impossible to state specifically what will be required in each individual case without positive examination. The Commissioner stated further that the sum of \$2,000,000 would be necessary between the 1st day of January, 1876, and the 6th of June, 1876, in addition to the amount that he had named, making the amount required to that date \$15,417,109. For the fiscal year 1877-78 he estimated that the sum of \$4,000,000 would be required, making \$19,417,109. I added to that upon the same basis the further sum of \$4,000,000 for the fiscal year 1878-79, which would make a grand aggregate of \$23,417,109. But it must be remembered that the pension-rolls are diminished about 2 per cent. annually by death, and arrears of pensions were not to be paid to the survivors of those who died. Therefore, after the period named, this would make a deduction of 10 per cent. on the entire amount, which deducted from the \$23,417,109 leaves the aggregate of \$18,733,687, which is within the largest amount I then named. Justice, as I said, to myself and to the Senate requires me to make this detailed statement of the estimate that I then gave as to the amount that would be required to put the bill into operation.

The Commissioner estimates, I believe, now that the sum of \$25,000,000 may be required during the current year, including those already upon the rolls with those that may be placed upon the rolls hereafter; but I still adhere to the statement I made when the bill was passed, that \$20,000,000 is a large and liberal estimate of the amount that will be required to make the bill efficacious.

But I want to call the attention of the Senate to one other fact which has escaped their attention hitherto, that the pending amendment which I have offered contains a section in addition to those regarding the administration of the bureau.

Mr. CONKLING. Before the Senator goes to that, will he indulge me in a question?

Mr. INGALLS. Certainly.

Mr. CONKLING. If \$20,000,000 be the total required by the arrears of pension bill, why does the Pension Committee of this body report \$25,000,000 on account?

Mr. INGALLS. The question of the Senator from New York would be pertinent if he were unaware of the fact that this bill was not reported by the Committee on Pensions, never has been before them. It was reported by the Committee on Appropriations, which absorbs very generally the entire functions of this body on financial matters, and we never were honored with an inspection of the bill until it came upon our table. So that the Committee on Appropriations is responsible for the estimate, and not the Committee on Pensions.

Mr. CONKLING. Then I am glad I asked the Senator the question to enable him to make that statement. I supposed the Committee on Pensions in some form had had the bill under consideration.

Mr. INGALLS. I do not complain of the question. The ninth section of the amendment which I have offered, and which has the sanction of the Committee on Pensions, provides:

SEC. — All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of January, 1880, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons, and children under sixteen years of age.

The Committee on Pensions believe that arrears of pension should not be paid after the 1st of January, 1880; that that would leave a sufficiently long period since the termination of the war to allow all claims properly referable to the war to be adjudicated without giving pensions back to the date of the disability or discharge.

With regard to one other point made by the Senator from Ohio and also the Senator from Missouri, both of whom admit that they are unfamiliar with the provisions of the amendment and with the pres-

ent system of administration, that this would involve a largely increased expenditure, I have to repeat again the statement I made last evening, that this will result economically in the present system of administration, to say nothing about the vast saving that will be made in the annual expenditure. To be specific, the present expenses of the administration of the Pension Bureau are \$697,630, distributed as follows:

For official salaries, \$488,330.

Examining surgeons' fees for 1877-78, \$169,300.

Expenses of special agents, \$40,000.

Making the aggregate which I have previously represented. Under the system proposed by the amendment offered by the Pension Committee, how will it be?

Mr. DAWES. Will the Senator state whether that includes the pay of pension agents?

Mr. INGALLS. This statement I have here does not refer specifically to that; and I am not positive about it.

Under the administration of the system proposed by the amendment offered by the Committee on Pensions, the amount was correctly stated by the Senator from Ohio, that the one hundred and twenty surgeons and clerks would require salaries to the amount of \$300,000; actual expenses of transportation, estimated at \$300 each, \$30,000; making an aggregate of \$330,000, which would leave from the present amount required to carry on the office the sum of \$367,630. But it is estimated that in consequence of the operation of this law we shall be able to dispense with at least one-half of the working force of the bureau here in this city. They have now about three hundred and eighty employés, divided into copyists, heads of divisions, and reviewers, and we shall be able under this system to cut off one-half of them, leaving the sum of \$367,000 amply sufficient and more than sufficient to carry on the office here at Washington.

Therefore, Mr. President, this is a matter of economy even regarded with respect to the administration of the office here, to say nothing about the fact that there is no doubt that, properly carried out, this system would result in an annual saving on the pension-list of from three to five millions of dollars.

The Senator from Ohio also made one other suggestion in regard to the practical operations of this amendment, that notwithstanding the adoption of this amendment the present method could be carried on the same as now; but he will find by examining the amendment very carefully that all the sections of the Revised Statutes, with regard to the administration of the system under the present method, are repealed. Therefore his objection is entirely without force.

Mr. SHIELDS. Mr. President, since I spoke a few words upon this question a while ago I have examined the details of the proposed amendment, and I submit to my learned and able friend from Kansas, as a lawyer, whether it is not one of the most singularly loosely worded bills that ever came into the Senate. Like the *Heathen Chinee*, it is a little peculiar. First, the Pension Bureau or the Department of the Interior can have as many posts or as few posts as it pleases in any and every State, from one to a thousand, with no limitation.

Mr. INGALLS. The Senator will allow me to say that the discretion must be lodged somewhere. Of course Congress cannot prescribe how many pension agents or pension surgeons shall be in any State, because they are without the information as to the number of cases in the State. There are some where none would be required, some where not more than two would be required; therefore the discretion must be left to the officer having this system in charge.

Mr. SHIELDS. I admit it, but it is a discretion that should have some limitation.

Mr. INGALLS. It has a limitation.

Mr. SHIELDS. Not here.

Mr. INGALLS. The limitation is that they at no time shall exceed sixty.

Mr. SHIELDS. The districts shall not exceed sixty, the amendment says; but the posts are unlimited. The Senator never drafted such a bill; he has too high legal ability to draft such an instrument as this.

First, they can appoint as many posts as they please, but in the State of Missouri I do not think we shall have more than one, for we are not a favored State. Next, they can drag every pensioner in the State of Missouri from his home, if his wife is dying and his children all sick, and drag him just as often as they please to that post, not merely once or twice a year, but any number of times, and they may compel him to go there with all his witnesses. That is also indefinite and without limitation. Is that the proper way to treat your pensioners?

Mr. INGALLS. It is entirely voluntary. A man is not obliged to take a pension unless he wants it. The Government does not compel a man to draw a pension. If he does not want to go and be examined he need not.

Mr. SHIELDS. He has not only to go to get the pension, but after he gets it they can drag him here and there fifty or one hundred times a year to debate his pension, according to their discretion.

Mr. INGALLS. Under what section does the Senator find that power?

Mr. SHIELDS. Look at that, sir, [pointing to a section;] there it is. Then they can have these pensioners going to these posts over and over, according to the discretion of these gentlemen here in Washington.

In the next place, what notice are they to give the pensioners?

What notice do you provide for these poor old pensioners? Just such notice as it pleases this bureau to give them; it may be a notice of one day or it may be one month. In how many papers is it to be published? One paper, such as the bureau chooses to select.

The whole measure is a sham from beginning to end. When I say "sham" I do not charge it upon the distinguished Senator from Kansas; but having run over it—I only wish I had time to point out its features—I should like to know who actually devised such a bill. He ought to have a leather medal, and I call upon the pensioners of America to give him one.

All this testimony is to be reduced to writing. After dragging the pensioners from their homes with all their witnesses, whom they must go to the expense of summoning, then the testimony is to be reduced to writing by way of simplifying the system, by way of making it a working system, and it is to be reduced to writing in the language of the witnesses; then it is to be forwarded to the Commissioner of Pensions, and then this board is to examine. And who are they? Surgeons who are experienced in the practice of medicine and surgery! And who are the clerks? What kind of clerks? "Clerks learned in the law." You are to go to this bureau to get "clerks learned in the law." I do not think they have clerks who are learned in the law. That is my opinion. And yet the "clerks learned in the law" are to be sent to regulate the pension system. That is a beautiful specimen of regulation! Sir, it needs regulation, and it needs regulation for the safety of the Government and the Treasury, and more for the safety of the honest portion of the pensioners and not the fraudulent ones. This will increase the difficulty of honest men. Are poor old pensioners who are now on the brink of the grave to be dragged from their homes before this commission, composed of a clerk learned in the law and a surgeon learned in medicine and surgery?

I dislike to speak in this way, but when I know how it is going to operate I cannot sit silent in my place and see such a thing done. I do not say injustice is intended, not at all, certainly not by the committee, nor even by the men who framed this measure, for I do not believe they are capable of seeing or knowing where or how injustice is to be prevented.

Mr. INGALLS. Mr. President, this measure has been carefully examined by the Secretary of the Interior, by the Assistant Attorney-General assigned to duty in that Department, by the Commissioner of Pensions, by the Committee on Pensions, a majority of whom are lawyers, and they all stand by it and approve it. It is unnecessary for me to go further than that. If it is loosely drawn it has passed the supervision of men (laying the Committee on Pensions out of sight for the moment) who are learned in the law, and accustomed to consider the strength and the language of statutes.

The great difficulty that attends the administration of the present system has been well adverted to by the Senator from Michigan, [Mr. CHANDLER,] who was at one time at the head of the Department of the Interior, and that is, that the Government is continually at a disadvantage whenever a claim is made against it by a pensioner. The examining surgeons under the present system are always selected from the locality, and when a pensioner or a pension claimant goes before that man to be examined as to the rate to which he should be assigned, it may be that he is his family physician. In any event he is under the local neighborhood influences that dispose the officer to judge everything in favor of the claimant, and altogether against the Government, and that is the great difficulty that the Department has to contend with, and one great difficulty that this bill is intended to obviate by creating a board of examining surgeons independent of local and neighborhood influences, who will judge of these as they judge of any other claims against the Government. That is all there is of it.

And then, so far as the formation of this board is concerned, I suppose instead of having them learned in the law or having them skilled in medicine, the Senator from Missouri would have them composed of blacksmiths or of some other class of mechanical artisans, judging that a man who has no knowledge of law and no knowledge of medicine would be much better qualified to judge as to the physical condition of a man who claims to be disabled or the legal effect of testimony on which a claim is to be decided than those who had never had any knowledge either of law or of medicine. I do not think the Senator from Missouri, if he were to seriously consider that argument, would be inclined to urge it, that when a pensioner is to be examined as to the degree of his physical disability it is an objection to have him examined by a surgeon; that a surgeon would know less about it than a blacksmith; and that when testimony is to be examined and its effect to be considered as to the establishing of a claim against the Government it is more desirable to have a dry-goods merchant examine that testimony than it is to have some man who has had a knowledge of the law which enables him to judge of the value of evidence. I do not suppose the Senator from Missouri intended to be anything but facetious in making the objection against this measure that it provided that the men who examine the claimants shall be surgeons and the men who examine the testimony shall be lawyers.

Mr. SHIELDS. If the honorable Senator will permit me I ask him seriously in examining the disability of pensioners what service clerks from the Pension Bureau learned in the law can do in examining wounds?

Mr. INGALLS. The Senator from Missouri again shows what he candidly admitted, that he is not familiar with the provisions of this

measure. The clerks learned in the law from the Pension Office have nothing to do with the examining of the wounds of a pensioner. The physical condition of the pensioner, the rate at which he shall be placed upon the pension-roll, is a subject to be reported upon by the examining surgeon, and in selecting those surgeons men who have had ten years' experience in the Army or Navy by the terms of the section are to be selected. Therefore I will suggest, with a great deal of deference to the Senator from Missouri, that before criticising the measure it would be well for him to familiarize himself with its provisions. I should admit that if clerks learned in the law were to be selected from the Pension Bureau to examine about diseases or wounds, the bill would be reprehensible; but I beg to assure the distinguished Senator that he is entirely mistaken in supposing that to be the object or purport of the bill. Those clerks learned in the law are to devote their attention to the examination of the testimony that is taken that is to be offered in support of these claims, and I presume the Senator would not object seriously to that class of men being selected for that purpose, because he is aware, or if he is not he should be aware, that there is a quasi-judicial determination in all these claims. The difficulty hitherto has been that that examination has been conducted upon testimony confessedly *ex parte*, and in which the Government has no opportunity either for the production of witnesses or their cross-examination, except in cases where specific allegations are made that fraud has been committed, and then it can detail special agents to examine particular cases.

I therefore think, Mr. President, that these criticisms fall harmless to the ground, and that if there is nothing more serious to be urged than this the amendment submitted ought to pass.

In this connection I beg to say one word further, asking the indulgence of the Senate for having trespassed so long upon their patience, and that is, unless some method is adopted by which the proceedings before this bureau can be simplified and the amount of labor removed from them, the whole administration will simply be crushed and the wheels will cease to revolve simply by the avalanche of papers and claims and letters and applications that are coming in at the rate of thousands every day. The Commissioner at the head of that bureau is a man, I believe, of singular capacity for the functions that he is called upon to perform. I believe that he has discharged his duties with ability and integrity, and with an honest desire to relieve the Government and the pensioners; but it is impossible for him, with the force at his disposition, if these additional duties are to be crowded into that office, to even answer the letters for information that reach him day by day. If Senators see fit, under captious criticisms or criticisms not captious, criticisms that are based upon objections to the bill not supplemented by suggestions for anything better, to allow this subject to go on and on until by the mere precipitation of business justice is to be denied to the honest and the dishonest alike, to the Government and the pensioner, all that I can say is that I have discharged my duty in calling their attention to the subject. Whether the amendment is voted up or voted down is to me a matter of absolute personal indifference, but I believe the subject is one that is of momentous importance, and that the amendment ought not to be fought upon mere frivolous objections; but if there is opposition to it, those who oppose it ought to suggest something better in the place of what is proposed by the Committee on Pensions.

Mr. HOWE. Mr. President, I am sorry to see any opposition to the amendment moved on behalf of the Committee on Pensions. I am sorry to see an opposition come from any quarter. I am especially sorry to see an opposition urged in the name of honest pensioners. I am very sure that honest pensioners have no occasion to object to this amendment; they have nothing to fear from being dragged before any intelligent and any honest commission. Besides that, if there be a disposition in the Pension Office or elsewhere to deprive an honest pensioner of his monthly or quarterly stipend by a re-examination of his claim, the commissioner has the authority to do it and the agencies through which to do it now. He can send a special agent at any time to examine any such claim; but I think every Senator knows that it would be a very hazardous undertaking for a special agent or for the commission provided in this amendment to go into any neighborhood and make an issue with an honest pensioner. The sympathy surrounding all such citizens of the United States I think is abundant protection to him. The danger is not that honest pensioners will be deprived of their pensions, but the danger is that this public sympathy which exists, and exists everywhere in all communities, on the part of those who pretend to have been disabled in the military service of the United States, will open the Treasury to frauds and cheating. That is the state of the case.

Mr. President, every Senator sees what the issue is here, and who are parties to it. Everybody knows that you have imposed new work on the Pension Bureau, very heavy labor; and that is not all; you have exposed that bureau to new dangers in the way of frauds. Hitherto your laws have said, if a man made a claim for a pension you would pay him so much a month, and whenever his claim proved to be baseless he should be struck from the roll of pensioners. That holds out but slight inducement to fraud. A man is not so apt to go to work and manufacture the testimony to get his name on the pension-roll when he knows that the moment his cheat is discovered his monthly payments will stop; and yet, where there is no more inducement than that, enormous frauds have been perpetrated upon the Treasury. Recently one was exposed in the State of Maine. I

am told where one individual there obtained, I think something like \$80,000, though I will not be positive as to the amount, (I have been told by one Senator from that State what the amount was, I think something like \$80,000,) upon claims presented in the names of widows of deceased officers who died without ever having been married.

Mr. INGALLS. If I may interrupt the Senator one moment, a Senator on the floor has stated to me within the last thirty minutes that he knew of a case in his own State where one of these pension agents had continued to draw the pension of a woman who had been dead three years to his knowledge, and recently it has been discovered.

Mr. HOWE. So you see that enormous frauds, bold, bald frauds, are perpetrated under the law as it stands, and with the little inducement that that law holds out. But in this recent enactment of yours, which says to every claimant for a pension, "If you recover you not only recover monthly pay for the future but you recover from several hundred to several thousand dollars cash in hand by way of arrears," there is a bonus; there is a specific sum to work for; there is a heavy inducement, because the man who succeeds now in recovering those arrears, if he is struck from the pension-roll the next month, has recovered a large sum and has got it in his pocket, and the Government will never recover it.

I put it to every Senator if this is not a singular condition of things. *Ex parte* testimony has been adjudged for three hundred years to be so unsafe, so unreliable, that the law will not permit judgment to be based upon such testimony which involves the title to an old kettle, which involves the title to any property whatever; and yet with that experience as to the unreliability of *ex parte* testimony you are to-day paying nearly \$30,000,000 annually out of the Treasury to men who have recovered it upon precisely this kind of testimony.

Mr. SAULSBURY. I should like to ask the Senator from Wisconsin if we are not every day putting persons upon the pension-roll in the Senate and in the other House upon *ex parte* testimony alone?

Mr. HOWE. Yes, sir; I suppose so.

Mr. SAULSBURY. I ask the Senator if all the persons who have been put upon the pension-roll by special acts of Congress have not been put there upon *ex parte* evidence?

Mr. HOWE. I suppose so. Does that prove that it is safe?

Mr. SAULSBURY. I do not think it is a safe rule; I do not think the general law upon the subject provided the proper safeguards for the protection of the fund; but as the Senator from Wisconsin was making his argument in favor of the amendment upon the ground that pensioners under the general law were placed there upon *ex parte* testimony I deemed it proper to call his attention to the action of this body and the other House of Congress daily in acting in the same way.

Mr. HOWE. Certainly, we pass claims of large amounts at every session on *ex parte* testimony. We are in a measure compelled to act upon *ex parte* testimony or not to act at all. We never should act if in the case of every private bill we called for a hearing before commissioners or sent the issue down to be tried before a jury, or if we called witnesses before our committees and subjected them to cross-examination. There is, in spite of the unreliability of *ex parte* testimony, abundant excuse for our legislating upon it when we cannot do any better; but there is no excuse for our relying upon it when we can do better. This amendment proposes to do better. It claims to suggest to us, to offer to us, an improved and a securer system of adjudicating claims for pensions. It does not, as was suggested by the Senator from Ohio, prohibit the Commissioner from acting still upon *ex parte* evidence in cases free from suspicion, but it gives to him the means of having a public examination before commissioners who are charged to inquire truthfully and fully, not merely to hear the formal declarations which make out a case under the law, but to inquire as to the means of knowledge which the witness has, to cross-examine, in other words, and to summon, if need be, witnesses on the other side. What honest claimant can be prejudiced by this method? On the other hand, is there any man who can suggest or will venture to state that this does not furnish some security to the Government against dishonest claims? Perhaps it is not adequate, but it is a security better than none, and it is the best security yet suggested. Who recommends that to us? First, the Secretary of the Interior, who is a skilled and known officer.

Mr. SHIELDS. Is there any assurance at all that the Secretary of the Interior favors the provisions of the amendment of the Senator from Kansas?

Mr. HOWE. I have in my hand in print a letter which purports to have come from the Secretary of the Interior. It bears his signature, and is dated on the 18th of the present month, and it calls attention to the necessity of these provisions. Although he does not refer to any amendment reported by the Committee on Pensions, if I understand the letter and understand the amendment, the Secretary is discussing this precise question. Therefore I say the Secretary of the Interior approves this measure. The chairman of the Committee on Pensions stated that as a fact when he was on the floor. The Commissioner of Pensions approves it, I know, for he spoke about it to me no longer ago than this morning. He also is a known person. I think he is known to most of the Senators, if not to all. He is well known to me, and has been for years, and I know him not merely for a faithful officer but for a very capable officer. He recommends this measure, and almost the whole Committee on Pensions recommend it.

In addition to that, our attention has been called to a protest

against it. That is one of the strongest commendations the measure has, for that protest is nameless, is anonymous, and it originated in rascality. No Senator will doubt that rascality was at the bottom of that protest. It is pretty safe, then, to do that which professional rascals tell you to avoid. When you know men organized for plundering the Treasury advise you against a specific measure, it is pretty safe for you to take that measure if you want to protect the Treasury. On the one side you are exhorted by every responsible officer connected with this branch of the public service to clothe them with the means of protecting the Treasury, and on the other side you are admonished by the men whom you know have designs on the Treasury to let this measure alone.

But, Mr. President, it is said this measure will prove expensive. Undoubtedly it will prove somewhat expensive. The chairman of the Committee on Pensions thinks that less money will be expended in the administration of that bureau under this proposed law than under the existing law; but you cannot safely administer any of the affairs of this Government without its costing you something. If this measure is required to protect the Treasury the cost of it is not to deter us from acquiescing in it.

It has been said that the existing law is too complicated, and that this measure will only complicate it more. I am not very familiar with the pension laws. I did not suppose they were very complicated. As I understand them, they contain specific grants of specific sums to such persons as have been disabled in the military service of the United States, or to such persons as have been bereaved by the death of those who were in the military service—leaving those few facts to be adjudged by the Commissioner upon such testimony as the parties claiming pensions saw fit to collect and send forward. That does not seem to me to be very complicated. Very stupid people have succeeded, and very great rogues have succeeded, in taking advantage of it. Nor do I think this provision makes the law any more costly. It is just as easy for a witness to appear before these commissioners and answer questions as to appear before a justice of the peace, or the clerk of a court, or any other officer before whom affidavits are now allowed to be made. There is nothing complicated about it, only that it will happen that the whole duty of the witness is not discharged when he has answered the formal questions put to him by the claimant; but he will have other questions put to him by those representing the Government.

But the Senator from Ohio says, and I was rather surprised to hear that, that he would have no confidence in these examinations made by surgeons, that they were not to be trusted. He seemed to think the lawyers, the legal part of the commission, would be entitled to some confidence, but the medical portion not to any. When the question is whether a man is or is not disabled, whether he has or has not a disease, when and how that disease was contracted, ordinarily I would prefer to trust a medical gentleman to a legal gentleman with that inquiry. I think the Senator from Ohio when he has such a question to determine usually consults the medical profession in spite of his very natural and very laudable attachment to the legal profession.

Mr. HOAR. And a medical gentleman who sees the patient.

Mr. HOWE. And a medical gentleman who sees the patient, rather than to any kind of gentleman who reads affidavits as to what witnesses may say about the condition of the patient. I think it furnishes additional security. I think it is one means of protection. I think they will prove very important adjuncts to this commission, and I should be very sorry to see the Senate refuse to give to the Pension Bureau the assistance called for by this amendment. I can see no possible danger to grow out of it. It seems to me that positive security is promised by it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 852) granting a pension to Mary E. Pauley; and

A bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 100) to amend section 2958 of the Revised Statutes;

A bill (H. R. No. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen;

A bill (H. R. No. 6515) respecting protests or appeals from decisions of collector of customs, and for other purposes;

A bill (H. R. No. 6516) to amend section 3697 of the Revised Statutes, with respect to interest on surrendered or called bonds;

A joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to Hon. R. C. McCormick by American exhibitors at the Paris exhibition; and

A joint resolution (H. R. No. 248) in regard to remission of duties.

The message further announced that the House had passed a concurrent resolution for the printing of 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Terrence J. Quinn, late a Representative from the State of New York; in which the concurrence of the Senate was requested.

The message further announced that the House had passed a resolution authorizing the Clerk of the House of Representatives to correct an error in the spelling of a name in enrolled bill (H. R. No. 4392) for the relief of Lucinda C. Dillahunty; in which the concurrence of the Senate was requested.

The message also announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives authorizing the printing of memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Gustave Schleicher.

The message further announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives authorizing the printing of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Julian Hartridge.

The message also announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives authorizing the printing of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Alpheus S. Williams.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 247) to grant a pension to George D. Phillips, a soldier of the war of 1812;

A bill (H. R. No. 541) for the relief of William H. Carmen;

A bill (H. R. No. 697) restoring the name of Benjamin Hollingsworth to the pension-roll;

A bill (H. R. No. 796) for the relief of Jenkins A. Fitzgerald, assistant surgeon United States Army;

A bill (H. R. No. 1144) for the relief of Ann Annis, widow of Harvey Annis, late second lieutenant Company G, Fifty-first Regiment United States Colored Infantry;

A bill (H. R. No. 1243) for the relief of Josephine C. Owen, postmaster at Randolph, New York;

A bill (H. R. No. 1277) donating condemned cannon and cannon-balls to the Colechester Monument Association, of Colechester, Connecticut, for monumental purposes;

A bill (H. R. No. 1278) donating condemned cannon and cannon-balls to Ledyard Monument Association, of Ledyard, Connecticut, for monumental purposes;

A bill (H. R. No. 1286) granting relief to John T. Neale, an employee of the Provost-Marshal-General's department in 1861, for injuries sustained in the line of his duties;

A bill (H. R. No. 1304) granting a pension to Anna M. Clippinger;

A bill (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry, Wisconsin Volunteers;

A bill (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky;

A bill (H. R. No. 3434) releasing title to a certain cemetery lot to the city of Montgomery, Alabama;

A bill (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

A bill (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas;

A bill (H. R. No. 3598) granting a pension to Alice B. Munroe;

A bill (H. R. No. 3853) for the relief of William F. Wheeler;

A bill (H. R. No. 3871) donating condemned cannon to the city of Boston for monumental purposes;

A bill (H. R. No. 4092) donating a condemned cannon and cannon-balls to Post No. 145, Grand Army of the Republic, district of Massachusetts;

A bill (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts;

A bill (H. R. No. 4385) granting an increase of pension to Caroline Hawley;

A bill (H. R. No. 4393) granting a pension to Mrs. Sidney A. Harrison;

A bill (H. R. No. 4407) for the relief of Andrew Ivory;

A bill (H. R. No. 4795) granting a pension to Ann Cornelia Lanman;

A bill (H. R. No. 6159) granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812; and

A bill (H. R. No. 6272) donating condemned cannon to Bayard Post, for purposes therein mentioned.

PAPERS WITHDRAWN.

On motion of Mr. VOORHEES, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition and papers in the case of E. A. Snow, and that the petitioner have leave to withdraw the same.

On motion of Mr. VOORHEES, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the petition and papers of Abram S. Farrar, and that the petitioner have leave to withdraw the same.

ADMISSION OF BRONZES FREE OF DUTY.

Mr. MORRILL. I ask the unanimous consent of the Senate, which I am very sure every Senator will be glad to grant, to take up the resolution which has just reached the table from the House to allow

a couple of bronzes presented by the American exhibitors to Governor McCormick to be brought into the country free of duty. I want to say that this is the first instance in an appropriation for an exhibition, I believe, where money has been saved, and all may be aware that the salary of the commissioner general was not equal to his expenditures. The Senator from Kansas, I am sure, will make no objection to having this joint resolution acted upon at this time.

Mr. INGALLS. As bronze is a very perishable material, and might suffer by the delay that would follow the failure of this bill, I suppose I ought not to make any objection.

Mr. EDMUNDS. Let us hear the joint resolution read, subject to objection.

The joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to Hon. R. C. McCormick by American exhibitors at the Paris exhibition was read twice by its title.

Mr. EDMUNDS. Let us hear the joint resolution itself read.

The Secretary read the joint resolution.

Mr. EDMUNDS. I shall not object to the present consideration of the joint resolution; but I wish to say that as we are now so near the end of the session, so long as I am here I shall hereafter object to the second reading of any bill, be it Senate or House, on the day on which it is received; in other words, I propose to stand by the rule that requires the three readings on three separate days.

The PRESIDING OFFICER. (Mr. CORKRELL in the chair.) Is there objection to the present consideration of the joint resolution which has been reported? The Chair hears none, and it is before the Senate as in Committee of the Whole. The question is on the passage of the joint resolution.

Mr. EDMUNDS. I suggest to the Chair it is a good thing to have measures passed in regular order, by a second and third reading, so that every Senator may understand what is going on. I understand it myself, but I think others do not.

The PRESIDING OFFICER. The joint resolution will be read the third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. Having been read the third time, shall the joint resolution pass?

The joint resolution was passed.

LUCINDA C. DILLAHUNTY.

Mr. BAILEY. I trust the Senator from Vermont or the Senator from Kansas will not make objection to a resolution which has just come from the House directing that a name shall be corrected in the spelling. It is simply the substitution of one letter for another in a name. I ask for permission to have the resolution read.

The PRESIDING OFFICER. The Senator from Tennessee requests present action upon the resolution referred to by him.

Mr. INGALLS. My good nature led me into trouble yesterday and resulted in the displacement of the pending bill which but for that might long since have been finished, I presume; and I rise now to give notice that I shall object to any further business being considered except mere formal matters, after the resolution called for by the Senator from Tennessee has been disposed of.

The PRESIDING OFFICER. The resolution requested to be acted on by the Senator from Tennessee will now be reported subject to objection.

The Secretary read the resolution, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 25, 1879.

Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House of Representatives be authorized to correct an error in the spelling of a name in enrolled bill H. R. No. 4392, for the relief of Lucinda C. Dillahunty.

Mr. EDMUNDS. I ask the Senator from Tennessee to tell us what that bill is.

Mr. BAILEY. Simply the name was spelled wrong. It is a pension bill for the relief of Mrs. Dillahunty, and it is spelled "Dillahunty."

Mr. EDMUNDS. All right.

The resolution was considered by unanimous consent, and agreed to.

WITHDRAWAL OF PAPERS.

Mr. INGALLS. The regular order, Mr. President.

Mr. PADDOCK. I ask the Senator to give way for a motion. I desire to enter a motion to reconsider the vote by which an order was made day before yesterday, on motion of the Senator from Kentucky, [Mr. BECK,] to withdraw certain papers relating to the bill (H. R. No. 4143) for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased, Davis C. Peak, Charles Linderman, James Linuane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased.

The PRESIDING OFFICER. The motion of the Senator from Nebraska will be entered.

AMENDMENTS TO BILLS.

Mr. BOOTH, Mr. FERRY, Mr. McDONALD, Mr. TELLER, Mr. DAVIS, of Illinois, and Mr. SPENCER submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes;

which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CONOVER, Mr. WALLACE, and Mr. MITCHELL submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes in the several States therein named; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. THURMAN, from the Committee on Private Land Claims, reported an amendment to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted amendments intended to be proposed by him to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

APPROPRIATION FOR PENSION ARREARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes; the pending question being on the amendment of Mr. INGALLS as amended.

Mr. BAILEY. Is an amendment to the amendment now in order? Mr. INGALLS. It is.

The PRESIDING OFFICER. An amendment to the amendment is in order.

Mr. BAILEY. There seems to be some misapprehension, as I think, in regard to the practical working of the scheme as it has been presented really by the Committee on Pensions. There seems to be some uneasiness and fear that this will be converted into a partisan and political machine. The next Senate will be democratic, and indeed it will be so in a few days. Therefore, to guard against any possibility of that sort, I move, on page 3, line 1, to strike out the words "Secretary of the Interior" and insert "President, by and with the advice and consent of the Senate," and to make the like amendment in line 8, striking out "Secretary of the Interior" and inserting "President, by and with the advice and consent of the Senate;" and also, on page 4, to strike out all after the word "profession," in line 12, in the following words:

Such pension surgeons and pension clerks shall hold their commissions at the pleasure of the Secretary of the Interior; and when any vacancy shall occur, by removal, death, resignation, or otherwise, the same may be filled as a new appointment.

So as to make the third section read:

That the President, by and with the advice and consent of the Senate, shall appoint to the Pension Office as many pension surgeons, who have had not less than ten years' active experience in the practice of medicine and surgery, as shall be necessary to carry out the provisions of this act; and, when practicable and not inconsistent with the interests of the service, surgeons who have had experience as Army or Navy surgeons shall be appointed. The President, by and with the advice and consent of the Senate, shall also appoint to the Pension Office a sufficient number of pension clerks to meet the requirements of this act, who shall be persons learned in the law, and who shall have had experience in the practice of their profession.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee [Mr. BAILEY] to the amendment of the Senator from Kansas, [Mr. INGALLS.]

Mr. BAILEY. I will state that I offer this amendment not because I apprehend that there is danger that this will be converted into a piece of political machinery, for I am not inclined to believe that either the Secretary of the Interior or the Commissioner of Pensions will desire to thwart the entire purpose and object of this change in the pension law. I rather would believe that they will honestly endeavor to bring about such reform as may be necessary in order to protect the Treasury from the frauds which are said to have been practiced upon it, and which I believe, for my experience as a member of the Pension Committee has taught me to believe that there has been at least from 5 to 10 per cent. of the names borne upon the pension-roll which properly do not belong there. I believe that this amendment will in a great degree correct the evil and relieve the Treasury of the burden which has been improperly and unjustly imposed upon it; but as I say, to prevent the possibility of the fears being realized which I have stated, I move the amendments which I have suggested.

Mr. INGALLS. On the part of the Committee on Pensions I will say that I interpose no objection to the amendment offered by the Senator from Tennessee.

Mr. SAULSBURY. Mr. President, I desire to say only a few words in reference to the amendment proposed by the chairman of the Committee on Pensions. As I understand it, there are two objects proposed by the Committee on Pensions. The first is to aid and facilitate the operations of the Commissioner of Pensions to dispose of the business that is pressing upon that bureau. I have no doubt from what I have heard that there will be great delay, necessarily, in that department in disposing of the cases arising under the pension law, and perhaps something should be done to relieve the bureau of the embarrassment under which it labors. The principal object, however, as I understand, of the amendment is to prevent frauds upon the pension fund; and in that object I also heartily concur. So far, therefore, as the objects proposed by the Committee on Pensions are con-

cerned, the amendment of the Senator from Kansas has my complete sympathy. My difficulty arises out of the measure by which it is proposed to remedy the evils complained of. That there are inconveniences suffered by the Bureau of Pensions is admitted everywhere, and that there are large amounts of frauds practiced upon the pension fund is also a conceded fact; but I doubt exceedingly whether the measure which is proposed by this amendment will remedy that evil. It seems to me to be a very complicated remedy at least. I read in the third section of the amendment of the Senator from Kansas—

That the Secretary of the Interior shall appoint to the Pension Office as many pension surgeons, who have had not less than ten years' active experience in the practice of medicine and surgery, as shall be necessary to carry out the provisions of this act.

It is also provided that the Secretary may appoint as many clerks. Then, in section 2, it is provided that the Commissioner of Pensions shall detail one of the pension surgeons provided for in section 3, and one of the clerks provided for in section 3, to go through the country to make an examination into the cases of those who are on the pension-rolls. It may be safely assumed, therefore, that there will not be any less than about one hundred and twenty of these surgeons and clerks traveling over the country examining these cases and setting up courts in the various districts which are provided.

The first section provides that the country may be divided into sixty districts; and the second section provides that a surgeon and clerk may be detailed for each district to examine the cases of pensioners in those districts; so that we shall have not less than one hundred and twenty agents of the Pension Bureau going through the country and making investigations in these matters. By another section it is provided that the surgeons and clerks shall receive each a salary of \$2,500 a year. That would be a round sum of \$300,000, provided that the Commissioner of Pensions should detail a surgeon and a clerk for each of the districts provided for in this amendment. But that is not the only expense connected with the scheme. In addition to the salaries, by section 6 they are to have their "necessary transportation expenses" paid also. Now, what is included in the "necessary transportation expenses" I do not perhaps fully understand. If it simply provided that their fare upon the cars should be paid, then we should understand it; but it may possibly be construed to include other incidental expenses connected with transportation.

Mr. INGALLS. The understanding of the committee on that subject was that allowance was to be made for transportation only, and that subsistence and other expenses would be paid out of the compensation. It was further estimated that the annual expense for transportation would be about \$300 for each member of the board, amounting to \$36,000 in round numbers.

Mr. SAULSBURY. I have no doubt that was the object proposed by the Committee on Pensions, but they unfortunately will not have the ultimate construction of that provision in this amendment upon which the money will be paid. I doubt exceedingly whether the compensation provided for the surgeons and clerks is sufficient if they are compelled to pay their own hotel bills and all their other expenses, including their transportation through the country except their fares upon the cars. At any rate it seems to me that this machinery is too cumbersome to accomplish the objects; or at least it is more cumbersome than it ought to be in order to effect the purposes and objects proposed by the Senate Committee on Pensions.

Some simpler mode to remedy the evil complained of, it seems to me, could be adopted. Just what that remedy is, I am not at present able to say. It has been argued here that gentlemen who object to these provisions should make some suggestions as to a better course. We have not as a body had this question before us as the Committee on Pensions have had; and because we may be able to see objections to the plan which they propose upon a hasty discussion of this question, it is not to be supposed that we are prepared to submit with perfect confidence a system which would be better. At any rate, under all the circumstances of this case, and with a full belief that a better plan for correcting the evils complained of may be evolved by proper consideration and by delay upon this subject, I feel disinclined to vote for the amendment proposed by the Committee on Pensions. In doing so I wish to say that I desire as much as any man to see the frauds that are practiced upon the pension fund fully eradicated.

I had a service of two years upon the Committee on Pensions, and I can bear testimony that it is a very laborious service which that committee performs; but my experience in service upon that committee satisfied me very clearly that the conclusion was true which I understood had been reached by the Commissioner of Pensions, that a large percentage of the pensions was paid upon fraudulent claims. I have in the Senate before expressed the opinion that large savings might be made to the Government by a proper investigation of some mode into the cases that are upon the pension-rolls. When the arrears of pension bill was up I tried to a certain extent to correct, or at least to prevent, the commission of frauds upon the fund that was to be paid as arrears of pensions, and I offered an amendment providing that the evidence of disability and injury now upon file in the bureau should not be conclusive, but that a person claiming under the arrears of pension act should be required, if in the discretion and judgment of the Commissioner of Pensions it was necessary, to furnish the Department evidence of his disability with the claim to arrears to pension. But in the great zeal that was manifested on that occasion to do what was called justice to the pensioners of the country, the prop-

osition which I thought was perfectly fair and equitable to all parties and which would protect to a certain extent the department from fraud upon the pension fund by those who would obtain the arrears of pension, was voted down.

I think we might yet remedy that and ought to remedy it, and that so far as the money applied to the arrears of pensions is concerned we ought to provide that no part of that money should be paid to pensioners until there had been some re-examination of their cases. It would simply be postponing the claim of the party to the arrears of pension until there was ample time to investigate in some mode his right to the arrears of pension. I should be glad if the Senator from Kansas, the chairman of the Committee on Pensions, would, in case his amendment does not pass, (and whether it will or not I am not able to say,) provide an amendment in harmony with the view that I express upon this subject, and postpone the payment of the arrears of pensions to all parties until the Commissioner of Pensions is satisfied from a re-examination of the evidence on file, or from some other re-examination of the case, that the party is entitled to the amount he claims.

Mr. President, I do not desire to detain the Senate. I simply wish to say that I shall not vote for this amendment, while I believe that some measure should be adopted to accomplish the purpose that seems to be aimed at by the Committee on Pensions.

Mr. ANTHONY. Mr. President, I regret that this legislation has been introduced so late in the session. I do not think that it belongs to an appropriation bill, but upon that my judgment differs from a majority of the Senate. I do not understand this question and I do not expect to understand it; but it is a matter of administration: it has the sanction of the Secretary of the Interior, of the Commissioner of Pensions, and I believe the unanimous sanction of the Committee on Pensions, one of the most laborious and intelligent committees of this body. I shall vote for it; I shall take it upon trust. But now my object is to appeal to the Senate in the interest of the public business, to stop debate and vote upon the measure before it.

Mr. INGALLS. That suggestion meets with my approbation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee [Mr. BAILEY] to the amendment of the Senator from Kansas, [Mr. INGALLS.]

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kansas as amended.

Mr. KIRKWOOD. I wish to propose an amendment. On page 6, line 11, section 9, I move to strike out "January" and insert "July;" so as to read:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880.

The purpose of my amendment is very evident. The period intervening between this and the 1st day of January is so short that many persons may not be aware of the loss they will sustain if they do not file their applications before that day. By extending it to the 1st day of July, six months longer, we shall perhaps in the future rid ourselves of much trouble in being asked to extend the time in special cases.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. KIRKWOOD] to the amendment of the Senator from Kansas, [Mr. INGALLS.]

Mr. OGLESBY. Mr. President, I was looking at that very section of the bill when the Senator from Iowa arose and submitted his amendment. One of the troubles we have had ever since we have had pension laws has arisen from fixing limitations as to time beyond which no application should be received, or, if received, received upon condition. Here is an amendment of vital importance touching this whole question, just upon the heels of the legislation that has given the soldiers arrears of pensions, providing that unless application be made by the 1st day of January, 1880, which will be next January, or the 1st day of July following, such soldiers making such application thereafter shall be deprived of arrears of pensions. The experience of this body in the last six years, upon which I can speak experimentally, ought to advise us that we ought not to be hasty in fixing these limitations. I do not know that any harm would arise if we should fix no limitation at all; I doubt if any trouble would arise. If we shall fix a limit, just as sure as time rolls around, there will be a class of soldiers, mysterious as it may appear under the fascinating temptations held out to them now, who will not be posted and will let the occasion go by, or a man's disease will not have developed, or his testimony will not have been discovered, or he will have been unable from other causes to make application within the time fixed by law, and Congress will be asked to pass special acts granting him arrears of pension.

I was going to propose an amendment in order to take the sense of the Senate upon that subject. I think we might get along a year or two without any limitation, but if we are to have any limitation at all, I was going to suggest the 1st day of January, 1885, so that every soldier will feel, and every member of Congress will hereafter feel, that at least reasonable opportunity has been given by fixing a limitation so remote that they cannot very well complain of it.

The soldiers have not liked these limitations; they have been opposed to them always. They have complained about them, and with a good deal of justice. I see no harm to come from putting this limitation back the number of years I have indicated, so as to give full

time, full opportunity for all applications to be presented under our generous, as I believe, pension laws.

If the Senator from Iowa has no objection, or if I can do so, I move as an amendment to his amendment that the word "five" be inserted in line 12 of section 9, on page 6, after the word "eighty;" so as to read:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1885.

Mr. INGALLS. That amendment is not in order, an amendment in the second degree being now pending.

Mr. OGLESBY. I was asking the Senator from Iowa if he would object to that amendment.

Mr. KIRKWOOD. I think we had better make no limitation at all rather than fix the time so far off.

Mr. OGLESBY. If the amendment is out of order I will not offer it.

Mr. EDMUNDS. No amendment is out of order on an appropriation bill; the Senate have decided.

Mr. INGALLS. An amendment in the second degree is not in order.

The PRESIDING OFFICER. If the question is submitted to the Chair, the Chair will decide that the amendment proposed by the Senator from Illinois is not now in order.

Mr. KIRKWOOD. It will be in order after my amendment is voted on.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Iowa [Mr. KIRKWOOD] to the amendment of the Senator from Kansas.

The amendment to the amendment was agreed to.

Mr. OGLESBY. I now offer the amendment I suggested. In line 12, page 6, after the word "eighty," I move to insert "five;" so as to read:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1885.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois [Mr. OGLESBY] to the amendment.

Mr. EATON. It strikes me we might as well not have any limitation at all if the motion of my friend from Illinois obtains. I think a year and a half is long enough. If one of these poor fellows should not happen to make his application in that time, let him come here for relief.

Mr. OGLESBY. I do not want to detain the Senate a moment; but the experience of this body is that under the various limitation laws this whole trouble grew up about arrears of pension. What is the use of fixing a limitation as to the time a soldier shall apply provided he has an honest case. You will keep out no dishonest case by a brief limitation. They who seek to get a pension dishonestly and not fairly will be spurred up to present their cases. The careless soldier or the one that does not wish to burden the Government with his complaints or his sorrows, may put it off to the last day; then his testimony may be beyond his reach. I think as a matter of convenience to this body and to obviate—

Mr. EATON. If my friend will pardon me, the testimony is a matter of no sort of consequence. Let him file his application; then if he fails in his testimony at one time, his application is in and hereafter when he can procure his testimony it will be taken and submitted in support of the application.

Mr. OGLESBY. That criticism is entirely proper, and it is one that I have not overlooked; but a soldier will be slow to make an application when he is advised by claim agents or by friends or by the Department under its published regulations on this subject that he cannot succeed with the evidence he presents. He will not care to send an application unless he can present a plausible showing, one with the hope of succeeding, because it will be somewhat expensive for him to do so. Generally, in my opinion, soldiers will prefer to present a good case if they present one at all, and therefore they will wait as many have waited years and years to find the whereabouts of some lost or missing officer, or some link in the chain of necessary testimony.

I do not believe the Government will suffer by this, and I think it will leave the opportunity open to such reasonable extent that the soldiers themselves will not be disposed to complain as I believe they generally have complained of these limitation laws. I suggest it as a matter of convenience both to Congress and to the soldier.

Mr. EDMUNDS. I suggest also to the Senator from Illinois in support of his proposition, that on the very bill we are now trying to appropriate money to carry into execution, it has been decided by both Houses of Congress and by the President that these limitations are of no account at all. It is just to wipe out these limitations that the necessity for this appropriation arises; and if we wipe them out in part, why not entirely?

Mr. INGALLS. The observation of the Senator from Vermont is rather unjust. There have always been limitations to the pension laws. The first limitation was one year. It was extended to three, and then enlarged to five. The passage of the arrears bill extended the period up to the date of the operation of that act. I believe, and I think the country concurs with me in believing that it is proper a period should be fixed after which, when an application is made, if granted it should not date back of the time when the application was filed. As the law now stands, every petitioner whose claim is

granted hereafter will draw not only the monthly stipend to which the law entitles him, but a large sum aggregating from hundreds to thousands of dollars in each case going back to the time when the man was discharged or his disability was incurred. It is very obvious that sum will increase as time goes on. The longer we postpone it, the greater the sum to be paid.

I am very sure that the Senator from Vermont is in favor of some period being fixed, giving notice to every person who has claimed a pension, in which, as in every other case of claims against the Government or individuals, the application shall be made; otherwise the claim if granted shall only carry after the time when the application is made or it is decided that the person named is entitled to relief. I think myself that the period fixed by the amendment of the Senator from Iowa is just and liberal, that it will meet the approbation of the Senate and of all the pensioners and the country at large. It is notice to everybody having any claim that if he does not file his application by the 1st day of July, 1880, which is a year and some months off, their pension will only date from the time their application is filed.

I trust the amendment offered by the Senator from Illinois will not be agreed to.

Mr. EDMUNDS. There is great force in what the Senator from Kansas says, but it happens to my apprehension to be exactly in opposition to the law we have passed. The first law provided a limitation of one year of which everybody had the same notice that he will have of this law, and everybody under it had perfectly fair play. Then by somebody's pressure it was extended to three years, if I am not mistaken, and after that he had the same notice, and then to five, and everybody had notice; and after everybody had had notice and has taken his pension according to the notice and according to the law, the two Houses of Congress and the President have agreed that all that provision for notice and for wholesome limitation was of no account whatever, and that justice required that this limitation should be entirely swept out. If that was just as to those who have got their pensions, I am unable to see why it is not just to those who have not.

Mr. INGALLS. The great majority of pensioners get no advantage under the recent bill. There are more than three hundred thousand pensions, and under the recent bill there are less than thirty-eight thousand who will be beneficiaries.

Mr. EDMUNDS. I do not see that that alters the case.

Mr. INGALLS. It shows that a very large number made applications under the previous limitation.

Mr. EDMUNDS. So they did, but justice is just as much due to one man as it is due to a thousand, I take it, and that is the theory on which this arrears of pensions bill went. In spite of repeated notices to pensioners, for the wholesome reasons the Senator from Kansas states there ought to be a limitation, as there was all the time, the two Houses of Congress by a great majority, and the President, practically have said that that principle was not a sound principle but a false one; that justice demanded that those who did not come in within the time should have their arrearages just like the others who did come in time. I did not agree to that proposition myself, but it is the law, and the Senate and the House and the President have decided that it rests on sound principles; otherwise it would not be the law. If the principle be sound I am unable to see any difference between the case suggested by the Senator from Illinois and the other, and we should be called upon hereafter on the same principles to enact an arrears of pension law for the new men.

Mr. KIRKWOOD. Mr. President, in my judgment the dissatisfaction with the previous law arose more from the cause I am about to state than any other cause. Why the law was ever written as it was written, I have never been able to understand; but it provided that a certain class of applications for pensions should date for the payment of the pension from the time the last piece of evidence in support of their claims was filed—

Mr. INGALLS. Necessary to establish the claim.

Mr. KIRKWOOD. Yes, the last piece of evidence necessary to establish the claim. The Pension Office has been so overburdened with labor that necessarily it took one, two, three, four, and five years many times before an application could be determined, and then the law of which I speak came in, and said that a man should not have his pension from the time he had asked for it but from a much later time. To remedy that difficulty, the Pension Committee of the Senate at the last session offered to the Senate a bill which was promptly passed here, dating arrearages back to the time when the application was filed and not to the time when the last evidence in support of the claim was filed. I am inclined to think if that had been acquiesced in by the other House, it would have been satisfactory to the country; but that I think was the cause of dissatisfaction, not the limitation that was placed in the law.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois [Mr. OGLESBY] to the amendment of the Committee on Pensions.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas from the Committee on Pensions.

Mr. INGALLS. I ask for a division of the amendment. It relates

to different subjects. I suggest that the question be taken on the first eight sections as one branch by itself.

The PRESIDING OFFICER. The Senator from Kansas suggests a division and a vote upon the parts of this amendment separately. The first vote will be upon sections 1 to 8 inclusive.

Mr. DAVIS, of West Virginia. On account of my attention to the duties of the Appropriations Committee I have been out of the Senate until a few moments ago; I do not know what amendments may have been added to this bill, but as I understand it the amendment of the Senator from Tennessee giving the appointment to the President subject to confirmation by the Senate is now a part of the amendment offered by the Pension Committee.

Mr. INGALLS. That has been adopted.

Mr. DAVIS, of West Virginia. I ask the Senator whether any other amendment has been made?

Mr. INGALLS. None, except that the number of districts into which the territory of the United States may be divided is increased to seventy-six.

Mr. DAVIS, of West Virginia. Upon whose motion was that—on the motion of the chairman?

Mr. INGALLS. By the action of the Senate.

Mr. DAVIS, of West Virginia. I had made a memorandum of various points, of which that is one.

Mr. INGALLS. It rests entirely in the discretion of the Secretary of the Interior whether that number shall be created or not.

Mr. DAVIS, of West Virginia. I expect to vote for this amendment, because I believe it is in the direction of economy, and will probably prevent a great many frauds. My inquiry is not intended as an objection to the amendment, for I am in its favor. The cost, as I understand it, even at seventy-six, will be very little above \$400,000 per annum. The present system costs nearly \$200,000 per annum, or not quite that, making a difference in the system contemplated of about \$200,000. If that be so, and one-tenth part of the frauds that are estimated either by the chairman of the Pensions Committee or by the Commissioner of Pensions are facts and could be prevented, this will of course be a great saving in the point of dollars and cents. Thus this amendment, by the prevention of fraud, saves more than the amount that will be expended under it. The great frauds that are now going on all over the country on the subject of pensions are frightful, and they ought to be broken up; they are demoralizing. If this can be done in any way the amount it may cost is comparatively nothing; it is insignificant. I believe that five or six millions are fraudulently paid per annum, as has been stated here before, on account of pensions. If any part of that can be saved, then Congress will be justifiable in spending double the money now expended for the expenses of the office this year.

But I understand another thing that makes me decidedly in favor of this amendment, and that is that there is not a single pension agent probably in Washington or elsewhere who is not opposed to this amendment. Why is that? What does that mean? It is hardly necessary for me to tell the Senate what it means. That single fact speaks volumes, and I will let it drop.

I am told that the estimate of the Commissioner is that previous to the passage of the recent act the average of applications daily was thirty-four, and the average now is over one hundred, probably one hundred and twenty a day.

Mr. INGALLS. Over two hundred daily in the last week.

Mr. DAVIS, of West Virginia. The chairman of the Pension Committee says over two hundred. I have not heard of it for a week or so. This shows that the applications are growing and something ought to be done. It is, in fact, almost absolutely necessary to look into these claims carefully. They are multiplying so rapidly that the amount is astonishing. Why, Mr. President, according to the Pension Commissioner's report, there are now one hundred and twenty thousand applications lying in the Pension Office awaiting examination. That shows that the present system is not perfect. If it was, we could get along faster and keep up with them better. It shows that something is wanting to dispose of these cases, and I think it can be done in the way pointed out. I am willing and desirous of trying some plan. I desire to get into some form something that will prevent frauds that I believe exist upon the Pension Bureau. I believe the present Commissioner is doing his duty. I believe he is giving much attention to and trying to prevent frauds in every form and manner that may be presented to him. I believe the office has improved vastly under his control, and he recommends a change, and this is the change he recommends, earnestly recommends, as I understand.

Mr. EDMUNDS. Mr. President, I wish to deny for the pensioners who reside in the State of Vermont and as far as I know for the pensioners residing in all the other States, the imputation that 25 per cent. or 15 per cent. or 10 per cent. or anything like it are in the slightest degree fraudulent, and I should like to see the proof of it. I should like to know what the nature of the proof is. The statute that has existed all the time under our pension laws authorizes the Commissioner of Pensions either with or without the approval of the Secretary of the Interior—I do not remember which nor care for this purpose—whenever he has reason to believe any one pension is not legally payable, to stop the payment of it. He therefore has held all the time in his own hands the power of stopping the payment of

any pension that he believed to be an unjust or a fraudulent one. Why does he not? If he has the evidence which satisfies him that 10 per cent., which I believe is his statement, of the pensions that are paid are fraudulent, why does he not stop that 10 per cent., or why does not somebody, because the evidence of fraud cannot be found by any general impression; it must be found by an aggregation of individual instances.

Mr. INGALLS. Several hundred cases were dropped last year, and over \$500,000 saved to the pension fund.

Mr. EDMUNDS. Very good. That shows that \$500,000 out of thirty million had been, in the judgment of the Commissioner of Pensions, improperly allowed. That does not prove the case by any means.

Mr. DAVIS, of West Virginia. I understand the Commissioner to say that this plan now recommended will break up fraud, and this is the way he wants to find it out. He thinks under existing laws some money has been recovered, but not so much as will be under the system now proposed.

Mr. EDMUNDS. Yes, but if the Secretary of the Interior or the Commissioner of Pensions is willing to be responsible for saying to us that he has discovered any probable ground for believing that 10 per cent. of the pensions are fraudulent, he must have discovered it upon the aggregation of individual cases. The fact that he has discovered \$500,000 does not prove that he could discover a million, any more than the fact that you can find that one Senator in this body in years gone by has been guilty of misconduct or fraud implies that probably there are ten or fifteen more just as guilty and you are therefore to institute measures to purge the Senate. No such inference follows by any means; and hence I say that if the Commissioner of Pensions is justified in saying to us that there are 10 per cent. or 5 per cent. or 3 per cent. of these payments of pensions that are fraudulent or unjust, he must, if he is wise and if he is honest in his report, have based that upon the information that he has as to individual cases; and as fast as he has that information, it is within his authority, and it is his duty, to stop the payment of pensions, as he does as far as he goes. We are jumping, therefore, at conclusions, and I think very unjustly to the body of the patriotic soldiery of this country when we give it forth to everybody and everywhere by iterated and reiterated statements that a very large percentage of the pensioners of this Government during the late war are mere fraudulent plunderers of this Government. I do not believe any such thing, and I do not believe there is any proof of any such thing; but because the Commissioner of Pensions has found here and there a case of fraud he asks us to presume, as he presumes himself, that there must be a much larger number more, just as I said a little while ago if we find once in twenty years that there is one Senator in this high body who has been guilty of receiving bribes, therefore it is to be presumed if you only had more stringent methods you would find all the rest or a certain proportion, 10 or 15 per cent., guilty. I deny the logic and I deny the justice of any such inference.

The PRESIDING OFFICER. The question is on the first eight sections of the amendment proposed by the Senator from Kansas from the Committee on Pensions.

Mr. VORHEES and others called for the yeas and nays; and they were ordered.

Mr. EDMUNDS. Let the eight sections to be voted on be reported.

The PRESIDING OFFICER. The sections to be voted on will be reported.

The Secretary read as follows:

That as soon as practicable after June 30, 1879, the Commissioner of Pensions shall divide the United States and the Territories into districts, the number of which may afterward be increased or diminished, as the exigencies of the service shall seem to require, provided that the number shall at no time exceed seventy-six, and designate convenient posts in each of said districts where the commission provided for by this act shall attend to make medical and surgical examinations, and to take testimony in pension cases. The commission shall attend at each of said posts at least once in each year, and wherever exigencies of the service demand, a more frequent attendance shall be provided for. The designation of posts for each district, with the time of attendance of the commission at each, shall be embodied in an order or orders of the Commissioner of Pensions, and published in a newspaper having a general circulation in the district. Whenever any change in the posts or the time of attendance thereat by the commission is made, it shall be published in the same manner.

SEC. — The Commissioner of Pensions shall detail one of the pension surgeons and one of the pension clerks provided for by section 3 of this act to duty in each of said districts to make medical and surgical examinations authorized by the pension laws, and to take the testimony in pension cases, under the direction of the Commissioner of Pensions. The pension surgeons and pension clerks who shall be detailed upon any such commission shall be authorized to administer oaths to claimants, their witnesses, and the pensioners who shall appear before them, or either of them, and they may proceed together or separately in the performance of their duties, as the Commissioner of Pensions shall direct. The testimony taken by the commission in the cases shall be reduced to writing, as near as may be in the language of the witnesses, and shall be subscribed and sworn to by them in presence of the commission or some member thereof. When the claimant shall have produced all the testimony he desires to furnish the same shall be forwarded to the Commissioner of Pensions for the settlement and adjustment of the claim. If it shall appear to the Commissioner of Pensions in any case or class of cases that the attendance of a claimant or his witnesses before the commission is impossible, or would be an extreme hardship, or that such attendance is unnecessary to a proper adjustment of the claim, the testimony may be taken or medical examination made in such other manner as the Commissioner of Pensions shall prescribe, but no additional expense to the Government shall thereby be incurred. And when, in his opinion, the interests of the Government require it, or justice will be better served thereby, the Commissioner of Pensions may require not exceeding three of said pension surgeons to meet together for the purpose of making medical and surgical examinations of pensioners and claimants.

SEC. — That the President by and with the advice and consent of the Senate shall

appoint to the Pension Office as many pension surgeons, who have had not less than ten years' active experience in the practice of medicine and surgery, as shall be necessary to carry out the provisions of this act, and, when practicable, and not inconsistent with the interests of the service, surgeons who have had experience as Army or Navy surgeons shall be appointed. The President by and with the advice and consent of the Senate shall also appoint to the Pension Office a sufficient number of pension clerks to meet the requirements of this act, who shall be persons learned in the law, and who shall have had experience in the practice of their profession.

SEC. — The Commissioner of Pensions shall cause to be examined by a surgeon, as often as once in two years, all invalid pensioners whose disabilities are liable to become of less degree than that for which the pension was allowed; and he may cause any invalid pensioner to be examined by a surgeon at such times and as often as he shall deem it for the interests of the Government. If, upon the medical examination of any invalid pensioner, it shall appear that the disability on account of which his pension was allowed is less than the degree pensioned, the Commissioner shall readjust and re-rate the pension as justice may require.

SEC. — If, after a pension has been allowed, the Commissioner of Pensions shall have good cause to suspect that the same has been procured through fraud or misrepresentation, or for any other reason is of opinion that it ought not to continue, after first giving reasonable notice to the pensioner of such intended investigation, he shall cause the case to be investigated by the members of the commission for the district.

SEC. — The pension surgeons and pension clerks provided for by this act shall each receive a salary at the rate of \$2,500 per annum, and in addition thereto shall be allowed their actual and necessary transportation expenses, upon bills to be approved by the Commissioner of Pensions.

SEC. — Declarations in pension claims may be made before any member of a pension commission provided for by this act, as well as before the officers named in section 4714 of the Revised Statutes.

SEC. — Section 4776 of the Revised Statutes is hereby amended so as to read as follows: "The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who shall have been in the active practice of medicine and surgery, who shall perform such duties in the adjustment of pension claims as shall be prescribed by the Commissioner of Pensions. His salary shall be \$2,500 per annum."

The PRESIDING OFFICER. The question is on agreeing to the eight sections which have just been read as an amendment to this bill, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 28, nays 37; as follows:

YEAS—28.

Anthony,	Chandler,	Ingalls,	Patterson,
Bailey,	Davis of W. Va.,	Kellogg,	Rollins,
Booth,	Dennis,	Kirkwood,	Sargent,
Bruce,	Ferry,	McMillan,	Saunders,
Burnside,	Hereford,	Matthews,	Teller,
Cameron of Pa.,	Hoar,	Morrill,	Wadleigh,
Cameron of Wis.,	Howe,	Paddock,	Withers.

NAYS—37.

Barnum,	Edmunds,	Lamar,	Ransom,
Bayard,	Eustis,	McCreery,	Sanisbury,
Blaine,	Garland,	McDonald,	Shields,
Butler,	Gordon,	McPherson,	Spencer,
Cockrell,	Grover,	Maxey,	Thurman,
Coke,	Hamlin,	Merrimon,	Voorhees,
Conkling,	Harris,	Mitchell,	Wallace,
Conover,	Hill,	Morgan,	
Davis of Illinois,	Jones of Florida,	Oglesby,	
Eaton,	Kernan,	Randolph,	

ABSENT—11.

Allison,	Dawes,	Jones of Nevada,	Whyte,
Beck,	Dorsey,	Plumb,	Windom.
Chaffee,	Johnston,	Sharon,	

So the amendment was rejected.

Mr. McMILLAN. My colleague [Mr. WINDOM] is absent engaged in the duties of the Committee on Appropriations, and unable to be present in the Chamber.

The PRESIDING OFFICER. The question recurs now on the remaining portion of the amendment, the ninth section, which will be reported.

The Secretary read as follows:

SEC. — All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons, and children under sixteen years of age.

Mr. SAULSBURY. I hope that will not be done, as we have rejected the first part of the proposition. There was a special law fixing the time when pensions should commence. This action will reverse the action of the Senate wherever they have fixed the date of payment at the time the application was filed or the pension granted, so as to carry back all these cases, as I understand, to the time when the death occurred or the injury was received. I hope the amendment will not prevail. It will add largely to the amount of money now provided for pensions, and I think we have been extremely liberal to the pensioners during the present session. I only call the matter to the attention of the Senate. I shall vote against the section and hope it may not pass.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to insert the section just read.

Mr. DAVIS, of West Virginia. Does the chairman of the Committee on Pensions agree with the Senator from Delaware who says this adds greatly to the time?

Mr. INGALLS. It merely prescribes a period of limitation after which pensions shall date from the time of application instead of

carrying arrears back ten, twelve, or fifteen years, as the case may be, to the death, disability, or discharge of the person on whose account a pension is claimed.

Mr. DAVIS, of West Virginia. Now I ask whether this is not in the line of economy?

Mr. INGALLS. It is in the line of economy.

Mr. SAULSBURY. I do not so understand it. We have passed special acts here fixing the time when the pension shall commence; but if I understand the operation of the proposed section, it carries these pensioners back to the time the injury was inflicted though they may not have asked for the pension or had it allowed for ten years after.

Mr. INGALLS. Unless this section is adopted, the law will stand as it now is under the bill granting arrears of pension, and in all cases where hereafter an application is granted it will carry the pension back to the time of disability, discharge, or death of the person on whose account it is claimed. There always has been a limitation, and I have frequently stated that it was in the first place a limitation of one year; that was extended to three and afterward enlarged to five years; and this merely prescribes a period within which persons must make their application in order to avail themselves of the arrearage provision; if made after that time, the 1st of July, 1880, pensions will date from the time when the application was filed. Therefore it is plainly in the interest of economy.

Mr. SAULSBURY. I ask the Senator if there are any persons now on the pension-roll who draw pensions under any existing law except from the time their pensions were granted; for instance, persons whose pensions were granted by special acts, where the act fixes the date at which their pensions shall commence? Are there not classes of pensioners of that description?

Mr. INGALLS. There are about fourteen hundred of that description on the list—about fourteen hundred placed on the list by special act.

Mr. SAULSBURY. Will not this section carry these persons back to the date of their injury even if it occurred as long ago as 1861?

Mr. INGALLS. It has no effect whatever upon them. Those persons are placed on the roll by special act of Congress, and have vested rights of which they cannot be deprived except by special act taking them away.

Mr. SAULSBURY. Is there any provision which excludes from the benefit of this section persons who are now on the pension-roll?

Mr. INGALLS. The Senator cannot have read the section.

Mr. SAULSBURY. I have read it.

Mr. INGALLS. It declares in special terms that—

All pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880.

It does not refer to special acts, and cannot by its terms.

Mr. SAULSBURY. I desire to have the answer of the Senator from Kansas to this question: Suppose a party has filed his application with the Commissioner of Pensions, and the Commissioner of Pensions doubts the party's right, or thinks he has not made his application under the general law in time to entitle him to be placed on the roll. He subsequently comes to Congress and gets a special act placing him on the roll. Is that party excluded?

Mr. INGALLS. The act by which the pension is granted defines the right of the pensioner, and he cannot by any possibility be controlled by the terms of the general law. The Senator ought to understand that, and I presume he does.

Mr. SAULSBURY. I have not examined this matter very attentively; but I am fearful the construction placed on this section will be that which I have indicated, an enlarged pension-list. That is the reason I made the objection.

Mr. KERNAN. I wish to ask the chairman of the Committee on Pensions whether there is not language in this section which is obscure at least. The point I make is that under the language of this section, where a man received some injury while in the war but did not become disabled until long after his discharge, that man, if he files his application within the time prescribed, will get a pension from the date when he was discharged, although he was not actually disabled until long afterward.

The language of the proposed section is:

All pensions which have been, or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted.

So, if he contracted a disease in the war which did not develop or disable him until long after his discharge, I think under this language he would get a pension from the date of his discharge. I am sure the chairman does not mean that.

Mr. INGALLS. Why does not the Senator read the proviso? The section must be taken as an entirety. It will not do to pick out a line or phrase or syllable and ask what that means unless the whole context is put together.

Mr. KERNAN. I will read it all:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application.

Mr. INGALLS. No; because the bill has already been amended on the motion of the Senator from Massachusetts, [Mr. DAWES,] that in no case shall pensions go behind the date of actual disability.

Mr. KERNAN. That is what I wanted to call attention to. In framing this subsequent section should not the language be made to conform to the amendment adopted already, and not have the one seem to contradict the other?

Mr. INGALLS. I do not think it does.

Mr. KERNAN. I am sure if it stood on this proposed section alone it would.

Mr. INGALLS. An express declaration in the statute will control the interpretation of another section.

Mr. KERNAN. Yes; but the Senator said just now the proviso remedied the language I called attention to; but it does not. A prior section says the pension shall not commence until the time of actual disability, but here the subsequent section says if he files his papers before the 1st day of July, 1880, it shall commence from the date of discharge. Why not make this section conform to the prior one?

Mr. INGALLS. I think it does conform to it.

Mr. KERNAN. I would suggest that it should be amended so as to read, "shall commence from the death or from the time when he became actually disabled," instead of "discharge."

Mr. INGALLS. I have no objection to that amendment at all.

Mr. KERNAN. Then I move, in lieu of the word "discharge" in line 6, to insert "or from the time of actual disability."

Mr. INGALLS. Say "from the death or actual disability of the person."

Mr. KERNAN. That is right, "from the death or actual disability." That is the way I think it ought to be.

Mr. INGALLS. I have no objection.

The PRESIDING OFFICER. The Senator from New York proposes in line 6 to strike out the word "discharge" and in lieu thereof to insert "actual disability."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on section 9 of the original amendment of the Senator from Kansas as amended. The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on section 10 of the original amendment of the Senator from Kansas.

The section was read, as follows:

Sec. —. Sections 4709, 4744, 4771, 4772, 4773, 4774, 4775, and 4777 of the Revised Statutes are hereby repealed, to take effect June 30, 1879.

Mr. INGALLS. Let the enumeration be changed to conform with the rest of the bill to which this is an amendment.

The PRESIDING OFFICER. The enumeration of the section will be changed to correspond with the bill. The question is on the section just read.

Mr. EATON. I ask my friend if he desires that section.

Mr. INGALLS. All should be stricken out except the words:

Section 4709 of the Revised Statutes is hereby repealed.

The PRESIDING OFFICER. Does the Senator from Kansas propose an amendment to this amendment?

Mr. INGALLS. That is rendered necessary by the action of the Senate in rejecting the first eight sections of the original amendment.

The PRESIDING OFFICER. The Senator from Kansas proposes to amend the amendment in the way he has indicated.

Mr. INGALLS. So that the section will read simply:

Section 4709 of the Revised Statutes is hereby repealed.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. MORRILL. I am directed by the Committee on Finance to offer an amendment to come in on page 3 after line 47 of the bill as reported by the Committee on Appropriations.

The words proposed to be inserted were read, as follows:

That in order to provide for the prompt payment of the arrears of pensions due to pensioners, or becoming due, under the provisions of the act approved January 25, A. D. 1879, granting and authorizing payment of arrears of pensions, the Secretary of the Treasury is hereby authorized to issue, sell, and dispose of, at not less than par, 4 per cent. bonds of the United States, not exceeding in the aggregate \$18,000,000, of the character, description, and denominations, and with like qualities, privileges, and exemptions, of the 4 per cent. bonds described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," or, in lieu thereof, or any portion thereof, to issue certificates of deposit of the denominations and character provided for in the act entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," approved February 26, 1879; and the proceeds of the sale of such bonds or certificates, or so much thereof as may be necessary, shall be applied exclusively, and is hereby appropriated, to the payment of claims for arrears of pensions arising under said act of January 25, A. D. 1879.

Mr. MORRILL. Mr. President, perhaps no more important measure will come before this Congress ere its close. I desire, therefore, to have the attention of the Senate while a proposition is submitted from the Committee on Finance to provide the means whereby the deficiency in the Treasury that is likely to occur may be provided for, and I now ask that a letter to the Committee on Finance from the Secretary of the Treasury shall be read.

The PRESIDING OFFICER. The letter will be read as requested by the Senator from Vermont.

The Secretary read as follows:

TREASURY DEPARTMENT, February 26, 1879.

Sir: Permit me again to call your attention to the importance of some definite provision for the increased expenditure caused by the act approved January 25, 1879, for the payment of arrears of pensions.

It is manifest that the current revenue is totally inadequate to meet the large unexpected demand, which, it is believed, will reach within the present and the next fiscal year at least \$36,000,000. The estimated surplus revenue for the next fiscal year submitted in my annual report, \$28,165,087.32, will be more than exhausted, and with the reduced revenue caused by the passage of the tobacco bill there will, contrary to my expectations at the beginning of the session, be a deficit of \$18,000,000, which I trust Congress will not adjourn without making some definite provision for, or authorizing it to be temporarily covered by some form of loan. The theory upon which the bill rests is that it is for the payment of a pre-existing debt to pensioners, and if so it should be met as a debt, either by current revenue or by a loan in some form. No provision for this is made in any pending bill, and the Department will be left during the recess of Congress compelled either to refuse to pay this new demand upon the Treasury or to pay it out of the fund expressly provided by law for the maintenance of resumption. The neglect to pay the arrears of pensions would not only be unjust to the very meritorious class of persons who are entitled to receive the back pensions, but would seriously affect the public credit, and would be a reproach to the Government. The other alternative of taking the fund expressly provided by the resumption act for the execution of its provisions would necessarily compel the exercise of the authority conferred by that act to sell bonds to maintain the resumption fund. It is made the express duty of the Department to maintain resumption, and this can only be done by keeping in the Treasury an ample reserve to meet any demands for the redemption of United States notes and to inspire confidence in the ability, beyond all peradventure, to meet such demands. I shall feel it my bounden duty under the law to maintain this fund at or about 40 per cent. of the amount of United States notes outstanding. To use this fund for any other purpose than the one for which it is expressly provided can only be justified by the absolute necessity of meeting mandatory appropriations by Congress. There is no necessity for the sale of bonds for the maintenance of resumption unless the resumption fund is impaired by appropriations larger than the revenues, when it would seem to be the duty of the executive branch of the Government to use even this fund, set aside for a special purpose, rather than defeat the will of Congress.

I trust, therefore, that you will see the importance and necessity of providing directly for a sum sufficient to pay all demands for arrears of pensions in excess of the surplus revenues.

Very respectfully,

JOHN SHERMAN, Secretary.

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

Mr. MORRILL. At this late period of the session I shall not indulge in any protracted remarks, but merely give a brief statement.

The statement already read from the Secretary of the Treasury embraces the most important facts. It is obvious that the appropriations made at this session and those that will be made, with the reduction of the revenue that will occur under the internal-revenue bill that has already passed, will amount to \$50,000,000. Making that change necessarily creates a great deficiency in the amount of receipts for the coming year.

Mr. CONKLING. If I may interrupt, I do not understand what the \$50,000,000 represent. Will the Senator be kind enough to state?

Mr. MORRILL. I speak in round numbers. By the estimate of the Department upon the most careful investigation, the Secretary puts the expenditures under the pension-arrears bill at \$36,000,000. Then the reduction in the duty upon tobacco and snuff and the new provision in relation to savings-banks will amount to enough to make it nearly, in round numbers, \$50,000,000. Under these circumstances it seems that we are to imperil the resumption of specie payments unless some means shall be provided by which the Treasury shall be re-enforced. It is obvious from the start that the sinking fund is wholly wiped out. No provision this year will be made or can be made for the sinking fund; for it is utterly impossible that a government should increase its debt for the purpose of providing a sinking fund.

These are the simple facts. There is to be a deficiency. Is there anything more proper than that we should place this as a part of our funded debt? If it was a debt due as arrears of pension, it ought to be so treated by Congress as well as the Treasury Department.

I leave it for every Senator to judge what is his duty. So far as I am concerned, I do not mean to leave the Treasury embarrassed by the large amount that is paid out in consequence of this arrears of pension bill or any other bill that may pass, nor shall I be willing to leave it embarrassed in consequence of a reduction of our revenue, and I am utterly opposed to interfering with the resumption of specie payments. Unless this proposition shall be accepted, I very much fear the result.

Mr. DAVIS, of West Virginia. I wish to ask the Senator from Vermont whether it is his thought that if this bill is to pass there ought to be arrangements for the money which it will take from the Treasury? Is that the idea of the Senator?

Mr. MORRILL. The Senator can read the amendment. It provides for the issue of \$18,000,000 of bonds, the smallest sum possible that will cover the estimated deficiency on the part of the Treasury Department for the coming year.

Mr. DAVIS, of West Virginia. The amount is the lowest that can be provided for.

Mr. MORRILL. The very lowest sum is \$18,000,000.

Mr. VOORHEES. Mr. President, the amendment of the Senator from Vermont brings the Senate directly to the question whether we are willing to vote to increase the interest-bearing bonded debt of the United States at this time. In my judgment, there is not the slightest trace of a necessity to do so; nor do I believe that three-tenths of

the American people are in favor of it. I hold in my hand a measure, which I propose to offer as a substitute for the amendment offered by the Senator from Vermont, which will raise the exact issue on which I desire to vote and desire the Senate of the United States to vote.

The PRESIDING OFFICER. The Senator from Indiana offers an amendment as a substitute for the amendment proposed by the Senator from Vermont; which will be read.

The Secretary read as follows:

That the Secretary of the Treasury is hereby authorized and required to reissue United States legal-tender notes now held for the redemption of fractional currency, and a part of such notes heretofore retired from circulation under the act of January 14, 1875, to the aggregate amount of \$18,000,000, and to expend the same in payment of such claims for arrears of pensions as may be allowed under the act of January 25, 1879.

Mr. VOORHEES. I understand there are \$12,000,000 available for reissue under the first clause of this substitute relating to the fund for the redemption of fractional currency. Under the act of January 14, 1875, there have been retired about \$35,000,000, making in the Treasury a little short of \$50,000,000 of legal-tender United States notes, doing nobody any good, and which we have the unquestioned right and power to reissue and put again in circulation. If I am told that to do so would disturb the relations that now exist between our different kinds of currency, my answer is that whenever the Government by law treats legal-tender notes as money they will stand firmly at all times and under all circumstances equivalent to gold.

There is no specie resumption at this time. There is a law by which a man having legal-tender notes to the amount of \$50 desiring to obtain gold for them may go to New York and apply at a given place, if he can find it, and there make the very undesirable exchange. Specie resumption, that is to say, specie as a legal tender whenever called for, means that each one of us all can meet our obligations in specie. Such is not the case now, and the fact that the United States legal-tender notes are quoted as equivalent to gold simply proves that in spite of the denunciation and hostility of its enemies this money has forced itself to an equality with gold, and, once being on equal terms with it, the people like it so much better than they like specie that there is no desire on their part to exchange it, consequently there is no run for specie. If there was, it would again be demonstrated, as it has been a thousand times heretofore, that specie payment is a mere theory in finance, to be exploded the moment the attempt is made to reduce it to practice.

In order to maintain the present equivalency between greenbacks and gold, it is only necessary to pass a law compelling the Secretary of the Treasury to do what he is now doing without law, that is to receive legal-tender United States notes for customs dues.

We have a strange spectacle at this time on this point. During the last session of Congress the question whether customs dues should be made payable in legal-tender notes was before this body and attracted the attention of the whole country. At last the Secretary of the Treasury, overawed by public opinion, and in dread of the bill which had passed the House and was pending here, came before the Committee on Finance and in the hearing of the country promised that he would do without law what we were proposing to compel him to do by law.

Sir, there are some tastes so vitiated that they desire tainted rather than healthy food; some appetites so depraved that they take their viands and their meats in a putrid condition; and so it seems the Secretary of the Treasury, in his unnatural desire to act contrary to law, is doing what is right for once, but, as a matter of choice, is doing it lawlessly, rather than have the law compel him to do it. Now, sir, this power in the hands of the Secretary of the Treasury is a most dangerous one. He has only to issue a specie circular to the various ports of the country to revolutionize the whole financial operations of the country. It is a power that ought to be taken at once out of his hands. We should before we adjourn provide that the money which the Secretary of the Treasury is receiving for customs dues is received according to law and not in violation of law. Will some Senator who vouches for the Secretary of the Treasury tell us whether he is proceeding by law or against law in receiving United States legal-tender notes for customs dues? If he is doing it contrary to law, he ought to stop, or his acts ought to be legalized, one way or the other.

Sir, the issue of \$18,000,000 to pay the pensioners of the country in the same kind of money they received when they fought the battles for which they became pensioners would not disturb the monetary condition of the country at all; it would not disturb the equivalency which prevails between paper money and specie, and it would help the business interests of the whole land. Therefore, without taking more time—for I appreciate the value of the moments as they glide swiftly by; they are worth more than gold, more than the currency we are talking about—I shall insist upon a square vote whether we are to load the people with an increase of interest-bearing bonds; or whether we shall not rather put back into the channels of circulation the idle and inactive currency now lying in the Treasury and thus give health and prosperity to all classes, at least to that extent. On that issue I desire a square vote, and with that I shall be satisfied.

Mr. DAWES. Mr. President, I understand the square vote to be this, whether we will pay these pensioners with interest-bearing obligations of the Government, or force them to take the obligations of the Government which do not bear interest. That is all there is to

it. One is a promise to pay; the other is a promise to pay with interest. The Senator from Indiana proposes to force them to take a promise to pay without interest. The Committee on Finance propose when the Government owes a debt, either to pay it in money or to pay it in an obligation that bears the current interest in the market. That is the square issue between the Senator from Indiana and the Committee on Finance. One is to force the pensioner to take the promise of the Government without interest; the other is to offer him the promise of the Government with lawful interest.

Mr. VOORHEES. Mr. President, from a long acquaintance with the Senator from Massachusetts and a long service with him elsewhere than here, I have learned to make large allowance for him. There are occasions in his mental life when he labors under illusions and conceives that he is stating what somebody else has said when he is only stating what he wishes his opponent had said or would say. I will not impeach his fairness. His high character and well-known reputation for never trying to take an advantage of an opponent in debate would answer me on that point at once. But if it was not for this delusion of his; if it was not for this mental hallucination, he would know that the pensioner is not to receive these bonds and that that is not the issue. He would know, if it was not for this hallucination under which he occasionally labors, that the proposition to sell bonds is in the interest of retired capitalists who desire to invest their means in interest-bearing securities, and in that way to obtain greenbacks—the legal-tender notes—to pay the soldiers with, and that the soldier gets no bond and has no chance for one.

I am apologizing for the Senator from Massachusetts for not knowing this, by stating that there are times when he cannot state a proposition fairly coming from an opponent.

Mr. DAWES. Mr. President, the Senator from Indiana shall not be ahead of me in apologizing. I tender to him the same apology that he so generously offers me. The only difference between the Senator from Indiana and myself is that he is indulging in a hallucination instead of myself; that is all. The Senator from Indiana as sincerely believes what he states as anybody possibly can, and I will not impute to him the slightest insincerity in his statement. I only presented the square issue according to, as it seems to me, the common-sense interpretation of business transactions. The Senator from Indiana of course states it as he understands it. I understand that to be the square issue. We propose to supply the means of paying these pensions, and the Senator from Indiana proposes to do it by a forced loan, that is, to compel men to take the promise of the Government without interest. The Committee on Finance propose to supply those means by borrowing the money according to the method by which men transact business. When they cannot pay a debt they do not force a man to take their note without interest, but tender him a note with interest, and if he will not take the note they go into the market and sell the note and promise the man who takes it interest for it. It is a forced loan on the one side, and a loan with lawful and current interest on the other. One the Committee on Finance tenders to the pensioner in the words of this amendment; he can take the identical paper bearing interest himself, or he can take the proceeds of it; but whoever, whether it be the pensioner or whether it be the man who takes the bonds and furnishes the pensioner with the proceeds of them, it makes no difference. On the one hand it is furnishing money without interest, and the other is the obtaining interest for the money, and whether the pensioner takes the identical greenback that does not bear interest or it goes to another man, it is precisely the same thing; it is a forced loan, in the one case, and a forced loan in time of peace. The Government saves the interest on it perhaps, but out of whom does it save it? It saves the interest out of its own people, pockets the interest upon \$18,000,000 and makes the citizen lose it. Somebody loses the interest on \$18,000,000; and the question between the Senator from Indiana and myself is, whether the Government in paying this debt to the soldier shall make the soldier lose the interest, or whether the Government itself in meeting the obligation is willing to lose the interest on the money that it ought to pay.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. VOORHEES] as a substitute for the amendment proposed by the Senator from Vermont, [Mr. MORRILL.] Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. I appeal to the friends of this bill to vote against both the amendment proposed by the Senator from Indiana and that proposed by the Senator from Vermont. I know of no reason why this bill should be stigmatized as creating a deficiency in the expenditures of the Government any more than any other appropriation bill, and I am at a loss to understand why when there are two or three or four more appropriation bills to come in here to be acted upon, the Senator from Vermont selects this particular bill as being the one to which he proposes to attach an amendment that to me is odious and that I believe is odious to nine-tenths of the voters of this country.

It was my understanding that there was to be no further increase of the bonded debt of our country for any purpose; and certainly if there is to be any additional appropriation made or sum to be raised for the purpose of carrying on the Government, no one knows better than the Senator from Vermont that bills of that kind do not originate here, that they are not regarded as favorably when they come from this branch, and that the effort he is making is one that will go

further toward destroying the efficacy of this bill than anything else that can possibly be done.

I hope, therefore, as an original proposition, irrespective of the question as to whether we should have more bonds, or whether we should issue the legal-tenders now held in reserve, that the friends of this measure will vote against both these amendments, and let all the appropriation bills stand on their own merits, and, if a deficiency occurs, proceed in the ordinary way to appropriate money to meet it.

Mr. MORRILL. I am somewhat surprised at the Senator from Kansas, who has been the leader in imposing upon the country this large outlay, making for the present year \$66,000,000, according to the estimate of the proper Department, for pensions alone—that he should undertake to say that this amendment proposed by the Committee on Finance is to stigmatize that bill and to impair its efficiency, when the sole and only purpose can be to give the means whereby the bill can be carried into effect.

Mr. INGALLS. Why this bill any more than any other bill carried into effect?

Mr. MORRILL. Because this bill provides for an appropriation of twenty-six millions and over of dollars, this is the appropriate place for it to be applied.

Mr. INGALLS. I wish the Senator would advise me seriously—

Mr. MORRILL. I am always serious.

Mr. INGALLS. And without any sort of heat, what is the reason that this particular bill is selected as the vehicle upon which this rider is to be carried? If this bill passes and becomes a law and no other appropriation bill should pass, there will be no deficiency. The Senator must admit that. If a deficiency is created, it will be by the passage of some other appropriation bill after this. Now, why does he not select the bill that will create the deficiency, instead of loading his amendment upon this bill and provoking a discussion that may be interminable?

Mr. MORRILL. I do not desire to provoke a discussion that shall be interminable; and so far as I am concerned it will not be interminable; but when a bill is here that increases the expenditures of the Government much beyond the estimates and which was not estimated for, there can be no more appropriate place for supplying the deficiency than upon that bill. I know of no bill that will be pending here where this measure proposed by the Committee on Finance and sent to the Committee on Appropriations will be as appropriate as it will be on this bill, and I trust that notwithstanding the earnestness with which the Senator from Kansas protests against the application of this amendment, all Senators who desire to maintain the credit of the country, who do not desire to see our financial affairs again in a state of agitation and of turmoil, who desire to maintain specie payments, will at least give this amendment now proposed by the Finance Committee a favorable consideration.

Mr. CONKLING. Mr. President, I remember to have heard years ago one then very prominent member of the Senate lay down this rule of legislative action, that whenever in doubt about a measure, it was wise to follow the committee; but I find from actual experience in this case that following with great docility the committee has not relieved me from much trouble.

On the report of one of the committees of the Senate there came to us a bill for paying arrears of pensions. The chairman of that committee when inquired of informed the Senate in substance that \$20,000,000 was the utmost limit, and he thought eighteen million a sufficient sum to meet the requirements of the bill. He made that statement unchallenged in the presence of the whole Senate, in the presence among others of the Senators constituting the Committee on Finance. He was seconded by that committee as to the propriety of the bill in so far as the support openly expressed of three members of the committee could aid him. I think I am not mistaken in my recollection that as many as three members of the Committee on Finance, including the Senator from Vermont, the chairman of the committee, advocated and approved that bill, and none of them challenged the statement made by the chairman of the committee from which it came.

The chairman of the Committee on Pensions held in his hand, and has been kind enough to loan me, an estimate that shows \$18,733,637 to be as near as could be stated the sum total appropriated, or undertaken to be appropriated, by the arrears of pension bill. He made this statement from a printed communication coming from the Commissioner of Pensions then some time before, which I have also in my hand; so that undoubtedly every Senator was warranted in acting, and presumably he did act, upon the belief that \$18,000,000 in round numbers, was the sum affected by this pension legislation. Now, curiously enough, that very sum, \$18,000,000, is the deficit specified in the letter which has been read from the Secretary of the Treasury. He says that during the next sixteen months, for that is the period to the end of the next fiscal year, that is to say from the 1st of March to the 1st of July, 1880, the requirement for arrears of pensions will be \$36,000,000, and he says that the deficit which this amendment is intended to make up reaches exactly that sum. So if from any of the organs of information on this subject, if from the Pension Bureau or any bureau or Department, the information produced by the Senator from Kansas on which we acted had been so verified and so established as to be reliable, there would have been no deficit at all. In other words, we find now complaint of a deficiency by exactly as much as for the present and next fiscal year the requirement exceeds the



estimate. By exactly as much as such a deficiency arises occasion is presented to us for legislation in the nature of revenue legislation to increase the public income.

Well, Mr. President, I see it stated in a public journal that passing beyond the next sixteen months which this thirty-six-million-dollar estimate is confined to, it is the opinion of some or all of the Treasury officials that \$100,000,000 is involved in the arrears of pension bill. Of course I do not state this to adopt the statement. I know nothing about it. I am bewildered in the contrariety of statements that we have received; first, \$18,000,000 for the whole amount; then \$36,000,000 for that fraction of the amount to be provided for in the next sixteen months; and then a vague and portentous outgiving that one hundred million or even one hundred and twenty million may be no more than the limit.

Now, Mr. President, if I am to vote to increase the bonded debt of the nation, I would like to know that I do it in obedience to a behest which amounts to a necessity. I should like to do it in order to avoid that which will be a breach of the public faith that shall tarnish the public honor. Exactly how, in the midst of these differing and conflicting statements, I can see my way clear in voting for this amendment, I find great difficulty without further light in determining. If it be true that \$18,000,000, as this statement says, will cover the whole total of arrears of pensions, then the letter of the Secretary shows that there will be no deficiency either in this year or in the next year or in any year growing out of this legislation. If on the other hand \$36,000,000 be necessary during the next sixteen months, how much that portends in the months and years to come, I have no information enabling me even to guess; but I suppose I am safe in assuming that it implies several times over this total of either \$18,000,000 or \$36,000,000. If it be true either because we have dismissed objects of taxation or because in the bill to which reference has been made, and because in that bill alone, appropriations have been made beyond the national income, then I see no way with the convictions I hold except to have the Government go out and borrow money, strange as that sounds on this day of this year, because in no event will I vote for such a proposition as is presented by the Senator from Indiana, [Mr. VOORHEES.] I do not believe that inflation again in any form is a remedy to be tolerated except in the estimation of those who think that inflation in itself is a wise thing. Not being of those, it presents no recommendation to me. I deal with the other amendment, that which proposes to begin by borrowing \$18,000,000, by issuing bonds to be followed, I take it, by borrowing we know not how much, and we have no means of knowing because not only of the absence of trustworthy estimates, but of the wide difference between them, and of the apparent inattention with which some or all of them have been made.

Mr. President, I do not know that the lack of information is that for which anybody is to blame. It is no part of my purpose at this moment to arraign any one; it is rather my purpose to make candid confession of the puzzle in which I find myself, and of the egregious error under which I labored when the vote was taken upon the arrears of pension bill. Certainly had it been known then that a hundred million or fifty million, or for the next sixteen months thirty-six million dollars was involved in that legislation, that would have been the time, not this in the dying hours of this session, to consider somewhat whence was to come a sum so enormous. But we have been left to discover, when it was too late in respect of that measure, the astounding state of facts which, if we credit the later statements, has come to exist in this respect.

It may be said, as the Senator from Kansas said touching another amendment, that whoever objects to an amendment should have something better to propose. There may be justice in that. I do not pretend to have anything to propose, the immediate question presented to me being whether I can properly vote to increase the bonded debt of this nation, and that upon a statement or a group of statements apparently so unsatisfactory, and certainly so conflicting with each other, as these succeeding statements which we have heard reported here by authority and given to us otherwise through the medium of the public press.

Mr. MORRILL. I merely desire to say a single word. When the bill for the arrears of pensions was before the Senate on a former occasion, I then suggested the propriety of issuing bonds to pay the amount, but that was not received with favor, and so far as the statement made by the chairman of the Committee on Pensions was concerned I had supposed that it came of a recent date from the proper Department and accepted it as to be relied upon. I wish now to say that the proposed amendment offered by the Committee on Finance only proposes this, that, so far as the outgoings are concerned for the payment of these arrears of pensions, bonds shall be issued, and they shall be devoted to that purpose and nothing else.

Mr. WINDOM. Mr. President, I ask the Senator from Kansas to lay aside this bill temporarily, that we may proceed with the sundry civil bill.

Mr. INGALLS. I think we had better proceed with this. It is a larger bill than the sundry civil bill, and involves evidently the expenditure of a great deal more money, and there is no better time to consider it, especially when attached to it by the amendment of the Senator from Vermont is a proposition to revolutionize the whole financial system of this Government. I shall ask the Senate to adhere to the end to this bill, and let us have a final determination as

to whether the amendment of the Senator from Vermont is to be attached to this in preference to any other bill that may make a deficiency in the appropriations for the next year.

Mr. WINDOM. It must be very evident to the Senate that if we are to discuss the financial policy of the country in all its length and breadth during the last two or three days of the session, the numerous appropriation bills which are yet back cannot be acted on. This is a short bill, and can be taken up after the sundry civil bill is disposed of. I know no way by which we can prevent the discussion of this question of finance, the question of increasing the national debt, the question of issuing greenbacks, the question that will be proposed directly, I presume, by my friend the Senator from Kentucky, [Mr. BECK,] of withdrawing from the so-called sinking fund, and I think there is no one subject in the entire length and breadth of the financial question that is not to be discussed upon this bill; and hence, if the Senate proposes to continue it, we may as well give up all hope of finishing the appropriation bills.

Mr. INGALLS. The Senator from Minnesota will bear me witness that this amendment is no importation of mine, and that all I have asked is that the friends of the bill should vote down both amendments and allow it to go like any other appropriation bill, and if a deficiency occurs in the revenues of the Government, pass a bill to make that good, as you do in other cases. That is all I ask. I am ready to vote on both propositions now and vote them down.

Mr. WINDOM. I will not detain the Senate a moment from voting. I only want to say that the sundry civil bill is now ready for action by the Senate; the legislative bill is ready to be reported, and will be taken up as soon as we can complete the sundry civil bill.

Mr. THURMAN. Let us vote on this bill at once.

Mr. WINDOM. If we can take a vote on this question I will not move to lay it aside; otherwise I shall have to do so.

Mr. VOORHEES. I want to say a word. I am not responsible for raising a discussion of the financial policy of the Government. The Senator from Vermont [Mr. MORRILL] brought forward an amendment providing for an issue of an additional amount of interest-bearing bonds. I felt it my duty to antagonize that with a different measure, providing for the arrears of pensions. Those measures are now before the Senate and opposed to each other. I think with the Senator from Kansas that there is no necessity for a discussion of the financial policy of the Government in connection with the arrears of pensions; but as long as the proposition of the Senator from Vermont is before this body, I ask those who think, as I do, that it is bad policy and injustice to the laboring people of this country to increase the interest-bearing bonded debt for any purpose, to vote for the substitute and against the amendment of the Senator from Vermont.

Mr. BECK. Mr. President, I did not expect to say a word, and would not but for the allusion that was made a few moments ago to the measure that I presented in this regard. I am opposed to increasing the bonded debt of the country, and I shall vote for the proposition made by the Senator from Indiana, if it is necessary to vote for any proposition on this subject. I offered a proposition which is now in my hand as a substitute for that of the Senator from Vermont, and discussed it to some extent in committee, but hoping that all these questions might be avoided I consented to its being withdrawn. The proposition that I made is to add as an additional section the following:

SEC. —. That the provisions of the second subdivision of section 3694 of the Revised Statutes of the United States which directs the application of the coin paid for customs dues "to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct," and of section 3696, which provides, "in addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the sinking fund, shall be applied as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt," be, and they are hereby, suspended until the 1st day of July, A. D. 1881, and all money in the Treasury which from time to time might, under the provisions of either of the sections aforesaid, have been applied to the sinking fund aforesaid, shall be considered and treated as surplus revenue in the Treasury not otherwise appropriated, and shall be available for the purpose of carrying out the provisions of the first section of this act.

To wit, the payment of arrears of pensions. I made that proposition for the reason that we have assurances from the reports of the Secretary of the Treasury and from the President of the United States in his annual message in December last, that there was a surplus, after paying all the ordinary expenditures of the Government, on the 1st day of July last, in the Treasury of the United States of \$20,799,000. We have assurances from all these high quarters as well, that at the end of the current fiscal year, to wit, on the 30th of June, 1879, there will be a surplus of \$24,400,000 more in the Treasury. If we do not exceed the estimates of the Departments in our appropriations now there will be in the Treasury at the close of the fiscal year ending June 30, 1880, \$24,557,000, making an aggregate of surplus revenue, adding that on hand on the 1st day of July last and unappropriated to what will be on hand the 1st day of next July and on the 1st day of July, 1880, of seventy-three million and a half, every dollar of which is being used and will be used by the Secretary as he pleases. I have shown again and again that he uses it to buy up fractional currency, to retire legal-tenders, to do as he pleases with it. He is in no way complying with the law relative to the sinking fund, and he admits it before the committees of both Houses.

The Senator from Massachusetts [Mr. DAWES] stepped forward a few minutes ago when the Senator from Minnesota [Mr. WINDOM] was speaking, and said that all I had said about the sinking fund could now be left out as there was none left. That is not the fact, as the reports of the Secretary of the Treasury and the annual message of the President, and as the known facts all prove.

The question I present is simply shall we buy bonds with surplus revenue paying 4 per cent. interest and pay double interest for three months, and a half per cent. commission to pet bankers to put it into a so-called sinking fund, and then turn round and buy other bonds at 4 per cent. to meet the arrears of pensions? Why shall we take money out of one pocket to put it in the other and pay as I say double interest for three months and $\frac{1}{2}$ per cent. commission to do it? There can be no genuine sinking fund except out of the surplus revenues, and I propose to relieve all the surplus revenues from the operation of any sinking fund for two years, as the President and all the Secretaries say that we are \$202,000,000 ahead of the requirements of that law now, and there is obviously no necessity for buying any more bonds to decrease principal, and buy as many more to increase it.

Therefore, why not let the surplus revenue which would otherwise be used in some form for the sinking fund be applied by the Secretary of the Treasury, and let us authorize him to apply it to the payment of the arrears of pensions. That is the honest way to apply it. If the Secretary is wrong, if the President is wrong, as to the amount of such surplus, if the attempt they are now making to frighten us to further increase the national debt is true, before we issue more bonds for the purposes of resumption when we have increased by \$115,000,000 the principal of the interest-bearing debt in two and a half or three years, let us use what we have on hand before we further increase it. There is no danger of any deficiency in the face of the facts I have stated before Congress meets again. If anything is done it ought to be to allow and to require all the surplus money in the Treasury, after paying the ordinary expenditures of the Government, to be applied to pay the arrears of pensions, and not to buy bonds to keep up the so-called sinking fund, and then sell bonds in order to raise other money, paying interest, double interest, commission expenses, and every other wasteful thing to perform the operation.

No one pretends that the appropriations of this year will exceed the estimates. No one pretends that even the tobacco bill, as it is called, or anything else will reduce the revenue more than from six to eight million dollars. I feel sure it will not reduce it five, nor perhaps more than three, but assume that it reduces it all that anybody claims, the facts being as stated by the President, that \$20,000,000 were on hand on the 1st of July last, twenty-four and a half million dollars at the end of the next fiscal year, \$28,700,000 eighteen months from now, making a grand total of surplus of seventy-three and a half millions, why should we be selling more bonds now, with that surplus in all probability on hand, or even with one-half of it on hand?

Mr. President, I do not intend to take time to argue this question. I have argued it over and over again, but I do hope that this Congress will refuse to increase the bonded debt of the country and to allow the surplus revenues that we know are and will be in the Treasury, and that are reported officially as there, with no extravagant ordinary appropriations made, and with no deficiency of revenue, why are we to add still further to the bonded debt of the country?

If the Senator from Vermont insists upon his amendment, I shall offer mine at the proper time, which will be as soon as the vote has been taken on the substitute offered by the Senator from Indiana, the amendment which I read when I first rose, and which is to allow and require the Secretary to cease purchasing any more sinking-fund bonds, to cease using the surplus revenue for the purpose of diminishing the national debt, as he calls it, but to apply that surplus revenue to the payment of arrears of pensions. I have no doubt this arrears of pension bill is going to cost a great deal more than any Senator supposed. I knew it at the time it passed, and opposed it from the beginning, but I do not mean to repudiate it now. I am willing to furnish ways and means to comply with its provisions, since Congress has seen fit to impose it upon the country, but I am not willing to increase the bonded debt of the country to do it, when I am sure that by applying the surplus revenues in the Treasury it can be done. No man can read the last letter of the Secretary, in which he leaves out of account all these surplus revenues for this year that he has officially certified to as almost certain to be in his hands, and come to any other conclusion than that it is an effort to still further increase the bonded debt of the country without cause, as he has been doing it for the last three years.

The fact that he increased it \$115,000,000 on the pretense of aiding resumption was in my opinion an outrage on the tax-payers of this country, and to still further do it is to add to that wrong. We shall have a Congress in December, long before any deficiency can accrue in any possible state of the case; that Congress will be as true to the honor of this country as the present one. We shall ascertain then the true condition of things; and, if it becomes necessary to raise money, we will raise it at all hazards; but the fact will be developed long before that time that this is an effort to carry on still further the issuing of bonds to keep up a delusive, expensive, and useless sinking fund.

Mr. INGALLS. The remarks of the Senator from New York [Mr.

CONKLING] seem to render it necessary for me to trouble the Senate with a single observation in regard to the information that was originally submitted by me to the Senate as to the amount required to render the arrears of pension bill operative, and the apparent discrepancy between that statement and the estimate submitted by the Secretary of the Treasury.

I call his attention to what occurred when the arrears of pension bill was originally under discussion. The question was then asked by the Senator from Delaware [Mr. SAULSBURY] as to what would be the amount of money required to pay the pensions therein provided for. I went on to make the statement that I have substantially repeated half a dozen times since during this debate. My statement ended as follows:

There have been three years since that date, and of course I can only estimate what amount would be required since this computation was made; but taking the estimate for 1875 as an average, my judgment would be that to this sum should be added not less than five million dollars for claims since allowed to which the limitation now applies. Of course these estimates are very largely in the nature of surmises, because we cannot tell until the bill is put practically in operation exactly what will be required.

Mr. CONKLING. Making in all how much, as the Senator has it there?

Mr. INGALLS. Making in all, up to the 1st of January, 1876, the sum of \$13,417,109, and that amount I should judge would be increased by not less than \$5,000,000 up to the 1st of January, 1879.

Mr. CONKLING. Which makes about \$19,000,000.

Mr. INGALLS. I should judge somewhere from eighteen to twenty million dollars, in round numbers. Of course it is impossible to make anything like an accurate calculation upon matters of this kind.

That was what I said would be required probably upon the best estimate I could make from data furnished by the Commissioner of Pensions up to the 1st day of January, 1879. The Senator from New York has no right to contrast that with the statement made by the Secretary of the Treasury; for what is his language? He says:

It is manifest that the current revenue is totally inadequate to meet the large, unexpected demand which it is believed—

Fine language for a Secretary of the Treasury to use in submitting an estimate for a great appropriation involving an increase of the bonded debt!

which it is believed will reach within the present and the next fiscal year—

That is, up to the first of July, 1880—

at least \$36,000,000.

That is language submitted by the Secretary of the Treasury, who had had this subject before him for more than a month, and who was submitting what are presumed to be estimates derived from the statistics under his control in regard to what will be required to carry out the provisions of that act. But I ask the Senator from New York to observe that there is nothing like the discrepancy which appeared upon the figures between the statement made by me and that submitted by the Secretary of the Treasury.

Mr. CONKLING. Will the Senator allow me a moment. Shall I understand him now to mean that his statement of \$19,000,000 was only of the amount which would be necessary as an installment upon this; that is, the amount necessary to pay what would be proved by the 1st of January, 1879?

Mr. INGALLS. My language was—

Making in all, up to the 1st of January, 1876, the sum of \$13,417,109, and that amount I should judge would be increased by not less than \$5,000,000 up to the 1st of January, 1879.

To which Mr. CONKLING replied:

Which makes about \$19,000,000?

Of course my estimate was based upon the question that was asked me, to which I made answer.

Mr. CONKLING. And my inquiry of the Senator is this: Did he mean to inform us that \$19,000,000 was the probable sum which it would be necessary to use up to a certain date, or did he mean that counting all arrearages of pensions up to that time they would amount to \$19,000,000?

Mr. INGALLS. The Senator knows, I suppose, or if he does not he ought to know, that more than four-fifths of all the pensioners on the rolls have already received their arrearages of pensions, and that this law was simply to operate upon a class not exceeding thirty-eight thousand in number out of the three hundred thousand who had been pensioned; and my answer was that to pay them up to the 1st of January, 1879, in my judgment, would require from eighteen to twenty million dollars, and to that I still adhere.

Mr. CONKLING. Will the Senator allow me once more to ask, because I am stupid, I confess I do not yet understand him, did the Senator mean that \$19,000,000 would be the cost of the arrears of pension bill, or did he mean that it would cost up to that date, to wit: January, 1879, \$19,000,000 and leave an indefinite cost afterward?

Mr. INGALLS. That was what I said, and of course it was what I meant, because the arrears of pension bill provided for the removal of the limitation, and what would be required of those who thereafter made application could no more be calculated or estimated than one could calculate the number of birds that will fly through the air next year.

Mr. CONKLING. Then if the Senator will allow me, I shall apologize I think sufficiently for my misunderstanding by reading the question which he answered:

Mr. SAULSBURY. I should like the chairman of the Committee on Pensions to indicate to us something as to the amount of money which will be required to pay the pensions here provided for. We ought not to vote blindly on this matter.

Listening to the Senator from Kansas in response to that question I understood, and I think naturally and excusably, that he was answering that and telling us the total amount, as far as could be estimated, covered by the bill, and not telling us merely that without reference to the whole amount, up to a certain date, probably nineteen million would have been paid out under it.

Mr. INGALLS. The bill provided in express terms for the removal of the limitation in the case of all applications that might thereafter be made; and how could it be supposed for an instant that the Secretary of the Interior or the Commissioner of Pensions or myself could tell what number of applications would thereafter be made under a general law, which would be entitled to arrears of pensions? The only question that was addressed to me, and the only interrogatory I could answer, was what would be the amount of money required to render that bill operative up to the time when it became a law. As to what would be required by the operations of that bill thereafter would depend upon the number of applications made under it, of which I had no more means of information than any other person, because it is entirely and absolutely without the possibility of being known.

Mr. EDMUNDS. I should like to ask the Senator a question.

Mr. INGALLS. I shall be glad to answer it.

Mr. EDMUNDS. Does the Senator mean to say now that in his judgment the payment of all arrears of pensions to pensioners whose claims have already been allowed for a pension at all, will only cost eighteen, nineteen, or twenty million dollars?

Mr. INGALLS. That is my deliberate judgment, based upon information furnished to me in 1876 by the Commissioner of Pensions upon the identical subject. I then asked him what would be required to make an act like that operative, if it then passed, and he gave me the statistics, and upon them I based my estimate of what would be required to render the act operative, and I still adhere to it; but as to what the act will require hereafter will depend upon the number of men pensioned under the general law.

Mr. EDMUNDS. Then I understand the chairman of the Committee on Pensions, speaking from his information from the Executive Department, to say that all the money that will be required to carry out the arrears of pension law, so far as pensions have already been granted, and so far therefore as there are any arrears now, will be inside of \$20,000,000.

Mr. INGALLS. Up to the time when that bill passed.

Mr. EDMUNDS. I want to prophesy that the Senator will be greatly mistaken.

Mr. INGALLS. I want to call the attention of the Senate further to the fact that in a communication from the head of an Executive Department of the Government who ought to know about these things, and who has all the statistics before him, submitting here an estimate implying deficiency of revenue, the language is used that "it is believed" that this large unexpected demand within the present and next fiscal year will reach \$36,000,000; so that so far as the information that we have before us is concerned from any source, it is wholly conjectural and based evidently upon surmises.

Mr. HOAR. Mr. President, it seems very strange that at this hour of the session the Senate should spend its time in discussing a mere moot question which can be of no practical consequence in legislation. This bill has been decided by a large majority not to be a general appropriation bill. It is an appropriation bill for a special purpose, which will be exhausted in a year or two. The amendment of the Senator from Vermont [Mr. MORRILL] is to put on a bill of that character a proposition for raising revenue, which under the Constitution cannot originate in this body; and in the defense of a constitutional prerogative of which the House is more jealous than any other it is just as certain to be sent back to the Senate without consideration, if it contains that clause, as the sun is to rise to-morrow morning.

Mr. MORRILL. May I ask my friend from Massachusetts if he regards a proposition to borrow money in the nature of a revenue bill?

Mr. HOAR. I do. I regard the making a proposition to raise money by borrowing, by the sale of the credit of the Government, as a revenue bill. If that be true, and if that be the claim of the House of Representatives, as we all know it is, it would seem a strange waste of the time of the Senate for us to sit up until sunrise to-morrow morning dealing with this question or with the other propositions which have been brought forward as substitutes for the present amendment or to spend several hours now to compel ourselves to sit up in dealing with something else. I therefore appeal to the Senate to abandon the discussion.

Mr. WINDOM. Mr. President, I propose to move that the Senate take a recess from now until half past seven o'clock.

Mr. BAYARD and others. Say eight.

Mr. WINDOM. A number of Senators say eight o'clock.

Mr. PADDOCK. I hope the Senator will not change his proposition.

Mr. WINDOM. I have not made it yet, and I should like to say a word before I make it, but I propose to submit the motion in a moment. I want to say that it will be absolutely necessary for the Senate to remain here nearly all night, and probably all night, and I wish to submit the question of a recess to the Senate for the purpose of testing the wishes of the members of this body upon that point. If a majority desire to remain here right through until we conclude some

of these bills that can be finished, they will vote against the motion for a recess; if not, I think a recess can be taken until eight o'clock with profit. I move then that the Senate now take a recess until eight o'clock.

Mr. EDMUNDS. I wish only to say that I hope after the recess is taken Senators who are less than a quorum will not do any business, and I will add that if I am here I do not intend it shall, so as to invite everybody to come who wishes.

Mr. WINDOM. I will add that if there is not a quorum after the recess to-night I shall move a call of the Senate.

Mr. COCKRELL. And compel Senators to come.

HOUSE BILLS.

The VICE-PRESIDENT. Before putting the question, the Chair will lay before the Senate bills from the House of Representatives.

The bill (H. R. No. 6516) to amend section 3397 of the Revised Statutes with respect to interest on surrendered or called bonds was read the first time by its title.

Mr. EDMUNDS. I object to the second reading. Let it go over until to-morrow to be read the second time.

The joint resolution (H. R. No. 248) in regard to remission of duties was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of that.

The bill (H. R. No. 100) to amend section 2958 of the Revised Statutes was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of that.

The bill (H. R. No. 6515) respecting protests or appeals from decisions of collectors of customs, and for other purposes, was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of that.

Mr. MORRILL. I wish my colleague would allow that bill to be referred to the Committee on Finance.

Mr. EDMUNDS. No, I wish it printed to see how it looks.

The bill (H. R. No. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen, was read the first time by its title.

Mr. EDMUNDS. I object to the second reading of that.

Mr. McDONALD. Does the Senator from Vermont object to the second reading of that bill to-day?

Mr. EDMUNDS. Yes, I object to the second reading of all the bills that come from the House of Representatives.

MEMORIAL ADDRESSES ON THE LATE MR. QUINN.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Terence J. Quinn, late a Representative from the State of New York, of which 9,000 shall be for the use of the House and 3,000 for the use of the Senate.

The resolution was referred to the Committee on Printing.

RECESS.

Mr. DAVIS, of West Virginia. I wish to ask a question of the Senator from Minnesota. [Mr. WINDOM.]

The VICE-PRESIDENT. Will the Senator from Minnesota yield further?

Mr. WINDOM. I will yield for a question.

Mr. DAVIS, of West Virginia. I ask the Senator whether it is his intention after the recess to take up the sundry civil bill, which is a very long bill?

Mr. WINDOM. Unless a vote can be taken without further debate on this bill I shall move to lay it aside and take up the sundry civil bill.

Mr. INGALLS. I give notice that after the Senate assembles at the close of the recess I shall raise the point of order on the pending amendment under the constitutional provision referred to by the Senator from Massachusetts. [Mr. HOAR.]

Mr. DAVIS, of West Virginia. I wish to say—

Mr. WINDOM. I insist on my motion for a recess.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. BRUCE. Mr. President—

The VICE-PRESIDENT. The motion is not debatable.

The motion was agreed to; and (at five o'clock and forty-five minutes p. m.) the Senate took a recess until eight o'clock p. m.

EVENING SESSION.

Mr. HOAR took the chair, as presiding officer, at eight o'clock p. m.

Mr. ROLLINS. I move, Mr. President, a call of the Senate.

The PRESIDING OFFICER, (Mr. HOAR.) The Senator from New Hampshire raises the question of the presence of a quorum. The Secretary will call the roll.

The roll was called.

The PRESIDING OFFICER. Thirty-two Senators have answered to their names. A quorum is not present.

Mr. EDMUNDS. Call the absentees.

The PRESIDING OFFICER. The absentees will be called.

The list of absentees was called.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. No quorum is present.

Mr. BECK. I think we shall have a quorum in five minutes. I do not know anything better than to move an adjournment. I shall vote against my own proposition, but I think it will develop a quorum. I move that the Senate adjourn.

The PRESIDING OFFICER. It is moved that the Senate do now adjourn.

The motion was not agreed to.

Mr. COCKRELL. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Missouri moves that the Sergeant-at-Arms be directed to request the Senators who are absent to attend a meeting of the Senate.

Mr. THURMAN. I think there will be a quorum here in a few minutes—before the Sergeant-at-Arms can get out of the Capitol.

Mr. EDMUNDS. We want them all; we want more than a quorum.

The PRESIDING OFFICER. The motion is not debatable.

Mr. THURMAN. I move that the Senate do now adjourn; and on that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn, and on that question asks for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 3, nays 39; as follows:

YEAS—3.			
Bailey,	McCreery,	Whyte,	
NAYS—39.			
Allison,	Dawes,	Kellogg,	Randolph,
Anthony,	Dorsey,	Kernan,	Rollins,
Beck,	Eaton,	Kirkwood,	Saunders,
Burnside,	Ferry,	McDonald,	Teller,
Cameron of Wis.,	Garland,	McPherson,	Thurman,
Chandler,	Grover,	Matthews,	Voorhees,
Cockrell,	Hamlin,	Merrimon,	Wadleigh,
Cole,	Hear,	Mitchell,	Windom,
Davis of Illinois,	Ingalls,	Morgan,	Withers.
Davis of W. Va.,	Jones of Florida,	Morrill,	
ABSENT—34.			
Barnum,	Conover,	Johnston,	Ransom,
Bavard,	Dennis,	Jones of Nevada,	Sargent,
Blaine,	Edmunds,	Lamar,	Saulsbury,
Booth,	Eustis,	McMillan,	Sharon,
Bruce,	Gordon,	Maxey,	Shields,
Butler,	Harris,	Oglesby,	Spencer,
Chambers of Pa.,	Hereford,	Paddock,	Wallace.
Chaffee,	Hill,	Patterson,	
Conkling,	Howe,	Plumb,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The vote discloses the presence of a quorum. The question is on the motion of the Senator from Missouri [Mr. COCKRELL] that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. INGALLS. I hope that will be withdrawn.

Mr. COCKRELL. I withdraw the motion, there being a quorum present.

The PRESIDING OFFICER. The motion is withdrawn.

MEMORIAL.

Mr. DAWES presented a resolution of the Legislature of Massachusetts, in favor of the abrogation at the earliest possible moment of the eighteenth and twenty-first articles of the Washington treaty concerning the fishery clauses; which was ordered to lie on the table and be printed.

REPORTS OF COMMITTEES.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was recommitted the bill (S. No. 1456) granting a pension to Abram F. Farrar, asked to be discharged from its further consideration; which was agreed to.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (S. No. 1655) granting a pension to Elmer A. Snow, asked to be discharged from its further consideration; which was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6523) providing for the engraving and printing of portraits to accompany memorial addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher;

A bill (H. R. No. 6524) to remove the political disabilities of H. B. Littlepage, of King William County, Virginia; and

A joint resolution (H. R. No. 224) authorizing the Public Printer to print twenty thousand copies of House report No. 53, on the adoption of the metric system of weights and measures.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. No. 852) granting a pension to Mary E. Panley;

A bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States;

A bill (H. R. No. 4392) for the relief of Lucinda C. Dillahunt, of Tennessee;

A bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy;

A bill (H. R. No. 1162) for the relief of Alfred Muller, late acting assistant surgeon United States Army; and

A bill (H. R. No. 4289) for the relief of Thomas W. Segar.

APPROPRIATION FOR PENSION ARREARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Indiana [Mr. VOORHEES] to amend the amendment proposed by the Senator from Vermont [Mr. MORRILL] to the bill.

Mr. INGALLS. I gave notice before the recess that upon the re-assembling of the Senate I should raise the question of the admissibility of that amendment and of the various pending amendments under section 7 of the first article of the Constitution; but if the vote can be taken upon the amendments without any further debate or delay, I shall not insist upon that point.

Mr. EDMUNDS. It cannot be taken without further debate.

Mr. INGALLS. Then, upon the intimation of the Senator from Vermont that the question cannot be taken without further debate, I believe I will insist upon that point and ask the decision of the Senate whether these amendments are admissible or not; but I should very much prefer, in view of the condition of the public business, and from the fact that two other large appropriation bills are ready for presentation, to have these questions determined at once by the Senate, and let us have an end of this bill.

The PRESIDING OFFICER. The Senator from Kansas will please state the question of order again.

Mr. INGALLS. I do not know, Mr. President, that it can be strictly called a question of order; but the section to which I allude, section 7 of the first article of the Constitution, declares that "all bills for raising revenue shall originate in the House of Representatives." My point of order is that the amendment offered by the Senator from Vermont [Mr. MORRILL] is an amendment proposing to raise revenue, and that it cannot properly originate in the Senate or be considered by the Senate in the first place.

Mr. MORRILL. Mr. President, I had hoped that the Senator from Kansas would not object to providing the means for expeditiously carrying into effect the bill we passed under his lead some weeks ago. I am not disposed to argue this question on this point. I will only suggest that it is rather late, after so long a discussion, to raise the point.

Mr. INGALLS. "Better late than never."

Mr. ANTHONY. Mr. President, we are in great danger of a special session of Congress, which would not only be a matter of great inconvenience to us, but of great peril to the business interests of the country. This bill is one which should pass because it is to carry into effect an existing law, providing the means for paying the pensions that we have agreed to pay. But still the pensioners are not the creditors of the Government except so far as we have made them such by our legislation at this session. They did not expect this when we met. There are bills pending that are essential to carry on the Government, without which the Government will come to a standstill; and unless the friends of this bill shall cease debating it, I shall ask my friend, the chairman of the Committee on Appropriations, to move to lay it on the table and to proceed to the consideration of those bills that are necessary to the existence of the Government; and if he declines to do it, I shall do it myself.

The PRESIDING OFFICER. The Chair does not understand what the precise point of the Senator from Kansas is. If the Senator from Kansas makes this suggestion simply as a constraint upon the conscience and judgment of Senators in voting, that is simply an argument which they will weigh when they vote finally upon the question. If the Senator from Kansas raises a question of order that it is out of order to proceed with the consideration of the amendment for the reason he has stated, the Chair will submit that question in the Senate.

Mr. INGALLS. I have no preference as to the form that the question shall take. If the Chair thinks that a point of order should be raised, I will submit it, that under the seventh section of the first article of the Constitution this amendment and the amendments thereto are not in order.

Mr. EDMUNDS. Do I understand the Senator to submit a point of order?

Mr. INGALLS. Yes, sir.

Mr. WINDOM. Mr. President, I hope the Senator from Kansas will withdraw his point of order. We have the entire finance question before us on this bill and now we have the Constitution thrust upon us; and if both of these are to be discussed in full, I shall move to lay the bill on the table.

Mr. INGALLS. The Senator from Minnesota is aware that I have used all the efforts at my command to expedite the progress of this

bill, and I raise this point of order simply for the purpose of getting rid of all these amendments; and if any method can be suggested by which we can vote without further debate no one will be more glad than I shall be of that.

Mr. WINDOM. I feel sure the Senate will vote upon this question now without debate. The Senator does not want to kill the pension bill.

Mr. INGALLS. The Senator from Vermont [Mr. EDMUNDS] intimated to me that it would not be possible to have a vote without further debate; and in order to avoid debate upon three propositions, the amendment of the Senator from Vermont, [Mr. MORRILL] the amendment of the Senator from Indiana, [Mr. VOORHEES], and that of the Senator from Kentucky, [Mr. BECK], I thought we might possibly dispose of the whole thing upon the Constitution; and for that reason I raised the point of order so as to debate one proposition rather than three.

The PRESIDING OFFICER. The Senator from Kansas will be kind enough to put his point of order in writing. The Chair is a little at a loss to understand the precise point which he wishes submitted.

Mr. INGALLS. With the consent of the Senate I will withdraw the point of order and move that the amendment be laid on the table and take the sense of the Senate on that proposition.

Mr. FERRY. That carries the bill with it.

Mr. INGALLS. I do not much care now what becomes of the bill; I want to get an end of the debate.

Mr. EDMUNDS. Yesterday when we undertook to lay an amendment to this bill on the table, it was decided with great solemnity by the Senate—but to be sure that is twelve or fifteen hours ago—that that motion could not be made without carrying the bill with it, because this is not a general appropriation bill; but as I say we have had long enough to reverse it according to our general practice.

The PRESIDING OFFICER. The Senator from Kansas moves to lay the pending question upon the table.

Mr. EDMUNDS. What is the pending question?

The PRESIDING OFFICER. The Chair is of the opinion that the pending question in the sense of that motion is the entire bill, with the amendments.

Mr. EDMUNDS. Very well; that is what I wanted to understand.

Mr. INGALLS. The Senator from Minnesota has already notified us that he proposes to lay the bill on the table, and I would just as lief have the sense of the Senate on this proposition as the other. The debate has been continued long enough, I think, to satisfy the Senate as to its merits, and I want to have an end of it.

Mr. PADDOCK. I hope the Senator from Kansas will withdraw the motion to lay on the table that I may make a motion that at ten minutes to nine the Senate shall proceed to vote upon the bill and all the amendments without debate.

Mr. EDMUNDS. We cannot make any trades of that kind.

Mr. WINDOM. I think I can make a proposition now that will meet the views of the Senator from Kansas.

Mr. INGALLS. I am glad to hear it.

Mr. WINDOM. He is willing to have the bill laid on the table. I ask him to let the bill be informally laid aside so that we may take up the sundry civil bill. My object in that is not to defeat the bill of the Senator from Kansas, and it is a very short bill.

Mr. INGALLS. It has taken a long time to consider it.

Mr. WINDOM. And then if it be not passed until Monday evening or Tuesday morning, even at ten o'clock on Tuesday morning, it can be enrolled and become a law.

Mr. INGALLS. It has already been amended and must, therefore, go back to the House for concurrence in the amendments.

Mr. WINDOM. Even if not passed until Monday evening it can go back to the House and the amendments agreed to and the bill become a law; but unless the bill which I hold in my hand be passed before the Senate adjourns to-night it settles the question that there must be a special session of Congress. For that reason I ask that this bill be laid aside and that we now take up the sundry civil bill.

Mr. EDMUNDS. Mr. President—

The PRESIDING OFFICER. The debate proceeds by unanimous consent. The Senator from Vermont.

Mr. INGALLS. I withdraw the motion to allow the Senator from Vermont to speak.

Mr. EDMUNDS. The speech that I wanted to make on the amendment of the Senator from Indiana would have been made in two minutes by the watch, and we have now wasted twenty minutes in discussing whether we had better discuss this bill. I venture the prophecy that if we go straight on with this bill, in twenty minutes it will be disposed of and done with, and then we can take up the bill of the Senator from Minnesota. Let us do one thing at a time.

Mr. ANTHONY. I think the Senator from Vermont underestimates the garrulity of the Senate. [Laughter.]

Mr. EDMUNDS. No; I know the powers of my friend from Rhode Island. [Laughter.]

Mr. WINDOM. Now by unanimous consent let us try the proposition of the Senator from Vermont, and see if we cannot pass the bill.

Mr. INGALLS. What is it?

Several SENATORS. Vote, vote.

The PRESIDING OFFICER. The motion is withdrawn. The question is on the amendment of the Senator from Indiana [Mr.

VOORHEES] to the amendment of the Senator from Vermont, [Mr. MORRILL].

Mr. EDMUNDS. The amendment of the Senator from Indiana provides for setting aside what are called certain legal-tender notes that are held as a reserve to redeem fractional currency. I maintain that there is no such fund in the Treasury by any authority of law. The act of 1875, the resumption act, superseded all the former laws about converting fractional currency into legal-tenders, and provided for their being converted into coin, and subsidiary coin was required to be coined for that purpose, and it has been paid out to redeem the fractional currency. Therefore I am opposed to the amendment of the Senator from Indiana. That is the end of my speech.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana [Mr. VOORHEES] to the amendment of the Senator from Vermont, [Mr. MORRILL].

Mr. VOORHEES. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

That the Secretary of the Treasury is hereby authorized and required to reissue United States legal-tender notes now held for the redemption of fractional currency, and a part of such notes heretofore retired from circulation under the act of January 14, 1875, to the aggregate amount of \$18,000,000, and to expend the same in payment of such claims for arrears of pensions as may be allowed under the act of January 25, 1879.

Mr. EDMUNDS. Now I wish to say one word, as I did not notice the last part of the amendment that provides for a reissue of the redeemed and canceled United States notes that reduced the total amount of United States notes to \$300,000,000, or that started to do it under the act of 1875. Here is a plain provision for reissuing legal-tender notes or rather creating them for the purpose of paying this debt.

Mr. EATON. I shall vote against the amendment offered by the Senator from Indiana, because it tends to disturb what is now settled in the currency of the country. I desire to say further, that I shall vote against the amendment of the Senator from Vermont when it comes up because I will not increase the bonded debt of the country under any circumstances whatever. And one other word I will say here. If I could in order move an amendment that would postpone any action under the original bill until the 1st of January, 1880, I would do it, because that bill was passed under a misapprehension, an absolute misapprehension. Nine-tenths of this body believed when that bill was passed that not over \$20,000,000 would ever be required in order to satisfy the claims under it; and, therefore, if I could properly propose an amendment to postpone any action under that bill until the 1st of January, 1880, I would do so. At all events I will not vote to disturb the present position of the currency in any way either by this inflation project of my friend from Indiana, or by increasing the public debt, as my friend from Vermont desires to do.

The question being taken by yeas and nays, resulted—yeas 22, nays 35; as follows:

YEAS—22.			
Bailey,	Garland,	McCreery,	Thurman,
Beck,	Gordon,	McDonald,	Voorhees,
Cockrell,	Grover,	Maxey,	Wallace,
Coke,	Harris,	McCrinnon,	Withers,
Conover,	Jones of Florida,	Morgan,	
Davis of Illinois,	Jones of Nevada,	Ransom,	
NAYS—35.			
Allison,	Dorsey,	Kernan,	Plumb,
Anthony,	Eaton,	Kirkwood,	Randolph,
Bayard,	Edmunds,	Lamar,	Rollins,
Burnside,	Ferry,	Matthews,	Sanders,
Cameron of Wis.,	Hamlin,	McMillan,	Teller,
Cameron of Pa.,	Hoar,	McPherson,	Wadleigh,
Chandler,	Howe,	Mitchell,	Whyte,
Davis of W. Va.,	Ingalls,	Morrill,	Windom,
Dawes,	Kellogg,	Paddock,	
ABSENT—19.			
Barnum,	Chaffee,	Hill,	Saulsbury,
Blaine,	Conkling,	Johnston,	Sharon,
Booth,	Dennis,	Oglesby,	Shields,
Bruce,	Eustis,	Patterson,	Spencer,
Butler,	Hereford,	Sargent,	

So the amendment to the amendment was rejected.

Mr. BECK. I offer the following as a substitute for the amendment of the Senator from Vermont:

SEC. —. That the provisions of the second subdivision of section 3694 of the Revised Statutes of the United States which directs the application of the coin paid for custom dues "to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct," and of section 3696, which provides, "in addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the sinking fund, shall be applied as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt," be, and they are hereby, suspended until the 1st day of July, A. D. 1881, and all money in the Treasury which from time to time might, under the provisions of either of the sections aforesaid, have been applied to the sinking fund aforesaid, shall be considered and treated as surplus revenue in the Treasury not otherwise appropriated, and shall be available for the purpose of carrying out the provisions of the first section of this act.

Mr. MORRILL. I merely desire to say that if there can be any re-

liability upon the statement of the Secretary of the Treasury, there will not be one dollar to be appropriated for the sinking fund, but there will be an absolute deficit in addition of \$18,000,000.

Mr. BECK. I desire to say—

Mr. DAWES. Is that amendment germane?

The PRESIDING OFFICER. The Senator from Kentucky will suspend. For what purpose does the Senator from Massachusetts rise?

Mr. DAWES. Is the amendment germane to the bill?

The PRESIDING OFFICER. The Senate has determined that this is not a general appropriation bill. The Chair understands, therefore, that the rule referred to does not apply.

Mr. DAWES. The question whether it is germane or not does not depend upon this being a general appropriation bill, but on whether the amendment pertains to matters that have nothing to do with the appropriation for arrears of pensions?

The PRESIDING OFFICER. If the Senator will cite any rule which applies, the Chair will determine the question.

Mr. DAWES. The rule I would cite would be the rule of common sense. I say so with entire respect to the Chair.

The PRESIDING OFFICER. The Chair understands, subject to correction by more experienced Senators, that in the Senate it is not a good objection to a proposed amendment that it is not germane to the pending measure, except that measure be a general appropriation bill.

Mr. BECK. I desire only to say, in reply to the Senator from Vermont, that if there is any reliability at all in the statements of the President of the United States in his annual message and of the Secretary of the Treasury in his annual report, there is now in the Treasury of the United States \$20,799,000 of surplus revenue on the 1st of July last, and, as we have not exceeded the estimates in our appropriations, there will be on the 1st of next July \$24,400,000 more surplus, and there will be at the end of the next fiscal year \$28,179,000, making over \$73,000,000 with what is held in the Treasury and what will certainly be there according to the estimates by the time stated—\$20,000,000 on the 1st day of last July; \$24,000,000 added to that on the 1st of next July; and unless we appropriate more than is estimated for, (and we are many millions below the estimates up to this time,) there will be an excess of revenue of \$28,000,000 at the end of the next fiscal year for which we are now providing, all of which will be on hand, less what may be lost by the falling off of the revenue—and that gain or loss will be determined by the condition of the country—so that there will be ample means for the payment of all these things without increasing the bonded debt.

Mr. BAYARD. Mr. President, it is very much to be regretted that in these last hours of the session we are called upon to verify the condition of the Treasury by mere statements made in the course of debate. I do not mean to speak disrespectfully of statements in debate, but merely to say that they are made too loosely to guide us in such an emergency as the present. I regret exceedingly that at this time and upon this bill questions should be raised tending to a disturbance of our present financial policy. Whatever it may be, for better or for worse, there is this feeling to-day in the country, that we should have peace, rest, quiet, opportunity to know the precise effects of those measures of the past the consequences of which cannot be measured in the short time that has elapsed since their adoption.

I do hope, sir, that there may at least be a breathing space given to the people of this country on the subject of their finances. Let us allow time to test that which legislation has effected. This hasty, headlong, reckless legislation is not the part of wisdom. We must have time to test measures; we must have time to know the consequences which legislation has brought upon us, and it is not becoming, in my judgment, here in the closing hours of the session to make expressions or to take steps which are abruptly to change results which are scarcely yet measured and which are in a great part unknown. Give this country rest, give us time to know whither we are drifting and what is the true result toward which we are tending. I do protest against this system of hasty, ill-considered legislation in the last hours of the session.

I will vote against this proposition of the honorable Senator from Kentucky. I will vote against it irrespective of my view of its abstract merits because it does not come to us with that preparation and with that authority that should attend an important essential step in the affairs of this country. I will not now stop to discuss and argue the meaning of the law which created a sinking fund, each year and every year, of 1 per cent. of the whole debt of the United States. I will not stop to argue whether, if we lay by more in one year, we may lay by less in another. Each Congress up to the last, over whose actions we have had no control, has seen fit to diminish the public debt by what is termed an appropriation in excess of the legal sinking fund. Can we now of another Congress, disregarding a law that compels each year to witness the diminution of the public debt according to the terms of the law, undertake to compute that which was in excess in past years and say we will have none to-day? I do not stop to argue that now. I only mean to say that such questions should be approached gravely and slowly, with deliberation, with all those forms of circumspection that wise legislation requires, and which the laws of this body demand.

Why do we refer the most unimportant bill that comes here, first, to two readings, and next to the care and instruction of a committee?

For prudence sake, for that delay and deliberation which is required for wise legislation. And shall we now in these last hours of the session, pass by all these safeguards which our Constitution and the very forms and the very substance of our Government demand from us, to pass hastily and recklessly upon questions without debate and without the recommendation of a committee?

Sir, I do not propose to delay this body by long debate now. I only mean to say that I will take these questions at the right time, consider them laboriously and painfully, with the one single eye to the honor of our country and the welfare of our people, and I will then vote bravely and fairly upon them according to my judgment. But this is not the time for their introduction. We have no right in this hasty way to arrest by our declaration the subscription to the sinking fund. We may not do it. We are told already that there will be no sinking-fund appropriation simply because our revenues not only will afford nothing for a sinking fund, but there will be a deficit of \$36,000,000 we are assured by the Secretary of the Treasury in case we do not give him some means by borrowing money to meet the demands upon the Treasury.

Now, sir, one fact should be remembered. If we shall authorize the borrowing of money, and thereby replenish the Treasury in excess, the money still will be there. The Department which has charge of it will be answerable to the country for its reception and for its use. If the honorable Senator from Kentucky be right, if it be true that last year there were twenty millions awaiting expenditure, and that on the 1st day of next July there will be twenty-eight millions more, making, say, \$40,000,000 or \$50,000,000, what will it be on the 1st of January? It will be a fund for the diminution of the interest-bearing debt of the people of the United States. But suppose he is in error, suppose he speaks not by the card but from mere erroneous assumption, then there will be a deficit. And what means a deficit in the Treasury? It means bankruptcy; it means inability to meet those debts, those payments which we are here voting appropriations for and directing the proper officials to meet. Therefore I say, Mr. President, if we are to have error on either side, let it be on the side of preparation to meet the obligations which the votes of Congress at the present session have incurred. It will not do for us to have an empty Treasury, incapable of response to the demands which we ourselves by the votes cast at the present session have made upon it.

I shall therefore vote against the amendment of the honorable Senator from Kentucky, as I say, irrespective of the merits or demerits, of the logic or the law of this proposition. I will vote against it because we ought not to undertake at this time to settle this question. As to whether or not the sinking fund is to be suddenly arrested, or whether we are to adopt a policy in regard to it which shall change the construction naturally to be given to the words of the act under which the sinking fund was established, is a matter which I do not think we should settle either one way or the other at this time.

Mr. WINDOM. Mr. President—

Mr. BECK. I should like to take about five minutes.

Mr. WINDOM. I cannot refuse to yield to my friend from Kentucky for a few minutes.

Mr. BECK. Mr. President, a man ought not to be astonished at anything that takes place on this floor, or at any amount of amazement displayed by Senators; but I confess to some amazement at the position taken by the Senator from Delaware. He seems to assume that I am dragging into the Senate at the close of the session questions which cannot be considered and ought not to be considered, when the committee to which he belongs and its chairman the Senator from Vermont [Mr. MORRILL] from that committee, with or without the assent of the Senator from Delaware—with his assent I presume—has as an amendment to this very bill, dragged in, to use his expression, in the closing hours of the session, a measure to increase the bonded debt of the country \$18,000,000 by the issuing of 4 per cent. bonds in order to meet the appropriations necessary to pay the appropriations made by this bill; when that committee and the Senator from Delaware undertake, to use his own form of expression, in the closing hours of the session, to insist and vote that it is necessary to increase the bonded debt of the country and to add \$18,000,000 to the principal of that debt in order to meet the emergency which they claim has arisen by reason of the arrears of pension act, and I seek to amend that proposition and to maintain and prove that there is no necessity for increasing the bonded debt of the country, that there is money enough in the Treasury now, as shown by the statement of the President of the United States and as shown by the statement of the Secretary of the Treasury, and that proposition which comes from his committee is dragged into this bill after it was rejected in the Committee on Appropriations and after we had declared that we should put no legislation of this sort upon it, that we would wait until we saw whether the necessity arose, then the Finance Committee and the Senator from Delaware, in the closing hours of the session, seek to drag in a proposition to increase the bonded debt of the country, and their chairman reports a proposition adding \$18,000,000 of 4 per cent. bonds in order to meet this condition of things, and then, forsooth, because I will not agree to such propositions and because I seek to resist them and show how we can furnish all the money necessary without adding one dollar to the debt of the country, simply by applying the money now in the Treasury to pay these obligations, instead of buying bonds on one side and selling them on the other and paying double interest for three months while the process is going on,

and paying $\frac{1}{2}$ per cent. commission to syndicates and banks. I am charged with dragging in hasty legislation into this Senate. If the Senator from Vermont withdraws his proposition I will withdraw mine.

I am only struggling to prevent a bad proposition from being passed by offering a better one, and that is called hasty and inconsiderate legislation, when there cannot be a more conservative one, as it is one that will save us from increasing our interest-bearing debt—one that will only pay out money now on hand, instead of increasing the bonded debt, raising syndicates, and paying double interest, and taking money out of one pocket and putting it in the other, and paying somebody a large sum to do it. As to the charge of my position being inconsiderate and unadvised, I will read from the message of the President of the United States, which embodies the report of his Secretaries, so that the report will let the world see whether or not my proposition has been properly considered. I read what the President said to us less than three months ago in his annual message to Congress:

The report of the Secretary of the Treasury furnishes a detailed statement of the operations of that Department of the Government, and of the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ended June 30, 1878, were \$257,763,878.70; the ordinary expenditures for the same period were \$236,964,326.80—leaving a surplus revenue for the year of \$20,799,551.90.

The receipts for the present fiscal year, ending June 30, 1879, actual and estimated, are as follows: Actual receipts for the first quarter commencing July 1, 1878, \$73,389,743.43; estimated receipts for the remaining three quarters of the year, \$191,110,256.57; total receipts for the current fiscal year, actual and estimated, \$264,500,000. The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1878, actual expenditures, \$73,344,573.27; and for the remaining three quarters of the year the expenditures are estimated at \$166,755,426.73—making the total expenditures \$240,100,000; and leaving an estimated surplus revenue for the year ending June 30, 1879, of \$24,400,000.

The total receipts during the next fiscal year, ending June 30, 1880, estimated according to existing laws, will be \$264,500,000; and the estimated ordinary expenditures for the same period will be \$236,330,412.68; leaving a surplus of \$28,179,587.32 for that year.

In the foregoing statements of expenditures, actual and estimated, no amount is allowed for the sinking fund provided for by the act approved February 25, 1862, which requires that 1 per cent. of the entire debt of the United States shall be purchased or paid within each fiscal year, to be set apart as a sinking fund. There has been, however, a substantial compliance with the conditions of the laws. By its terms the public debt should have been reduced between 1862 and the close of the last fiscal year \$518,361,806.28; the actual reduction of the ascertained debt in that period has been \$720,644,739.61; being in excess of the reduction required by the sinking fund act—\$202,282,933.33.

Secretary Morrill said the same thing two years ago. Secretary Sherman said the same thing last year. Not one of them has applied anything but the surplus revenues to the sinking fund; the present Secretary of the Treasury appeared before the Committee on Finance, of which the Senator from Vermont [Mr. MORRILL] is chairman and the Senator from Delaware is an honored member, and told them that he is not complying with the laws relative to the sinking fund at all, nor is he complying with any provisions of the so-called sinking-fund laws, but that he is using the surplus revenue, after the satisfaction of all ordinary appropriations, as a means to aid him in resumption by purchasing fractional currency, retiring legal-tender notes; in short, doing as he pleases with it, paying no attention to the sinking-fund laws at all. No member of the Committee on Finance will rise in his place and say that the Secretary of the Treasury is carrying out any provisions of this law. On the contrary, they are obliged to say, as the record will show, that he has not, and that he has so advised them. They have published his statements and indorsed them by refusing to require him to comply with the law or to use the surplus revenue except as it suits him.

I propose simply to suspend for two years the operation of the sinking-fund law. The Finance Committee know it is disregarded; the Secretary has told them that he disregards it; the President and all the Secretaries say we have been anticipating it by over \$200,000,000; and because I advocate a simple, honest, and economical proposition like that, when the proposition they make is to increase the bonded debt of the country, I am told, and the country is told, that I am throwing fire-brands into the Senate at the closing hours of Congress and seeking to prevent the careful consideration of weighty measures. Let them withdraw their proposition to increase the bonded debt and let this bill pass, and I will withdraw mine, and take the chances in another Congress to have my views of this law considered.

Mr. EATON. Will my friend permit me to ask him a question?

Mr. BECK. Yes, sir.

Mr. EATON. If I understood my friend aright, he said that if the Senator from Vermont would withdraw his proposition, he would withdraw the one which he made.

Mr. BECK. I do say so, because I do not seek to embarrass this bill with any outside legislation, and my amendment was only introduced as a substitute for that of the Senator from Vermont.

Mr. EATON. That is one question that is answered. And now one more: Would it not be quite as well for us to vote down the amendment proposed by the Senator from Vermont as to introduce this, which my friend certainly entertains some doubt about; else he would not be glad to exchange it if the Senator from Vermont will withdraw his amendment?

Mr. BECK. I have no doubt about it, and I have no desire to exchange it, but I desire, if anything is to be added, that we will place a harmless provision on the bill, one that costs nothing, one that hurts nothing, one that does not change the action of the Department to the

extent of a dollar, instead of a proposition now, as I think, unnecessarily and improperly proposed to increase the bonded debt of the country.

Mr. EATON. I think so, too.

Mr. BECK. Therefore, I have offered my amendment.

Mr. WINDOM. Mr. President—

Mr. HEREFORD. Will the Senator from Minnesota yield to me a moment?

Mr. WINDOM. I promised to yield to the Senator from West Virginia to make a personal explanation.

Mr. HEREFORD. I desire to say that when the vote was taken on the amendment offered by the Senator from Indiana who sits on my left, [Mr. VOORHEES,] I had been called to the House of Representatives on some business connected with the legislation involved in this body. If I had been here I should have voted in the affirmative, and am opposed to the amendment of the Senator from Vermont [Mr. MORRILL] providing for the issuing interest-bearing bonds.

Mr. WINDOM. Mr. President, I rise to ask whether we may have unanimous consent to vote on these propositions without further debate? I mean these two that are now pending.

The PRESIDING OFFICER. The Senator means the bill?

Mr. WINDOM. I mean the proposition of the Senator from Kentucky, [Mr. BECK,] and of the Senator from Vermont, [Mr. MORRILL.]

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the vote may be taken upon the pending amendment without further debate. Is there objection?

Mr. BAYARD. I cannot allow the Senator from Kentucky or anybody else to speak of my being in the counsels of the Secretary of the Treasury. I do not pretend to know anything of what he does except what he publishes. That is all I can say, and I have no other information from or counsel with him in regard to financial matters.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Minnesota, that the vote shall now be taken?

Mr. BECK. I wish to add two words to my amendment to correct it. I wish to add after the words "have been," in line 19, the words, "or may be;" so as to read:

Which from time to time might, under the provisions of either of the sections aforesaid, have been, or may be, applied to the sinking fund aforesaid.

The PRESIDING OFFICER. Those words will be inserted in the amendment of the Senator from Kentucky. The Chair hears no objection to the proposition, and unanimous consent is granted that the vote be taken without further debate. The first question is on the amendment of the Senator from Kentucky, [Mr. BECK,] which the Secretary will report.

The Secretary read the amendment.

Mr. BECK. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 34; as follows:

YEAS—26.			
Bailey,	Garland,	Jones of Nevada,	Ransom,
Beck,	Gordon,	Lamar,	Thurman,
Booth,	Grover,	McCreery,	Voorhees,
Cockrell,	Harris,	McDonald,	Wallace,
Coke,	Hereford,	Maxey,	Withers,
Conover,	Hill,	Merrimon,	
Davis of Illinois,	Jones of Florida,	Morgan,	
NAYS—34.			
Anthony,	Eaton,	McMillan,	Rollins,
Bayard,	Edmunds,	McPherson,	Saunders,
Blaine,	Ferry,	Matthews,	Shields,
Burnside,	Hamlin,	Mitchell,	Teller,
Butler,	Hoar,	Morrill,	Wadleigh,
Cameron of Pa.,	Ingalls,	Padlock,	Whyte,
Cameron of Wis.,	Kellogg,	Patterson,	Windom,
Chandler,	Kernan,	Plumb,	
Dawes,	Kirkwood,	Randolph,	
ABSENT—16.			
Allison,	Conkling,	Eustis,	Sargent,
Barnum,	Davis of West Va.,	Howe,	Saulsbury,
Bruce,	Dennis,	Johnston,	Sharon,
Chaffee,	Dorsey,	Oglesby,	Spencer,

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Vermont, [Mr. MORRILL.]

Mr. EATON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this subject I am paired with the Senator from California, [Mr. SARGENT.] If he were here, he would vote "yea" and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 19, nays 41; as follows:

YEAS—19.			
Allison,	Chandler,	Kernan,	Rollins,
Anthony,	Dawes,	Kirkwood,	Saunders,
Bayard,	Dorsey,	McMillan,	Wadleigh,
Blaine,	Ferry,	Morrill,	Windom,
Cameron of Wis.,	Hamlin,	Patterson,	
NAYS—41.			
Bailey,	Cameron of Pa.,	Davis of Illinois,	Gordon,
Beck,	Cockrell,	Davis of W. Va.,	Grover,
Booth,	Coke,	Eaton,	Harris,
Burnside,	Conover,	Garland,	Hereford,

Hill,
Ingalls,
Jones of Florida,
Jones of Nevada,
Kellogg,
Lamar,
McCreery,

McDonald,
McPherson,
Matthews,
Maxey,
Merrimon,
Mitchell,
Morgan,

Oglesby,
Paddock,
Plumb,
Randolph,
Ransom,
Shields,
Teller,

Voorhees,
Wallace,
Whyte,
Withers.

ABSENT—16.

Barnum,
Bruce,
Butler,
Chaffee,

Conkling,
Dennis,
Edmunds,
Eustis,

Hoar,
Howe,
Johnston,
Sargent,

Saulsbury,
Sharon,
Spencer,
Thurman.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. I wish to reserve the second amendment adopted in committee, now marked as section 2, which was section 9 in the print when it was first offered.

The PRESIDING OFFICER. The Chair has not yet reached that point. Is a separate vote demanded upon any of the amendments?

Mr. EDMUNDS. That is the very one I say I demanded a separate vote upon, what is marked as section 2. It was adopted in Committee of the Whole, and I demand a separate vote upon that.

The PRESIDING OFFICER. The Senator from Vermont demands a separate vote on the amendment he has indicated. The amendment will be reported.

The SECRETARY. The Senate, as in Committee of the Whole, inserted as section 2 the following:

All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or actual disability of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been, or is hereafter, filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons, and children under sixteen years of age.

Mr. EDMUNDS. Mr. President, I wish to call the attention of the Senate in a very few moments indeed to two points in the amendment. One is fixing a statute of limitation within which claims must be presented, or else, just as the old law was, if granted, they shall only take effect from the date of the application or the proof. That was the very fault that was found with the law as it stood before we passed the act of the 25th of January granting arrears of pensions. That act was passed upon the express theory that that limitation was unjust, and it declared in specific terms that all the pensions hereafter granted as well as the old ones should have their effect from the date of death or disability, as the case might be. This proposed act, only a month afterward, is to repeal so much of the act of the 25th of January as is in conflict with it. I do not wish to spend any more time upon that point.

Now, I come to a more important point. By the law of 1861, on which all pensions were founded, the foundation law, it was provided that in case of disability incurred, as distinguished from death in the service of the country, the invalid pension, as it is called, of the soldier who was disabled, should commence from the date of his discharge from the Army. Of course it frequently, it always happened indeed, that the discharge of the invalid soldier who had been injured or was sick was some time after the disability was incurred. During that interval he was taken care of in hospital, was paid his wages, his salary, his allowances, and everything. Therefore the law justly provided that when he had his pension for disability it should only commence from the date of his discharge so that he would not get pay and pension both. Under that law, with which this act of the 25th of January is perfectly consistent, for it follows it, not only those who were entitled to arrears by the act that we passed last month but all the others take their pensions, (the invalids I am speaking of, the one hundred and fifty thousand of them,) from the date of their discharge. Now by force of this amendment, which fixes the date of actual disability, you are to make another lap backwards into the history of the war and give an additional bonus to every soldier who now has a pension, no matter whether he got pay then, or one, or two, or five years afterward, for all the difference in time between the date of his injury and the date of his discharge from the Army. That, to make a guess, because that is all I can do now, will take ten or fifteen million dollars more. If the Senate wishes to do that thing of course I have done my duty.

Mr. KERNAN. I can understand from the statement of the Senator from Vermont that where pensioners had been disabled in the Army and cared for in hospital or in some other way, drawing their pay and allowance, we should not give them a pension for that time; but I think this amendment proposed is aimed at a different class of persons. The complaint when the law of the 25th of January was before the Senate, was that it would enable men who were discharged without being disabled, but whose disability arose a year afterward, or two years afterward, as it was said, and they claimed that they had contracted the seeds of disease while they were in the service, to claim a pension. It was objected to the law of the 25th of January that it would give such persons a pension from the date of their discharge when in fact they did not become invalids for one, two, or three years

afterward. This amendment was intended to correct the law of the 25th of January as to that class of cases, and to relieve the law of January 25 from what was objected to it as being too broad. If the Senator from Vermont is right, that all the pensions ought to date from the date of discharge, if that is the most economical for the Treasury, of course I desire to accomplish the same end; but it was said, and I think there is some force in it, that there is a class of applicants, and a large class, who left the Army apparently in good health, who were engaged in their business for several years, and who will now apply and claim that from hardship they became disabled long after their discharge, and for the time before the actual disability I do not think they ought to have pensions.

I do not suppose there is a large class of those who became actually disabled in the Army, and who were cared for as soldiers and under pay for a few months or longer or whatever the time may have been before they were discharged; but I do not think their pensions ought to run back covering the time during which they were paid as soldiers and during which they were cared for. I think the law should give this class a pension from the time they were discharged, being disabled men then and having been for six months before. In that case the pension should date from the discharge; but men who were disabled in health and now claim pensions on account of the seeds of a disease which they contracted in the service, but which was developed in them afterward and caused them disability a year or two afterward, should not have pensions any earlier than they became sick and disabled.

Mr. DAWES. Mr. President, as I understand it, by existing law the arrear of pensions dates back to the discharge. The amendment adopted to this bill provides that in no case where the disability occurred after the discharge shall the pension go back of the disability; so, that in every case, except where the disability occurred after the discharge, the discharge is the limit. In all cases where the disability developed itself after the discharge, this amendment limits it to the actual existence of the disability. So there are two points of limitation. The discharge is one. Those cases where the disability arises after the discharge have another limitation. Therefore it does not seem to me that there is any trouble about it.

Mr. EDMUNDS. Very well. Senators may take it as far as I am concerned at their own risk.

Mr. COCKRELL. Do I understand the Senator from Kansas to say that under the arrears of pensions act, if the soldier has been discharged and there was no disability existing at that time, and six or seven or eight years after his discharge a disability had developed itself, having its remote origin prior to his discharge, he can under that law get arrears of pension from the date of his discharge?

Mr. INGALLS. I will answer that question in a moment. The amendment to which the Senator from Vermont objects was offered by the Senator from New York, [Mr. KERNAN,] and was adopted in opposition to my judgment.

As I understand the law now, in response to the Senator from Missouri I will state, that in those cases where the disability developed a long period after the discharge it has been the custom of the Commissioner of Pensions to place the pensioner upon the rolls at a purely nominal rate, so that he would practically be pensioned from the time when the disability developed. In order to preserve and maintain the symmetry of the law that practice has existed since 1861, running back through three different periods of limitation.

To guard against the difficulty which the Senator from Vermont suggests, it is my judgment, as it was in the beginning, that the amendment of the Senator from New York ought not to have been adopted; but of course I yielded to the judgment of the Senate, preferring that rather than to have a protracted debate; but I still think that the amendment was wrongfully adopted and ought not to be concurred in.

Mr. KERNAN. I wish to say that there was a precise amendment like this offered to the act of January 25 on the same theory that I offered this amendment to the pending measure. The chairman of the Committee on Pensions then thought the Pension Office construed the law as he now says.

Mr. INGALLS. So I said.

Mr. KERNAN. There was an amendment like this provision offered to the law of January. I said then that I wanted to have the Pension Office construe the law so as to give a man a pension only from the time he was actually sick. I did not want to vote in favor of that amendment because it would send the bill back to the House. The moment the amendment was proposed there was a clamor raised that it was going to do this thing which I have suggested. Now, if the chairman of the Committee on Pensions is satisfied that it does justice as the law stands, I am entirely content to have the amendment I offered rejected. What I desire is to keep the law so that no man can get a pension as an invalid pension dating further back than when he became an invalid. Then I hope the amendment will be non-concurred in if it is against the judgment of the chairman of the Committee on Pensions.

Mr. HILL. Are you sure the construction of the law will be the same without your amendment as with it?

Mr. KERNAN. I cannot say. I am not a member of the Committee on Pensions; I have not examined these laws with a view to this point, and therefore I am content to have the amendment voted down if the law as drawn effectuates the purpose which I desire to insure.

Mr. PADDOCK. I desire to say for myself that I shall vote against

every amendment to this bill, good, bad, and indifferent. I do not propose, so far as my vote is concerned, to imperil the passage of this bill by helping to adopt any amendment here. So far as I am concerned, the bill shall go back to the House unchanged entirely, so that it may become a law without any question, or doubt, or fear.

Mr. COCKRELL. I move, in line 6 of the amendment, to strike out the words "actual disability" and insert "discharge," and in line 8, after the word "granted," to insert the words:

If the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability.

Mr. HILL. That will do.

Mr. COCKRELL. That will settle the whole question and will be in exact conformity with the rulings and decisions of the Commissioner of Pensions.

Mr. KERNAN. You restore the word "discharge" for which the words "actual disability" were substituted in Committee of the Whole?

Mr. COCKRELL. I restore the word "discharge" and strike out the words "actual disability," in line 6.

Mr. PADDOCK. I would inquire if that is not the practice now?

Mr. COCKRELL. That is the practice, but still it is not the law.

Mr. PADDOCK. Will the practice be changed by the law that was passed in January?

Mr. COCKRELL. This makes the practice the law.

Mr. PADDOCK. I think that subject was fully discussed before.

Mr. EDMUNDS. Let the amendment of the Senator from Missouri be reported.

The PRESIDING OFFICER. The amendment will be reported.

The Secretary read the amendment.

Mr. EDMUNDS. Now I should like to hear the section as it will read in connection.

The SECRETARY. As proposed to be amended, the section will read:

SEC. 2. All pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to the discharge; and if such disability occurred after the discharge, then from the date of actual disability or from the termination of the right of the party having prior title to such pension: *Provided*, The application, &c.

Mr. MAXEY. It seems to me that the construction of the law given by the Senator from Vermont is exactly right. This second section as originally worded here follows the act of 1861. It is perfectly true that if we strike out the word "discharge," as it was stricken out in Committee of the Whole, and insert "actual disability," a pensioner may draw his pay as a soldier from the time that he received the wound up to the time that he was discharged; and then, if he is entitled to a pension on account of actual disability, he goes back again and draws a pension covering the very time that he has drawn his pay. The Senator from Vermont is perfectly correct about that; the amendment does not at all cover that defect. It is provided that in no case shall arrears of pensions be allowed to date from a time prior to the date of actual disability; but in the mean time he has drawn his pay all through up to the very time when he was finally discharged. After he has drawn that pay he commences again, and in that way draws double pay. But the amendment of the Senator from Missouri strikes out the words "actual disability" in line 6 and restores the word "discharge," leaving it as the law of 1861 left it, which prevents double pay. I think the amendment of the Senator from Missouri is entirely right.

Mr. PADDOCK. I should like to inquire if any of the amendments already made in Committee of the Whole have been concurred in in the Senate?

The PRESIDING OFFICER. None of them have been concurred in.

Mr. PADDOCK. Then I appeal to the friends of the pensioners here to non-concur in every amendment and vote down all that may be now offered, so as to send this bill back to the House just as it came to us.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

The PRESIDING OFFICER. The question is, Will the Senate concur in the residue of the amendments made as in Committee of the Whole?

The amendments were concurred in.

Mr. SHIELDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri rise to propose an amendment?

Mr. SHIELDS. I am not quite sure whether the amendment I wish to propose is in order. If it is, I wish to have it attached to the last section of the bill.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. SHIELDS] will be reported.

The SECRETARY. It is proposed to add at the end of the bill the following additional proviso:

Provided further, That the law granting pensions to the soldiers and their widows of the war of 1812 approved March 9, 1878, is hereby made applicable in all its provisions to the soldiers and sailors who served in the war with Mexico of 1846.

Mr. INGALLS. I believe I will, although I regret to do so, raise

the point of order that that amendment is not admissible at this time.

Mr. EDMUNDS. It is in order. This is not a general appropriation bill. Anything is in order as an amendment to it.

Mr. SHIELDS. I shall not debate the amendment, but merely ask a vote upon it.

The PRESIDING OFFICER. Does the Senator from Kansas insist on his point of order?

Mr. INGALLS. No, sir; I withdraw it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri, [Mr. SHIELDS.]

Mr. SHIELDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McDONALD. Let the amendment be reported again.

The Secretary again read the amendment.

The question being taken by yeas and nays, resulted—yeas 36, nays 22; as follows:

YEAS—36.

Bailey,	Davis of W. Va.,	Hereford,	Morgan,
Barnum,	Dennis,	Hill,	Ransom,
Beck,	Dorsey,	Jones of Florida,	Saunders,
Burnside,	Eaton,	Kellogg,	Shields,
Butler,	Ferry,	Lamar,	Thurman,
Cameron of Pa.,	Garland,	McCreery,	Voorhees,
Cockrell,	Gordon,	Maxey,	Wallace,
Coke,	Grover,	Merrimon,	Whyte,
Conover,	Harris,	Mitchell,	Withers.

NAYS—22.

Allison,	Dawes,	Kirkwood,	Rollins,
Anthony,	Edmunds,	McMillan,	Spencer,
Blaine,	Hamlin,	Morrill,	Teller,
Booth,	Hoar,	Paddock,	Windom.
Cameron of Wis.,	Howe,	Plumb,	
Chandler,	Kernan,	Randolph,	

ABSENT—18.

Bayard,	Enstis,	McPherson,	Saulsbury,
Bruce,	Ingalls,	Matthews,	Sharon,
Chaffee,	Johnston,	Oglesby,	Wadleigh.
Conkling,	Jones of Nevada,	Patterson,	
Davis of Ill.,	McDonald,	Sargent,	

So the amendment was agreed to.

Mr. PADDOCK. I ask leave to state that I should be in favor of the amendment just agreed to if it were presented to the Senate as a separate measure; but being opposed to all amendments upon this bill as endangering it, I voted against all the other amendments presented.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. MORRILL. Is an amendment now in order?

The PRESIDING OFFICER. The Chair understands not.

Mr. MORRILL. I think the Black Hawk war has not yet been included.

Mr. BLAINE. Why are amendments not in order?

The PRESIDING OFFICER. The bill has been read the third time, and the question is on its passage.

Mr. INGALLS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. WINDOM. I move to lay the bill on the table.

Mr. DAVIS, of West Virginia. That is the best thing to do with it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota to lay the bill on the table.

Mr. GARLAND. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 46; as follows:

YEAS—15.

Allison,	Davis of W. Va.,	Howe,	Randolph,
Anthony,	Hamlin,	Kirkwood,	Teller,
Booth,	Hereford,	McMillan,	Windom.
Chandler,	Hoar,	Morrill,	

NAYS—46.

Bailey,	Dennis,	Kellogg,	Ransom,
Barnum,	Dorsey,	Kernan,	Rollins,
Beck,	Eaton,	Lamar,	Saunders,
Blaine,	Ferry,	McCreery,	Shields,
Burnside,	Garland,	McPherson,	Spencer,
Butler,	Gordon,	Matthews,	Thurman,
Cameron of Pa.,	Grover,	Maxey,	Voorhees,
Cameron of Wis.,	Harris,	Merrimon,	Wallace,
Cockrell,	Hill,	Mitchell,	Whyte,
Coke,	Ingalls,	Morgan,	Withers.
Conover,	Jones of Florida,	Paddock,	
Dawes,	Jones of Nevada,	Patterson,	

ABSENT—15.

Bayard,	Davis of Illinois,	McDonald,	Saulsbury,
Bruce,	Edmunds,	Oglesby,	Sharon,
Chaffee,	Enstis,	Plumb,	Wadleigh.
Conkling,	Johnston,	Sargent,	

So the motion to lay the bill on the table was not agreed to.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. WINDOM. I moved to lay the bill on the table because I saw no probability of getting a vote upon it, and because it would be in

order upon the sundry civil bill and could be taken from the table at any time and placed there, and would be more certain to pass than now with the amendment which it contains.

Several SENATORS. Vote, vote.

Other SENATORS. Order, order.

Mr. WINDOM. I think I am in order, and you will get the question when I get ready.

Mr. President, I have no opposition to the bill. I have tried for the last four hours to get a vote upon it, but its friends have manifested a determination to talk it to death. If we can have a vote upon it now, I have no sort of objection and will vote for it with a great deal of pleasure.

Mr. MORRILL. I understand that the amendment just adopted will take at least twenty millions more in addition to the thirty-six millions that we have already appropriated. I therefore ask for the yeas and nays upon the passage of the bill.

The PRESIDING OFFICER. The yeas and nays have been already ordered. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 38, nays 20; as follows:

YEAS—38.			
Bailey,	Garland,	McPherson,	Shields,
Beck,	Gordon,	Matthews,	Spencer,
Burwade,	Grover,	Maxey,	Thurman,
Cameron of Pa.,	Harris,	Merrimon,	Voorhees,
Cockrell,	Hill,	Mitchell,	Wallace,
Coke,	Ingalls,	Morgan,	Whyte,
Croover,	Jones of Florida,	Paddock,	Windom,
Dennis,	Kellogg,	Patterson,	Withers.
Darney,	McCreery,	Ransom,	
Ferry,	McDonald,	Saunders,	
NAYS—20.			
Allison,	Chandler,	Hamlin,	Kirkwood,
Anthony,	Davis of W. Va.,	Hereford,	McMillan,
Blaine,	Dawes,	Hoar,	Morrill,
Both,	Eaton,	Howe,	Rollins,
Cameron of Wis.,	Edmunds,	Jones of Nevada,	Teller.
ABSENT—18.			
Barnum,	Conkling,	Lamar,	Saulsbury,
Bayard,	Davis of Illinois,	Oglesby,	Sharon,
Brace,	Eustis,	Plumb,	Wadleigh.
Butler,	Johnston,	Randolph,	
Chaffee,	Kernan,	Sargent,	

So the bill was passed.

Mr. WINDOM subsequently said: I desire to enter a motion to reconsider the vote by which the arrearages of pension appropriation bill passed, and I will call it up at the earliest moment.

The PRESIDING OFFICER. The motion will be entered.

LEGISLATIVE APPROPRIATION BILL.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, reported it with amendments.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate proceed now to the consideration of the bill making appropriations for the sundry civil expenses of the Government.

Mr. SPENCER. I hope that the motion of the Senator from Minnesota will not prevail. It is now ten o'clock at night. The sundry civil bill cannot be read through before twelve o'clock. It comprises one hundred and twenty-eight pages of printed matter. I hope the Senate will take up to-night and pass the river and harbor bill. I suppose it can be passed before twelve o'clock. Therefore, I hope the Senate will vote down the motion of the Senator from Minnesota, and then agree to the motion which I shall then make to take up the river and harbor bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota.

Mr. SPENCER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SPENCER. I ask, then, for a division on the motion of the Senator from Minnesota.

The question being put, there were on a division—ayes 38, noes 5.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WINDOM. I ask that the amendments proposed by the Committee on Appropriations may be acted upon in their order as the bill is read.

Mr. EDMUNDS. I reserve all points of order on the amendments.

The PRESIDING OFFICER. No objection is heard to the request of the Senator from Minnesota.

Mr. EDMUNDS. Subject to all questions of order, Mr. President.

The PRESIDING OFFICER. That reservation will be made.

Mr. WINDOM. Mr. President, a single word in explanation of the general features of the bill. As it comes from the House it appropriates \$17,217,209.70. The total amount added by the Committee on Appropriations is \$2,735,391.14, making a total as reported to the Senate of \$19,952,600.84. The time at the command of the committee in pre-

paring the bill has not been sufficient to enable me to arrange the figures in detail giving the amendments which constitute this addition.

I wish to say a single word with reference to the action of the Senate committee on this and the other appropriation bills which have just been reported from it. The sundry civil bill, the one now before the Senate, as it came from the House of Representatives contained some eighty pages. It was passed—I can state that—but I will say that before it reached the Senate committee it had been considered nowhere except in a committee. The result was that it required a good deal more time and attention than it otherwise would have done. The bill was received by the Senate on Tuesday, but could not be printed and ready for action by the Committee on Appropriations until the day before yesterday. The legislative, executive, and judicial bill was reported to the Senate Wednesday, but not printed and ready for action by the Committee on Appropriations until yesterday morning. So that, as the Senate will observe, the Committee on Appropriations has had but three days to consider and report upon these two most difficult and important of all the appropriation bills.

I make this statement because I have seen statements to the effect that the Senate has been dilatory in preparing these bills. The two bills to which I refer, the sundry civil and the legislative, contain appropriations amounting to nearly \$40,000,000, and as I have said are the most voluminous and difficult bills that are presented during the session. I think it cannot truthfully be said that the committee which has considered them both and has reported them to the Senate in three days has been dilatory. I shall not take further time, but ask that the reading may proceed.

The PRESIDING OFFICER. The Secretary will proceed to read the bill and the question will be taken on the several amendments as they are reached, and all points of order upon them are reserved.

Mr. DAVIS, of West Virginia. I am sorry to ask the presiding officer again to have order. I cannot hear the Clerk when he reads in a clear tone.

The PRESIDING OFFICER. The point of order is well taken. The first amendment of the Committee on Appropriations will be read.

Mr. COCKRELL. I hope the Sergeant-at-Arms will be instructed to enforce the orders which have been repeated now many times during the day.

The PRESIDING OFFICER. The Sergeant-at-Arms will enforce the order of the Senate.

Mr. KIRKWOOD. I desire to make an inquiry of the Chair.

The PRESIDING OFFICER. The Chair will hear it when the Senate is in order. No business will be transacted until then.

Mr. DAVIS, of West Virginia. I ask that the doors be closed in the rear, and that they stop talking aloud at the entrance from the cloak-room. I cannot hear, and the Senators behind me cannot hear, what is going on. I regret to have to refer to it, but it is necessary in order to know what is going on in the Senate.

Mr. KIRKWOOD. Am I now in order, Mr. President?

The PRESIDING OFFICER. The Sergeant-at-Arms will enforce the direction of the Senate. Gentlemen standing shall be seated. [Rapping with his gavel.] The Senator from Iowa.

Mr. KIRKWOOD. The inquiry I wish to address to the Chair is, will it be in order after the bill has been read through to move an amendment by striking out any portions of the bill that have been read over?

The PRESIDING OFFICER. The Chair so understands.

Mr. EDMUNDS. Except that an amendment will not be in order to strike out anything inserted until after the bill shall have been reported to the Senate.

Mr. KIRKWOOD. The original text of the bill may be amended by striking out after the bill has been read through.

The PRESIDING OFFICER. It will be in order to make that motion after the amendments reported by the committee shall be disposed of. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in line 15, in the items under the "Treasury Department," to strike out "continuation" after the word "for" and insert "completion;" in line 16, to strike out after "building" the words "three hundred and fifty" and insert "five hundred and twenty-five;" and after the word "dollars," in line 17, to insert:

Of which sum \$30,000 may be used for fitting up the basement for use of the post-office, and be available immediately.

So as to make the clause read:

Custom-house and subtreasury, Chicago, Illinois: For completion of building, \$525,000; of which sum \$30,000 may be used for fitting up the basement for use of the post-office, and be available immediately.

Mr. KIRKWOOD. I do not know but that it may be just as well to indicate what I think it my duty to do here as elsewhere. In view of what must be the condition of the Treasury, I do not think we can make these appropriations. When we vote the money we must remember that our people have to pay it in the way of taxes.

Mr. DAVIS, of West Virginia. Shall I make a statement to the Senator from Iowa or will the chairman of the Committee on Appropriations?

Mr. WINDOM. I do not understand the Senator from Iowa; I cannot hear him.

Mr. KIRKWOOD. I am about stating to the Senate the reasons why I shall vote against this amendment on the second page, lines 15 to 19. It is an appropriation to be spent in my neighborhood. I was about remarking that the amount of money we have appropriated and which we must appropriate to carry on the ordinary expenses of the Government will be such as evidently to exhaust the Treasury, and there will be a large deficit in view of what we have concluded to pay out; and it seems to me we ought to endeavor in this bill to save something. Therefore I wish to test the sense of the Senate whether or not this amendment shall prevail, and I shall endeavor to apply the same test, unless the sense of the Senate be clearly expressed otherwise, in regard to other items. I ask for the yeas and nays, if that is in order, upon agreeing to this amendment.

Mr. WINDOM. I think that this amendment is in the line of economy. The bill as it came from the House appropriated \$350,000 for the continuation of the building at Chicago. The committee were informed by the Secretary of the Treasury and the Architect that \$525,000 would complete the building. Not to make this partial appropriation would be to postpone its completion one year. We are now paying about \$46,000 for rent in Chicago, which we can stop paying as soon as the building is completed, so that the economy proposed by the Senator from Iowa would be this: refuse to add the amount necessary to complete the building; wait one year, save the appropriation of \$175,000 for that time, and pay \$46,000 interest on it, or 25 or 30 per cent. interest. The Government cannot afford to do that.

Mr. KIRKWOOD. I concur with the Senator from Minnesota that it would be true economy to increase the appropriation, but the question I wish to address myself to is, where is the money to come from? That is the point with me. It is no use for us to appropriate money if we do not have it. It is no use for us to appropriate money if we cannot have it. By a recent vote of the Senate we have added \$20,000,000 to the national expenditures, and we must if possible save the amount, or a portion of it at least, in some other way.

I had occasion to remark to the Senate to-day already that the capacity to receive money from the Treasury is unlimited, but the capacity of our people to put money into the Treasury is limited. We must consult the wishes, the views, and the opinions of the men who pay our taxes as well as the wishes and views and opinions of those who are to receive the money paid in as taxes. If the object be to make appropriations such as must necessarily swamp the Treasury and bring the Treasury to bankruptcy, we can do that; but certainly as prudent and careful men we should do with public affairs what we would do with our private affairs, and that is not make our appropriations clearly, unmistakably beyond our ability to pay them. I agree fully with the Senator from Minnesota that this, if we had the money to do it, would be a good thing to do, but I repeat the question to him, where is the money to come from?

Mr. WINDOM. The Senator must address the question to the chairman of the Committee on Finance.

Mr. KIRKWOOD. I should like an answer to it from somebody.

Mr. EDMUNDS. Oh, the soldiers of the Mexican war will pay it out of the bill we have just passed!

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. KIRKWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I feel it my duty to say a word on this question. I wish the Senator from Iowa had selected some other item not so deserving as this to raise a question upon. There may be items in the bill on which probably a test vote ought to be taken, but on this particular item I think it is in the line of economy to appropriate the amount recommended by the committee, from the fact that the amount here appropriated will complete this building. There is now in Chicago, as we all know, a post-office that is rambling about, and it is a question now whether or not it can remain in the building where it is temporarily located. As the chairman of the Committee on Appropriations has said, the rent costs \$46,000 per annum. The Post-Office Committee, the Postmaster-General, and one of the assistants appeared before the committee and urged that this appropriation would be economy, so as to get into the building and prevent the destruction of much valuable matter that they have now exposed. There may be other points in the bill that do not stand as firm as this; but I hope the Senator from Iowa will withdraw the call for the yeas and nays on this item, for the appropriation certainly ought to be made.

Mr. McMILLAN. I am inclined to think with the chairman of the Committee on Appropriations that this amendment is in the line of economy, but if it were not I should like to suggest to the Senate whether it is important at this moment to be very particular about economy. The Senate have just, by their vote, added to the pension list about \$20,000,000; they have made a pensioner of Jefferson Davis, the president of the late confederacy, and now are about to inquire about economy! There is no limitation to the bill which Senators have just voted to create a pension list, and all the army of the confederacy who were soldiers in the Mexican war are embraced and placed as pensioners upon the lists of the United States.

Mr. KIRKWOOD. Mr. President, I agree fully with the Senator from West Virginia, as I agreed with the Senator from Minnesota when he stated, as the Senator from West Virginia has just done,

that this is a good thing to do. But I addressed a question to the Senator from Minnesota, the chairman of the Committee on Appropriations, which he did not answer and said he could not. I will address the same question to the Senator from West Virginia. In view of our action to-night, where is the money to come from? There are a great many good things we might do if we had the money, but where is the money to come from? If the Senator from West Virginia will answer the question, I shall perhaps withdraw my objection to the amendment and be content.

Mr. DAVIS, of West Virginia. It is not for this side of the Chamber to answer where the money comes from.

Mr. EDMUNDS. They only know where it goes to.

Mr. DAVIS, of West Virginia. That is a fact that I readily admit. The Senator from West Virginia is hardly the person to ask where the money goes. If you will show me a vote in the way of extravagance that the Senator from West Virginia has given, that the Senator from Iowa and the Senator from Vermont have not also given, then I am mistaken myself. I have no interest in the world, any more than the Senator from Iowa, in this amendment. I said to him that I believed there were other things in this bill that he might call the yeas and nays on and get more votes than he will in favor of the rejection of this amendment.

Mr. KIRKWOOD. Well, I intend to do that thing.

Mr. DAVIS, of West Virginia. I hope the Senator from Iowa will allow this item to go on and then reserve it for a separate vote when the bill is reported to the Senate, for we see plainly if we are going to have the yeas and nays instead of a division on every amendment we shall be here two or three days.

Mr. KIRKWOOD. I wish to test the sense of the Senate as to what will be the policy of the Senate.

Mr. DAVIS, of West Virginia. I suggest that the Senator can accomplish the same object by a rising vote.

Mr. OGLESBY. Mr. President, I would not detain the Senate for a moment but for the fact that this amendment of the Committee on Appropriations happens for once to favor some constituents that I have the honor in part to represent on this floor. The House bill appropriates \$350,000 for the custom-house and subtreasury building at Chicago, Illinois. The new building, the custom-house, has been under way for several years. It can be completed in one year from the 30th day of June next. Three hundred and fifty thousand dollars will not complete it; \$525,000 will entirely complete it.

Mr. KIRKWOOD. But will the Senator tell me where the money is to come from?

Mr. OGLESBY. There is no trouble about the money.

Mr. RANSOM. None whatever.

Mr. OGLESBY. None at all. As was stated kindly by the chairman of the Committee on Appropriations the Government is now paying for rent of public buildings in the city of Chicago over \$40,000 a year. I have not the statement of the Secretary of the Treasury on the subject, but I think it is not far from \$45,000 a year.

Mr. DAVIS, of Illinois. Forty-three thousand dollars exactly.

Mr. OGLESBY. Forty-three thousand dollars, my colleague says. In the city of Saint Louis it is paying four or five thousand dollars rent, in the city of Cincinnati from three to five thousand dollars rent. All the public buildings in the city of Chicago were destroyed by fire. Gentlemen upon this floor cannot have forgotten the sad and fearful visitation upon that city of October, 1871. The people in very large part, not only of the city, but of the entire State, have been struggling to pull away from that fearful and persecuting calamity. The public buildings have been as it were on the move, renting here and renting there, and renting about the city accommodations for the public service. But recently a rented building, a very suitable and commodious one for the post-office, was seriously damaged by fire, so that the entire contents of the post-office had to be removed from it, and to-day it is fixed nowhere; it is temporarily located. The interest at \$45,000 a year would make a difference of 10 to 15 per cent. of clear gain to the Government in making this additional appropriation. Why should we put it off another year and pay \$45,000 extra for another year, when it only requires \$175,000 in addition to the appropriation made by the House to complete the building?

It seems to me if there ever was a business matter presented to this body before, a case where intelligent economy could be wisely applied, it is in finishing this building under this appropriation. The committee have taken the responsibility, and I thank them heartily for it, of adding to the appropriations suggested in the House bill \$175,000, so as to furnish the means to complete the building in one year from the 30th day of June next. Then this heavy burden of interest, of annual rent-tax, against the Government will cease. All the business of the entire Government in the city of Chicago will be transferred to a fire-proof building, transferred to a permanent and fixed home and quarters; and there will be no more rent to pay; the Government will be free from that tax and will have a substantial building, and even appropriations for that purpose will entirely cease.

Now, my good friend, the Senator from Iowa, who is our neighbor, wishes to apply a severe test to his own home people here. He wishes to test the sense of the Senate under the cry of economy and saving revenues to the Government and apply it to that stricken city, which has been laboring ever since the fearful ordeal it passed through as no city on the American continent free from pestilence has ever labored under before. It is just beginning to recover. It is just be-

ginning to regain its commercial and financial strength; and now for the first time when it asks the Senate to be a little generous, my good neighbor from Iowa asks the Senate to help him to strike it down. I would no more treat Iowa that way than I would the State of Vermont. I hope the Senate will not indulge this freak of economy which has taken possession of the usually well-balanced mind of my friend from Iowa, and, disregarding his kindly suggestions, will stand by the amendment of the Committee on Appropriations of the Senate and give us the \$525,000, and we will give you a splendid court-house and custom-house where the public business of the country will be safely taken care of for the future.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 50, nays 8; as follows:

YEAS—50.

Anthony,	Davis of W. Va.,	Kellogg,	Ransom,
Barnett,	Dawes,	McCreery,	Rollins,
Bayard,	Dennis,	McDonald,	Saunders,
Beck,	Dorsey,	McPherson,	Shields,
Booth,	Ferry,	McMillan,	Spencer,
Burnside,	Garland,	Matthews,	Teller,
Butler,	Gordon,	Maxey,	Thurman,
Cameron of Pa.,	Grover,	Merrimon,	Voorhees,
Cameron of Wis.,	Hereford,	Mitchell,	Wallace,
Chandler,	Hoar,	Morrill,	Whyte,
Cockrell,	Howe,	Oglesby,	Windom,
Conover,	Jones of Florida,	Paddock,	
Davis of Ill.,	Jones of Nevada,	Plumb,	

NAYS—8.

Bailey,	Edmunds,	Hill,	Kirkwood,
Coke,	Harris,	Kernan,	Randolph,

ABSENT—18.

Addison,	Eaton,	Lamar,	Sharon,
Blaine,	Eustis,	Morgan,	Wadleigh,
Bruce,	Hamlin,	Patterson,	Withers,
Chaffee,	Ingalls,	Sargent,	
Conkling,	Johnston,	Saulsbury,	

So the amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 42, after the word "building," to strike out "seventy-five" and insert "ninety;" and in line 43, after the word "dollars," to insert:

And not exceeding \$15,000 of this sum may be used in constructing an iron-framed roof—

So as to make the clause read:

Custom house, court-house, and post-office, Nashville, Tennessee: For continuation of building, \$90,000; and not exceeding \$15,000 of this sum may be used in constructing an iron-framed roof.

The amendment was agreed to.

The next amendment was, after line 47, to insert:

Custom-house and post-office, Raleigh, North Carolina: For completion of building and grounds, \$5,000.

The amendment was agreed to.

The next amendment was, after line 50, to insert:

That the Secretary of the Treasury be authorized to purchase, by contract or condemnation, all that part of the block of land adjacent to the custom-house in the city of Providence, Rhode Island, not already owned by the United States, bounded by South Main street, Crawford street, South Water street, and Custom avenue, if in his judgment the necessities of the public service require; and for this purpose a sum not to exceed \$125,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KERNAN. I wish to inquire what is the object of buying this ground?

Mr. BURNSIDE. The public building in the city of Providence is not large enough for the Government offices there, nothing like large enough; it is very much crowded. It was a recommendation of the Secretary of the Treasury last year that the Government buy a piece of ground adjoining the present public building for the purpose of enlarging it. A bill introduced for that purpose passed the Senate, but failed to pass the House. Since that time the ground has been built upon; in fact a very expensive building has been placed upon it, so that it is beyond the reasonable reach of the Government. The Government owns on another street in the city a piece of ground which is covered by the old custom-house, and this provision is for the purpose of buying the remainder of that square with a view at some future day to erecting in the center of the square a new custom-house.

The post-office of the city of Providence now pays into the Government of the United States a sum nearly equal to \$100,000, more than \$80,000 over and above the expenses; and it is due to the city that room for the public offices should be given to them, and every year that this is deferred will make the ground upon which public buildings can be erected more costly. It is deemed by the Secretary of the Treasury advisable to purchase this ground now while it can be had at a reasonably low rate.

Mr. KERNAN. What has caused the increased necessity for more room for the custom-house?

Mr. BURNSIDE. We have not had any enlargement of the public building for some twenty-odd years in the city of Providence, since the public building that is now there was erected, and the city has more than doubled in size.

Mr. KERNAN. Has the United States business increased at all?

What has caused the necessity for more room for the United States business at that port?

Mr. BURNSIDE. The post-office has had to be quadrupled in its size at least. Postal facilities have been extended, and they require three times the room that they did when the present building was put up.

Mr. ANTHONY. This provision has passed the Senate as a separate bill at this session.

Mr. BURNSIDE. It has passed twice.

Mr. ANTHONY. Once last session and once this session.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

Mr. EDMUNDS. I move to strike out of line 52 the words "by contract or condemnation." There is no law of the United States that provides any means of condemnation, and these words therefore would be a reproach to everybody that voted upon them, as they imply that we supposed there was some law for condemnation. I move to strike out these words.

Mr. ANTHONY and Mr. BURNSIDE. There is no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 60, to insert:

That the sum of \$50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of purchasing a suitable site, and the erection of a public building in the city of Denver, Colorado, for the accommodation of the United States district and circuit courts, post-office, land-office, and other Government offices in said city: *Provided*, That said building shall not exceed in cost \$200,000.

Mr. EATON. In the sixty-seventh line, after the word "building," I move to insert "and ground;" so as to read:

That said building and ground shall not exceed in cost \$200,000.

Mr. TELLER. There is no objection to that.

The PRESIDING OFFICER. Is there objection to the amendment to the amendment?

Mr. EDMUNDS. I hope the Chair will put the question on all these amendments that involve the expenditure of considerable sums of money, because in our present state of beggary I shall vote "no" every time.

The PRESIDING OFFICER. Does the Senator refer to the amendment of the Senator from Connecticut?

Mr. EDMUNDS. No, sir, not to that, but to the main amendment.

The PRESIDING OFFICER. The Chair will put the question on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The next question is on the amendment of the Committee on Appropriations as amended.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was, after line 68, to insert:

For grading, paving, fencing, and so forth, for court-house and post-office grounds, Lincoln, Nebraska, \$12,000.

Mr. WINDOM. I move to strike out the words "and so forth."

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Minnesota? The Chair hears none, and it is so ordered.

Mr. WINDOM. And also to insert the word "and" before "fencing."

The PRESIDING OFFICER. Is there objection to that amendment? The Chair hears none, and it is made. The question is on the amendment as amended.

Mr. EATON. The great difficulty is we cannot hear at all. I do not know what the amendment made was.

The PRESIDING OFFICER. The Chair appeals to Senators to resume their seats and cease conversation, so that they may hear the bill as it is read and the various motions that are made in regard to it. Is the Senate ready for the question?

Mr. COCKRELL. I insist that the Senate be in order before we transact business. We cannot hear a word.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 76, to increase the appropriation "for court-house and post-office at Topeka, Kansas," from \$30,000 to \$50,000.

The amendment was agreed to.

The next amendment was, in line 132, to increase the appropriation "for contingent expenses of life-saving stations" from \$45,000 to \$50,000.

The amendment was agreed to.

The next amendment was, after "United States," in line 159, under the head of "engraving and printing," to insert:

For paper for notes, bonds, and other securities of the United States, including mill expenses, boxing, and transportation.

The amendment was agreed to.

The next amendment was, after line 177, to insert:

For payment of expenses of printing pension checks for fiscal year 1879, \$2,500, and for the fiscal year 1880, \$3,000.

The amendment was agreed to.

The next amendment was to strike out lines 243 and 244, as follows:

For light-house at Stage Harbor, Massachusetts, \$10,000.

Mr. HOAR. I ask the unanimous consent of the Senate to allow the action on that amendment to be deferred until the end of the bill. I may be able to give the committee some information about it before that time.

Mr. WINDOM. The item was stricken out for want of information only; not because the committee thought it should be done, but we wanted information.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Massachusetts? The Chair hears none, and the amendment will be reserved.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out lines 260 and 261, as follows:

For establishing a first-class fog-signal at Execution Rocks, Long Island Sound, \$15,000.

Mr. EATON. I ask that that amendment may not be acted on until I can present some information that I have.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. WINDOM. That, like the other, was stricken out for lack of information.

The PRESIDING OFFICER. Is there objection to reserving the question? The Chair hears none, and the question is reserved.

Mr. KELLOGG. I desire to give notice of an amendment reported from the Select Committee on the Levees of the Mississippi River to the pending bill. It can lie on the table.

The PRESIDING OFFICER. That course will be pursued.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, after line 261, to insert:

For a day-beacon on the south end of Harbor Ledge, in the harbor of Stamford, Connecticut, \$5,000.

Mr. EDMUNDS. I should like to know of the Senator from Connecticut if he would not wish to have that amendment reserved also for further information? [Laughter.]

Mr. EATON. I would not care to have it reserved; perhaps my friend from Vermont would.

The amendment was agreed to.

The next amendment was, after line 264, to insert:

For the construction of a light-house on Forked Rocks, in said harbor, \$7,000.

The amendment was agreed to.

The next amendment was, after line 266, to insert:

For the rebuilding of the light-house on Jane's Island, in Tangier Sound, Chesapeake Bay, \$25,000.

The amendment was agreed to.

The next amendment was, after line 267, to insert:

To establish a light-ship and fog-signal at Trinity Shoal, off the western coast of Louisiana, \$30,000.

The amendment was agreed to.

The next amendment was, in line 295, to increase the appropriation "for establishing lights on the Delaware River, from Deepwater Point to League Island," from \$60,000 to \$75,000.

The amendment was agreed to.

Mr. EDMUNDS. I should like to ask the committee about this range-light business on the top of page 14, where it is provided "to establish said range light without cession of jurisdiction," whether that is intended to refer to the range-light on the tower of the Exchange Building or to the range-light on Fog Island. I presume the last-named one that is mentioned is intended.

Mr. WINDOM. What is the question?

Mr. EDMUNDS. I wish to know whether the words "range-light," in line 310, refer only to the range-light to be established on the tower of the Exchange Building.

Mr. WINDOM. I think that is what is meant.

Mr. EDMUNDS. Then I suggest, to make it perfectly safe, to insert after the word "said" the words "last named."

Mr. WINDOM. I have no objection.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Vermont?

Mr. CAMERON, of Wisconsin. There is no other range-light mentioned there.

Mr. EDMUNDS. Yes, one is mentioned immediately before.

Mr. CAMERON, of Wisconsin. No; that is in the preceding paragraph.

Mr. EDMUNDS. The Senator is right. The amendment is unnecessary. I thought it spoke of range-light on the preceding page.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 452, to insert:

For equipping the aforesaid steamer and fitting it up with machinery for the propagation of fishes, including carp, &c., \$9,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 463, to strike out the following words, ending in line 474:

And so much of the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, as authorizes the Secretary of the Treasury to issue coin certificates in exchange for bullion deposited for coinage at mints and assay offices other than those mentioned in section 3545 of the Revised Statutes be, and the same is hereby, repealed; said repeal to take effect at the end of the present fiscal year.

The amendment was agreed to.

The next amendment was, after the word "discretion," in line 503, to insert "for a period not exceeding five years;" and in line 506, after the word "law," to insert "and such leases shall be reported annually to Congress;" so as to read:

That authority be, and is hereby, given to the Secretary of the Treasury to lease, at his discretion, for a period not exceeding five years, such unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress.

The amendment was agreed to.

The next amendment was, in line 530, after the word "and" to strike out "similar felonies," and insert "other crimes;" and in line 535, after the word "other," to strike out "felonies" and insert "crimes;" so as to read:

Suppressing counterfeiting and other crimes: For expenses of detecting and bringing to trial and punishment persons engaged in counterfeiting Treasury notes, bonds, national bank notes, and other securities of the United States, as well as the coins of the United States, and other crimes against the Government, and for no other purpose whatever, \$75,000.

The amendment was agreed to.

The next amendment was, to strike out lines 558 to lines 565, in the following words:

That section 170 of the Revised Statutes of the United States be so modified that the Secretary of the Treasury be, and hereby is, authorized, during the present fiscal year, to pay out of the appropriation for refunding the national debt, a reasonable additional compensation to the clerks of his Department who are actually employed upon the refunding of the national debt, in addition to the usual business hours.

The amendment was agreed to.

The next amendment was, after line 571, to insert:

That the proper accounting officers be authorized and instructed to examine the accounts between the United States and the several States, growing out of moneys expended by such States for military purposes in the war of 1812 with Great Britain, and apply in each examination the provisions and principles of the twelfth section of the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the Government for the year ending June 30, 1858," and that there be paid to such States any sums that shall be found to be due them out of any money in the Treasury not otherwise appropriated.

Mr. EDMUNDS. I make the point of order that it is in violation of the twenty-ninth rule, the first clause thereof, being legislation upon a general appropriation bill.

Mr. WALLACE. The first answer to this point of order is, that this is not a general appropriation bill, but is the sundry civil bill upon which everything is put. The second answer is that it is not general legislation, but that it is simply a mode of appropriating to the States under existing laws money that is actually due them. It is temporary and ephemeral in its application. When this thing is done the purpose of the legislation has ended; hence it is not general and permanent legislation, for the money is applied and paid under this appropriation in pursuance of existing laws. That is an end of the legislation; it cannot therefore be general legislation. It applies specifically to the thing that is contemplated by the words of the amendment, the money due to these States under existing law in a special and particular mode herein pointed out.

Mr. EDMUNDS. Will the Senator point out to us the existing law which shows that we owe these people anything?

Mr. WALLACE. There are several.

Mr. EDMUNDS. Let us hear one.

Mr. WALLACE. The act of 1857 which is referred to here makes the application of the money in the case of Maryland. The report of the Auditor of the Treasury, under date of 15th of November, 1858, refers to and explains this whole subject. It is found in volume 5, Executive Documents, second session, Thirty-fifth Congress, and it covers this whole subject-matter. It takes up the subject of the relations between the States and the Federal Government for moneys expended in the war of 1812, and shows the payment to the States of certain amounts of money calculated in a particular way; and under the provisions of this section of the sundry civil bill of 1859 this Auditor's report was made; it shows the amount owing to each of the States that will be covered by this provision.

I suppose it will not be contended that the Federal Government did not agree to pay to the several States the money which she has actually paid. The only question in this case is whether she should pay one State in one way and another in another; whether she is to pay Massachusetts the amount of money that is coming to her under one calculation and Maryland under the same calculation, Alabama under the same calculation, and Pennsylvania, Virginia, Delaware, New York, and South Carolina under another calculation.

Mr. CHANDLER. Will the Senator permit me to inquire whether this contemplates settlement with all the States upon the basis of settlement with Maryland prior to 1857?

Mr. WALLACE. It contemplates settlement with all the States that were not settled with upon the basis adopted in the settlement with Maryland.

Mr. CHANDLER. That is it. I understand it now. Mr. President, I am somewhat familiar with this subject, having been present when it was thoroughly discussed. In the war of 1812 money was advanced by certain cities and States, advanced for their own protection, advanced without any pledge or understanding from the Government that the money was to be returned. In process of time it was decided to pay to the different cities and States the principal of the money thus advanced. It was paid and credited upon the books of the Treasury. I give this from recollection, but my recollection is usually very accurate. In process of time, I say, this money was credited upon the books of the Treasury and paid as the Government of the United States was in funds to make the payments. After many years the States came in to obtain interest upon this money, and after some years it was decided to pay the different States the interest on that money, and the interest was reckoned at 6 per cent. from the time it was entered upon the books of the Treasury up to the date of final payment, and that again was the second final payment and settlement of the whole question.

In process of time some very adroit financiers in Maryland proposed to open the accounts of Maryland and to settle them in accordance with mercantile usage; in other words, to cast interest from one payment down to another, and thus compound interest to the State of Maryland. Thus Maryland drew a large sum—how much I do not now remember, although I knew it at the time—of compound interest after having been paid every dollar of the principal and every dollar of the interest down to the time of the final settlement and payment. Other States, particularly the older States, wanted the same principle applied to their accounts. I remember we had quite a debate on the question many years ago, and it was finally settled between the new States and the old ones. The new States would not agree to pay compound interest. After a long contest and a bitter fight, on the yeas and nays the new States beat the old States, and the thing has lain dormant from that day to this.

Now, sir, I am opposed to opening those accounts again, although Maryland did get an allowance. I am opposed to opening any accounts and paying compound interest. I give this from my recollection, but my recollection is accurate.

Mr. WALLACE. I am inclined to think that the recollection of the Senator from Michigan is at fault in his statement that there was any compound interest calculated in favor of any State. The mode of calculation of interest under the old rule was simply this: there was no application of a payment made to the interest at all; it was applied to the principal and the interest was allowed to run. It is in effect this, that when a man has one of our coupon bonds and presents the bond at the Treasury Department for payment, the Federal Government pays the amount of the coupons and credits that upon the debt, and lets the interest run, and when the holder comes to demand the principal he is told this is not a part of the principal and no interest can be calculated upon it. The rule of computation contended for and applied in the case of Maryland, contended for and applied in the case of Massachusetts and Maine, and under which they were paid, is the rule of computation of interest adopted by the Supreme Court of the United States, adopted in mercantile transactions; and it is a simple matter of justice and of right between man and man, as it is between State and State that the old States, even if they be such, shall have that which their sister States have obtained under this just and usual rule of computation.

Now, sir, to establish what I have said to be correct, I ask the Secretary to read from the report of the Auditor of the Treasury what is said on page 5 thereof.

Mr. EATON. Mr. President, before this matter goes any further I beg leave to inquire what has become of the point of order?

Mr. WINDOM. I am very glad the Senator inquires. I was going to inquire what became of it.

Mr. EATON. I did not desire to interrupt my friend from Pennsylvania, but if this is to go on—

Mr. WALLACE. I answered the point of order as I understood it as made by the Senator from Vermont and sat down.

Mr. EATON. But there ought to be a decision of the Chair.

The PRESIDING OFFICER. (Mr. HARRIS.) The Chair will submit the question of order raised by the Senator from Vermont to the Senate. The question will be, Is the amendment in order under the twenty-ninth rule?

Mr. EDMUNDS. No, Mr. President, my point is that it is general legislation upon a general appropriation bill. I have got two other points of order besides that, but I will take the sense of the Senate on this one first under the same rule.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. EDMUNDS. My point of order is that this amendment is not in order because it proposes general legislation to a general appropriation bill, being the first clause of Rule 29. There are two other points of order which are fatal to this proposition, later down in the rule, but I do not propose to mix them up. I first make the point of order on that. It is enough for me; and upon that I should like to be heard in reply to the Senator from Pennsylvania when the rest of the gentlemen have done talking.

Mr. President, I deny, and I insist upon the proof, that there is any existing law which recognizes or creates any obligation on the part of the United States in respect of the matter to which this amend-

ment is devoted; and if the Senator from Pennsylvania will read the law upon which he relies to show our obligation I should like to listen to it, and I wait for a reply. I may as well wait also, because there are so many other speeches going on in other parts of the room that it is not easy to be heard.

The PRESIDING OFFICER. Will Senators resume their seats and cease conversation, so that the business of the Senate can proceed?

Mr. RANSOM. Mr. President, is this question of order debatable? Mr. EDMUNDS. It is when it is submitted to the Senate.

The PRESIDING OFFICER. The Chair so holds.

Mr. EDMUNDS. It was so decided the other day.

Mr. RANSOM. If the Senator from Vermont will pardon me, I do not understand that it was so decided the other day.

Mr. EDMUNDS. It was so decided on the Brazilian business on the general Post-Office appropriation bill.

Mr. RANSOM. Mr. President, no appeal has been taken.

Mr. EDMUNDS. The Chair has submitted the question to the Senate.

Mr. RANSOM. Ah! I did not understand that.

Mr. EDMUNDS. Now, I should be glad to hear the Senator from Pennsylvania read his law which shows that the United States owes these people anything.

Mr. WALLACE. I have but a word to say. I have not the statute here, but I read from the report of an official of the Government this:

It appears that, during the war of 1812, various States and cities made advances—in some cases by loans made and in others from moneys in their treasuries—on account of the militia forces and in aid of the prosecution of the war. These expenditures, although not shown to have been made at the request of the General Government, were held to have been made from patriotic motives and to have been "for the use and benefit of the United States." Accordingly, at the conclusion of the war, provision was made by law for reimbursing the States, &c., that had made such advances. At a later period provision was also made for payment of interest in certain cases.

I have here the report of the Secretary of the Treasury which shows that there were laws on the subject under which the moneys were paid.

Mr. EDMUNDS. Yes, and every law that was passed was executed and every dollar of money that the law authorized to be paid was paid; and the reason why these people, whoever they are, or these States did not get this money was because the law did not give it to them. There is not any statute, and there never was, that authorized this payment. The State of Maryland found that there was not any statute to authorize it and she got one. Whether she got it rightly and upon just principles, is another question, but she got it; and now after a period of more than twenty years since that mistake, if it was a mistake, was made in favor of Maryland, it is proposed to throw out a general invitation to all the States that can figure up an interest account to come in now, after a period of sixty-five years since this money is said to have been expended and after a period of more than fifty years since the accounts were settled and the States received their pay and gave their acquittance and after the demand has again and again been presented to the Congress of the United States and rejected; and now in the last hours of the session it is proposed to open the flood-gates for still further profusion in the name of justice!

Mr. President, I respectfully submit, in the first place, that this is a general appropriation bill. The Senator from Pennsylvania says it is not. I submit in the second place that this is general legislation as much so as any legislation that can possibly exist.

The PRESIDING OFFICER. The Senator from Vermont raises a point of order that this amendment is not in order because it is general legislation upon an appropriation bill. The Chair submits that question to the Senate. Is the amendment in order under the first clause of the twenty-ninth rule?

Mr. HOWE. I rise simply to inquire whether in voting upon this question of order we are confined to the consideration of the precise reason assigned by the Senator who raises the point? He raises a question of order that this amendment is not in order, and he assigns one reason why it is not. As the matter is submitted to the Senate, are we restricted in our vote to the consideration of that one reason, or may we take into consideration other reasons?

The PRESIDING OFFICER. The Chair will restate the question. The Chair understands the Senator from Vermont to confine his point of order to the one single question that this amendment is not in order because it is general legislation upon a general appropriation bill. The question is, is the amendment in order under the first clause of the twenty-ninth rule; and that question the Chair submits to the Senate. Senators who believe the amendment in order under the first clause of the twenty-ninth rule will answer "ay;" those of a contrary opinion "no," [putting the question.]

Mr. EDMUNDS. Let us have the yeas and nays. We cannot spend the time any better.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 31; as follows:

YEAS—27.

Bailey,	Conover,	Harris,	Plumb,
Beck,	Davis of W. Va.,	Hereford,	Ransom,
Blaine,	Dennis,	Jones of Florida,	Voorhees,
Butler,	Dorsey,	Lamar,	Wallace,
Cameron of Pa.,	Garland,	McDonald,	Whyte,
Cockrell,	Gordon,	Maxey,	Withers,
Coke,	Grover,	Morgan,	

NAYS—31.

Allison,
Anthony,
Barnum,
Bayard,
Booth,
Burnside,
Cameron of Wis.,
Chandler,

Davis of Illinois,
Dawes,
Eaton,
Edmunds,
Ferry,
Hamlin,
Hoar,
Ingalls,

Kernan,
Kirkwood,
McMillan,
McPherson,
Matthews,
Merrimon,
Mitchell,
Morrill,

Rollins,
Saulsbury,
Saunders,
Spencer,
Teller,
Wadleigh,
Windom.

ABSENT—18.

Bruce,
Chaffee,
Conkling,
Eustis,
Hill,

Howe,
Johnston,
Jones of Nevada,
Kellogg,
McCreery,

Oglesby,
Paddock,
Patterson,
Randolph,
Sargent,

Sharon,
Shields,
Thurman.

The PRESIDING OFFICER. The question of order raised by the Senator from Vermont is sustained, and the amendment is not in order. The reading of the bill will proceed.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 609, after the words "United States," to insert the following proviso:

Provided, That section 349 of the Revised Statutes shall not be applied to the accounts of States under act of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States."

Mr. EDMUNDS. Mr. President, I make the point of order that this amendment proposes general legislation to a general appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont raises the point of order that this amendment is general legislation upon an appropriation bill, and is therefore not in order. Under the judgment of the Senate, pronounced—

Mr. EDMUNDS. It repeals a statute of limitations.

Mr. KERNAN. It really repeals not a statute, but a decision. The suggestion I want to make is based on the document sent to us, which I hold in my hand, showing that it is not repealing the statute, but declaring its true intent and meaning. I find that the Attorney-General has never given an opinion, but the question has been raised by the Auditor whether the section here named does apply to State claims, and I hold in my hand the opinion submitted to the Secretary of War by Captain Thomas H. Bradley, United States Army, examiner of State claims in the War Department, in reference to this statute of limitations. He examined this statute and is of opinion that it does not apply to State claims, and I can state in a word why he says so; and this is simply to remove a doubt. This section of the Revised Statutes is:

No claims against the United States, for collecting, drilling, or organizing volunteers for the war of the rebellion, shall be audited or paid unless presented before the 30th day of June, 1874.

As this officer thinks, and as I think, this provision does not apply at all to State claims, but it applies to what occurred in 1861 when the General Government authorized certain well-known officers to collect, drill, and organize volunteers under the call of the President. They did collect them in various parts of the country, and Congress from time to time, beginning in 1861—I have the statute referred to here—appropriated money to pay the expenses of drilling and collecting troops all over the country, and provision was made for auditing and paying these expenses not incurred by States but by officers of the Government detailed to collect and drill troops. This officer, Captain Bradley, holds that that statute merely refers to claims that were coming in for expenditures made by these individuals or the debts incurred under them for the collecting, drilling, and organizing of troops, and that it has no application to State claims. But as the question has been raised, and there is no opinion except this one of that officer and another by the Secretary of the Treasury, but none by the Attorney-General, it was desired that this be declared to be the intent of the law by this amendment.

That, I think, is the statement of the question; and it would seem to me that there can be no doubt, looking at the facts, at the action of the Government, at the appropriations made by Congress, that that section was only intended to cut off these claims where individual officers had incurred them on the credit of the Government in raising troops for State service, and it does not apply to what are known as State claims in aiding to suppress the rebellion.

Mr. EDMUNDS. The point of the Senator from New York seems to be that this is not general legislation because in his opinion it is unnecessary. If that is not a new definition of ascertaining what is legislation and what is not, I am somewhat mistaken. He believes the law to be now just what it will be if this amendment be adopted, and therefore he says this is not general legislation. I submit to his own good sense whether that is a sound proposition.

Mr. KERNAN. I will answer. I may be wrong, but I do not think this is general legislation. The section here referred to is a law of 1873 to put an end to claims for articles furnished officers in raising troops. That was the object of that statute, it is clear. I cannot think that a lawyer would construe it to mean that in cutting off claims for raising and drilling troops, &c., it cut off claims by the States for services that they rendered the Federal Government.

Mr. EDMUNDS. But supposing the Senator to be perfectly correct, that is not the point.

Mr. KERNAN. It is not general legislation; it is simply instructing the Department that that law does not affect certain State claims and never was intended to do so.

Mr. EDMUNDS. Very well; suppose in a case as to the statute of limitations we propose to instruct a court that the statute of limitations shall not apply to a particular class of cases, is not that general legislation? Why, Mr. President, I am amazed, I must say with great respect, at the argument of my friend from New York. You cannot legislate but on one thing at a time, and one section at a time, and here is a section of the Revised Statutes which declares that no claims against the United States for collecting, &c., shall be received or audited unless presented before the 30th of June, 1874. Now here comes in a bill, if it were in the form of a bill, which provides that that statute shall not apply to a certain class of claims. Is not that general legislation; or must the definition of general legislation be legislation that embraces every possible subject in one clause of one bill? That cannot be it. General legislation is the law of the land as distinguished from paying a private claim. That is what general legislation is, and it is impossible to define it in any other way. The number of objects that may be affected by it is not the test of the generality of the law. The law is general if it applies to the whole class of subjects that come within its scope, equally. That is what makes general legislation; and therefore, Mr. President, I think that this is a much clearer case, clear as I thought the other one was, than the Brazilian subsidy business, in respect to which I believe the honorable Senator from New York agreed with me that it was general legislation.

Mr. ANTHONY. Mr. President, I rise to order. I understood the Chair to decide as instructed by the last vote of the Senate that this amendment was out of order.

The PRESIDING OFFICER. The Senator from Rhode Island misunderstood the Chair. The Chair started to so decide, but stopped a moment to read the section to determine in his own mind whether it was general legislation, and while so reading this debate sprang up; but the Chair is now prepared to rule that the point of order of the Senator from Vermont is well taken under the judgment of the Senate pronounced a few moments ago. The Chair sustains the point of order, and decides that the amendment is not in order. The reading of the bill will proceed.

Mr. HOAR. The Senator was kind enough a few minutes ago to give unanimous consent to pass over temporarily an amendment on the eleventh page. I was unable at that time to make the proposed statement in regard to it, and I now ask to return to it and make a very brief statement. I will ask the chairman of the Committee on Appropriations to be good enough to listen to the statement that I make.

Mr. President, the Light-House Board in its report recommended the establishment of a light-house at Stage Harbor, Chatham, Massachusetts, which is a provision contained in the House bill, and that is a very important harbor of refuge, and it is necessary to have an additional light that vessels may get a proper range to go through the channel which is somewhat circuitous, and two vessels have been lost very recently in making that harbor of refuge; one a vessel the property of the Government and another which has been lost within two months. It is a harbor of refuge which is of great importance to all the coast commerce which passes through the sound from New York or which passes from Philadelphia or Baltimore to Boston Harbor or to the Provinces or which passes southward from Boston. Now the Book of Estimates estimated two sums of \$5,000 each for Ned's Point light station, Massachusetts, and for Wing's Neck light station, Massachusetts, amounting to \$10,000; but the Light-House Board recommended to the House to omit these items which are in the estimates and to expend the \$10,000 upon this Stage Harbor light-house which the Light-House Board regarded as very much more important than these two that were estimated for. So, with the consent of the Representative of that district, the House appropriated this \$10,000 which was in the estimates to this other light-house and omitted those two. It is a very important public work.

Mr. WINDOM. I am sure if the committee had time to hunt up the facts which the Senator possesses we should not have recommended the striking out.

Mr. HOAR. I ask unanimous consent that the item may be retained in the bill.

Mr. EDMUNDS. You had better have the motion put.

Mr. HOAR. Let the motion be put.

The PRESIDING OFFICER. The question is on the amendment reported by the committee in lines 243 and 244 to strike out:

For light-house at Stage Harbor, Massachusetts, \$10,000.

The amendment was rejected.

Mr. HAMLIN. As we have gone back to light-houses now, upon page 9, line 190, I want a very brief amendment made.

The PRESIDING OFFICER. The Chair would state to the Senator from Maine that the Senate has not acted upon the committee amendments as yet.

Mr. HAMLIN. I understand that; but the chairman of the committee does not object to my inserting the words "or other" in line 190. The provision now reads:

And the Secretary of the Treasury is hereby authorized, in his discretion, upon the recommendation of the Light-House Board, to use any surplus portion of the said sum for the purchase of automatic fog-bells.

I am not sure but there are at least two kinds of fog-bells, and I want to insert the words "or other," so as to read "automatic or other fog-bells," so that the Light-House Board may have all the kinds there are to select from.

Mr. WINDOM. I know of no objection to the amendment.

The PRESIDING OFFICER. (Mr. HOAR in the chair.) The question is on the amendment of the Senator from Maine, if there be no objection to returning to that part of the bill. The question is on that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary proceeded with the reading of the bill.

The next amendment of the Committee on Appropriations was, after line 614, to insert:

To enable the Secretary of the Treasury to refund to the city of Baltimore, State of Maryland, amounts advanced at the request of Major-General R. C. Schenck, dated June 20, 1863, to aid the United States in the construction of works of defense, the amounts to be passed by the accounting officers of the Treasury, not to exceed the amounts examined, allowed, and approved by the Secretary of War, a sum not exceeding \$106,491.07 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WINDOM. I raise a point of order on that amendment. It is a claim, and forbidden by Rule 30.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. WHYTE. I take an appeal from the decision of the Chair.

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate if the Senator desires.

Mr. WHYTE. That is what I want done.

Mr. BLAINE. Let the rule be read.

The PRESIDING OFFICER. The Secretary will read Rule 30.

The Secretary read as follows:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. WHYTE. This is to carry out an existing law, to carry out provisions in the original act of 1861 providing for "contingencies of fortifications" and by the act of 1874, June 14, which expressly provides for this class of cases, and it is certified to by the Secretary of War and by the Third Auditor of the Treasury. It is a claim recognized by the Government of the United States and finds its proper place in this appropriation bill.

Mr. EDMUNDS. Read the law.

Mr. WHYTE. The act of 1874 provides that—

It shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years.

The PRESIDING OFFICER. The Chair will remind the Senator from Maryland that the rule does not stop with providing that the amendment shall be to carry out an existing law but requires that the existing law shall be cited on the face of the amendment itself.

Mr. EDMUNDS. There is not any existing law, I submit with great respect to my friend from Maryland.

Mr. WHYTE. The clause can be very easily amended by citing the law on the face of it.

Mr. EDMUNDS. If you cite the law, I should like to hear you read it.

Mr. WHYTE. I have cited the law. The act of 1861 provides for the class of cases of which this is one.

Mr. EDMUNDS. Will the Senator just read the part of the act of 1861 which he relies upon?

Mr. WHYTE. I will if I can find it in a moment. It is chapter 54, page 316, of the volume of statutes containing the acts of 1861.

Mr. EDMUNDS. Now read the clause.

Mr. WHYTE. It is:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 for contingencies of fortifications, to be used and applied under the direction of the Secretary of War.

I will read to the Senator from Vermont what the Third Auditor of the Treasury says on the subject:

I consider the claim a proper charge upon the appropriation for contingencies of fortifications, including field works, and therefore within the jurisdiction of the accounting officers to be expended, considered, and reported to Congress in the manner prescribed in the fourth section of the deficiency appropriation of June 14, 1878.

And I hold here the certificate of the Secretary of War upon the report made by the officer of the War Department detailed to examine the claim:

In view of the foregoing report and conclusions, this claim is approved for \$96,152, subject to the further consideration of the same by the proper accounting officers of the Treasury, the amount, when it shall be found due by said officers, to form an item of estimate to Congress to supply a deficiency in the appropriation for contingencies of fortifications, and to be paid when an appropriation for the purpose shall be made by Congress.

GEO. W. MCCRARY,
Secretary of War.

I should like to know what stronger claim to a place in this appropriation bill any claim that is mentioned in this bill can have than this claim of the city of Baltimore, approved by these officers and reported by the Committee on Appropriations.

Mr. EDMUNDS. I see that the Senator has read that the Secretary of War thinks there is some claim which I presume is something like

this one, for \$96,152, he thinks looks very well and ought to be put into an itemized estimate for some other appropriation. I see that this amendment is for the sum of \$106,491, which does not appear to be the exact claim that the Secretary of War indorses.

Mr. WHYTE. I will state to the Senator from Vermont that it is identically the same thing. There is a ten-thousand-dollar claim left for future action of the accounting officers, but \$96,000 has been approved already.

Mr. EDMUNDS. Then we have not even got the recommendation of the Secretary of War in a private letter to somebody for this amount.

Mr. WHYTE. It is not a private letter; it is a communication to the Treasury Department; not a private letter at all.

Mr. EDMUNDS. I did not know that the Treasury Department kept its files up here on the desks of Senators.

Mr. WHYTE. What I have read is only a copy, of course. I am not reading the original papers.

Mr. EDMUNDS. Then my friend has found somewhere in the Treasury Department an official document, of which he has a copy,

dated at some time, in which one officer of the Government said to another that there ought to be an appropriation to supply deficiencies for the expenses of fortifications out of which this claim might be paid.

Now, instead of having any estimate submitted to Congress, we have an amendment which provides for paying the city of Baltimore a certain sum of money on a settled account, and the Senator says that is not a private claim first, and in the second place that it is to carry out the provisions of existing law, and the provision of existing law is that in 1861 there was appropriated the sum of \$100,000 for the contingencies of fortifications to be used and applied under the direction of the Secretary of War.

Is it to carry out that appropriation? The money was appropriated and has been expended. If it has not been expended it can be drawn for all the purposes that that act authorized.

Therefore it is needless to waste time in saying that the statute referred to by my honorable friend does not support this as a provision to carry out the provisions of that law.

I am not arguing upon the question of whether this claim is not a good one standing by itself upon a bill like all the other claims that we are acting upon on the Calendar of unobjected cases; but I hold that it is against this rule as to appropriation bills, not in hostility to the claim being considered in a proper way.

Mr. WHYTE. I have not got any old document that I found in the Treasury Department. I have got a recent report of the Secretary of War, and it is certified to as late as January 17, 1879; the report is made as late as January 17, 1879.

Mr. DORSEY. The Senator from Maryland will allow me to say a word. The Committee on Appropriations not having access to the files of the War Department of which the Senator from Vermont speaks, had a letter from the Secretary of War stating that he had found \$96,000 or thereabout due the city of Baltimore; that \$10,000 remained unadjusted. We also had a letter from the Auditor stating that he had audited that account. We also had a letter from the Comptroller stating that he had passed on that account, and if there is an item in this bill that has passed the accounting officers of the Treasury this item has, and on that account it comes within the rule.

Mr. WHYTE. I ask whether a claim of this character, recognized as a public claim, furnished by a municipal corporation for the purposes of throwing up earth-works to protect the Army of the United States at the time the southern army was at Gettysburg, can be spoken of as a private claim?

Mr. WINDOM. I raised the point of order because I understood that this claim had not been fully audited. If the Senator from Arkansas [Mr. DORSEY] is right I must be mistaken, but I have understood from the beginning that it had not been audited. I know that it was rejected by the committee when it was proposed on the deficiency bill on the ground that its auditing was not complete. I do not remember to have seen any report of the Comptroller. I may be mistaken, and, as I say, if the Senator from Arkansas is right I am mistaken. If it is fully audited, I certainly would not raise the point; but if it is not, and is a claim which is yet to be passed upon by the Department, I think we ought not to pass it until it has gone through all the forms required by law.

Mr. WHYTE. To prevent any difficulty, those accounts are to be examined on every point.

Mr. BLAINE. The account is to be audited?

Mr. WHYTE. It is to be audited, and if not correct it is not to be paid.

Mr. WINDOM. We are not in the habit of appropriating money for claims to be audited, because until they are audited we do not know what they are.

Mr. WHYTE. But I hold in my hand the report of the Auditor who has audited this.

Mr. DORSEY. I think the Senator from Minnesota overlooks one fact. We had the statement of the Auditor that he had audited this claim; we had a letter from the Comptroller that he had passed upon it, but by the direction of the Secretary had suspended it until there was a deficiency appropriation to pay it. Now we come in here and say we will not appropriate for it because it is not audited. Then they go to the Treasury Department and there they say they will not pay it until it is appropriated for. That is the way the matter stands.

The PRESIDING OFFICER. The Chair will state the question to

the Senate. Is the amendment on page 26, commencing at line 615 and continuing to line 625, in order under the rule of the Senate?

Mr. EDMUNDS. Under the thirtieth rule. I have another point of order if that is overruled. The point is made under the thirtieth rule, and let the question be submitted in that way.

Mr. WHYTE. How is the question put, Mr. President?

The PRESIDING OFFICER. The Chair is informed that it is the habit of the Senate on such questions to submit whether it is in order under the rule relied upon in sustaining the point. The rules will permit several points of order; but the question was raised under the thirtieth rule, and, as suggested by the Senator from Vermont, the Chair will so state the question. Is the amendment in order under the thirtieth rule of the Senate?

Mr. WHYTE. I ask for the yeas and nays.

The PRESIDING OFFICER. On that question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. BLAINE. Before the roll is called, let me ask the honorable Senator from Vermont if I understand him to say that this would be a different question of order had this claim been presented here audited by the Department? I ask the Senator from Vermont whether he submitted the point of order that the claim would be different in its parliamentary relations if it had been fully audited?

Mr. EDMUNDS. I did not present the point; I only spoke of it.

Mr. BLAINE. I thought the honorable Senator made a distinction between a claim that was audited and a claim presented as this had been. This has passed through two ordeals, and it is provided that it shall pass through all the remaining ones of the Treasury.

Mr. EDMUNDS. I have not made any such point as that.

Mr. BAYARD. I understand that this is an appropriation authorized by two laws, one of 1861 authorizing the expense and one of 1874 authorizing the audit and payment of the expense. Then what is the effect of an appropriation? To carry out the existing laws; that is to say, to find money to execute them. What is the warrant for this payment? Two laws, one of 1861 and one of 1874. They are existing; they never have been repealed; they are operative to-day; but you have not the money to carry them out, and this money I understand is an appropriation to carry them into effect.

Mr. BLAINE. The reason why I made the point is that I am not quite satisfied with it. It seems to me to present a case of that nature, or claim, if you choose to call it a claim—

Mr. BAYARD. It is not a claim.

Mr. BLAINE. It seems to me to present that nature of right, which the honorable Senator from Maryland contends it is, which addresses itself very strongly to our sense of justice. If the general commanding the forces of the United States at Baltimore received an advance on his request from that city, for the general defense of the United States, it certainly presents a very strong case.

Mr. BAYARD. It was under a general law that the money was accepted.

Mr. BLAINE. Even if it was a special law, even if there was no law for it at the time, it presents one of those patriotic claims upon the consideration of Congress which ought not lightly to be laid aside.

Mr. WHYTE. I will state to the Senator from Maine—

Mr. BLAINE. The Senator will pardon me. If simply under the laws of war as a commanding general General Schenck had authorized certain expenditures, then undoubtedly it would require a special act to pay for it, but that was not the case here. There was a law authorizing the commanding general to incur these expenses, and that law stands unrepealed.

Mr. EDMUNDS. Please read that law.

Mr. BLAINE. What I want to get at is this: of course under this amendment, just as it is in the words from line 615 to line 625, it would be impossible to pay this money out of the Treasury until it was fully made known under the forms of law used by the accounting officers that that money was advanced by the city of Baltimore to Robert C. Schenck, the general commanding, for the use of the Government, and if that cannot be proved it ought not to be paid.

Mr. WHYTE. That is perfectly and conclusively proved.

Mr. BLAINE. Then it ought to be paid.

Mr. WHYTE. The proof of General Schenck is conclusive, as the other persons named as the committee of finance at the time, that the money was loaned upon an express promise that it should be paid by the United States.

Mr. BLAINE. Then it is a debt of honor.

Mr. WINDOM. I want to ask the Senator from Maine whether he is ready to vote to make appropriations in all cases for claims to be audited in future?

Mr. BLAINE. The Senator need not put conundrums of that sort to me. I will put one to him. If this be a case, I repeat, where the general commanding the forces of the United States needed for the public exigencies a sum of money, and the city of Baltimore came forward and advanced it, we now say if they can prove that satisfactorily, through all the extreme tests of auditing and comptrolling that are required by law in the Treasury Department, then this rises to the dignity of a debt of honor, and I shall vote for it on that point.

Mr. WINDOM. I am entirely willing to pay this claim when it has gone through the form required by the law; but I say to the Senator that it has not been fully audited. The face of the amendment shows

that it has not been audited fully. If the Senate proposes to adopt the principle that when a claim is presented we shall incorporate it in an appropriation bill to be paid as audited in the future, the Committee on Appropriations will take their instructions from the Senate, and they will find a very large number of those claims. The committee-room has been flooded with all kinds of claims, and for one I have felt it to be my duty to hold that until the auditing is complete we are not required to make the appropriation. I do not say one word against this claim. I believe that a large part, if not the whole, of it will be found to be an honest indebtedness, and when that indebtedness is ascertained according to the rules which we have prescribed for auditing accounts; and certainly the only objection I have to it is that it has not been fully audited.

Mr. HOWE. I hear it said that an act was passed in 1874 directing the payment of this very claim. Has the act been read?

Mr. EDMUNDS. No sir, it has not.

Mr. WHYTE. Not directing the payment of this specific claim, but directing the accounting officers of the Treasury to receive such claims.

Mr. EDMUNDS. Just read the clause you rely on.

Mr. WHYTE. It is as follows:

And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations (the balances of which have been exhausted or carried to the surplus fund under the provision of said section) that may be brought before them within a period of five years.

Mr. EDMUNDS. Now what is "said section?"

Mr. WHYTE. This balance of the "contingencies of fortifications" had been returned to the Treasury, and it was to open the door to enable parties having such claims to come in and the accounting officers to pass on them that that act was passed. The Third Auditor of the Treasury distinctly puts this claim upon the ground that it comes under the provisions of that law.

Mr. HOWE. But an act of Congress, I respectfully submit, directing the accounting officers to examine a claim is a very different thing from an act providing for the payment of a claim.

The PRESIDING OFFICER. The question is, Is the amendment in order under the thirtieth rule? The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 37, nays 14; as follows:

YEAS—37.

Bailey,	Conkling,	Hill,	Saulsbury,
Barnum,	Davis of W. Va.,	Jones of Florida,	Shields,
Bayard,	Dawes,	Kernan,	Thurman,
Beck,	Dennis,	Lamar,	Voorhees,
Blaine,	Dorsey,	McDonald,	Wallace,
Bruce,	Ferry,	McPherson,	Whyte,
Butler,	Garland,	Maxey,	Withers,
Cameron of Pa.,	Gordon,	Mitchell,	
Cockrell,	Harris,	Morgan,	
Coke,	Hereford,	Plumb,	

NAYS—14.

Allison,	Chandler,	Kirkwood,	Spencer,
Anthony,	Edmunds,	Matthews,	Windom,
Booth,	Hoar,	Morrill,	
Cameron of Wis.,	Howe,	Saunders,	

ABSENT—25.

Burnside,	Hamlin,	Merrimon,	Sargent,
Chaffee,	Ingalls,	Oglesby,	Sharon,
Conover,	Johnston,	Paddock,	Teller,
Davis of Illinois,	Jones of Nevada,	Patterson,	Wadleigh,
Eaton,	Kellogg,	Randolph,	
Eustis,	McCreery,	Ransom,	
Grover,	McMillan,	Rollins,	

The PRESIDING OFFICER. The amendment is held to be in order notwithstanding the thirtieth rule.

Mr. EDMUNDS. I now make the point of order, Mr. President, as it seems to be proved that this is not a private claim, that then it is general legislation under the first clause of the twenty-ninth rule.

Mr. WHYTE. I answer that by saying that it is not legislation; it is carrying out a previous law. It is a mere appropriation to carry out a law already in existence.

Mr. BLAINE. It cannot be general legislation under the very comprehensive definition which the Senator from Vermont gave us a few moments ago. His definition excludes it from being general legislation.

Mr. EDMUNDS. I deny the proposition.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. WHYTE. I ask for the yeas and nays.

Mr. BLAINE and others. Oh, no.

Mr. WHYTE. Very well; I withdraw the call.

The PRESIDING OFFICER. Is the amendment in order notwithstanding the first clause of the twenty-ninth rule? [Putting the question.] The yeas have it; and the amendment is declared to be in order. The question is on agreeing to the amendment.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out from line 631 to line 638, inclusive, in the following words:

For salary to Charles Bryant, late special Treasury agent of the seal islands in Alaska, from May 15 to June 30, 1877, inclusive, at the rate of \$3,650 per annum, being a deficiency for the fiscal year 1877, \$471.29.

Mr. ANTHONY. I think it is hardly necessary to read the portions of the bill proposed to be stricken out.

The PRESIDING OFFICER. The Secretary will merely indicate the lines, until otherwise ordered.

Mr. BECK. There will be amendments offered to some of the provisions that have been stricken out, but they can be reserved.

Mr. ANTHONY. In any amendment to be offered the Senator proposing it can indicate it when the amendment is reached.

The PRESIDING OFFICER. The question is on agreeing to the amendment striking out these words.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 645 to line 652, inclusive, in the following words:

To pay John Sherman, jr., United States marshal for New Mexico, for services rendered and expenses incurred in paying per diem witnesses, bailiffs, and other similar and necessary expenses in the investigation of the Una de Gato land grant in the Territory of New Mexico, under authority given by the act of July 22, 1854, §351.93.

The amendment was agreed to.

The next amendment was, after line 652, to strike out the following clause:

To pay B. R. Lewis and J. J. Coffee the balances due them as marshal and clerk respectively at the consulate-general at Shanghai, China, during their absence attending on subpoenas as witnesses before a committee of the House of Representatives, the sum of \$2,203.69, to be available at once; and said Lewis and Coffee shall receive no allowance for witness fees and traveling expenses.

The amendment was agreed to.

The next amendment was, after line 660, to strike out the following clause:

To reimburse expenses incurred and paid by C. H. Lord, United States depositary at Tucson, Arizona, under Treasury Department instructions, \$334.87.

The amendment was agreed to.

The next amendment was, after line 671, to strike out the following clause:

That the unexpended balance of the appropriation of \$150,000 made by the act of June 14, 1878, to refund and pay back taxes erroneously or illegally assessed or collected under the internal revenue laws, is hereby continued and made available for the payment of all claims to which the appropriation is applicable, which are not payable from the permanent annual appropriations provided for in section 3629 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, after line 681, to insert:

That the public notice to be given for called bonds required by the acts authorizing the refunding of the public debt shall hereafter be not less than ten days nor more than three months, at the discretion of the Secretary of the Treasury.

Mr. EDMUNDS. With the greatest possible diffidence, I humbly submit the point of order that under the first clause of Rule 29 this is general legislation on a general appropriation bill.

Mr. MORRILL. I hope my colleague will withdraw the point of order.

Mr. EDMUNDS. Oh, no, it will be decided to be in order; do not worry.

Mr. BLAINE. It is legislation; there is no doubt of that.

Mr. MORRILL. I merely desire to say that it is very desirable to give the Secretary of the Treasury an opportunity to negotiate the loans that will become redeemable and fundable after the 5.20 bonds are all refunded at a shorter date than three months.

Mr. WINDOM. I ask unanimous consent that the rule be waived so far as this proposition is concerned. The Secretary of the Treasury recommends it; it seems to be important.

Mr. CONKLING. What is the change this makes, if the chairman of the Committee on Finance will state?

Mr. MORRILL. It allows the Secretary to refund the public debt with no more than ten days' notice, if he likes; it makes it optional.

Mr. CONKLING. What is the present provision?

Mr. MORRILL. Three months.

Mr. EDMUNDS. Can you point it out to us? While my colleague is finding it, I should like to say of this amendment that if it is such an important affair it is very strange the Committee on Finance should not have discovered it until the last three days of the session and had it stuck in here.

The PRESIDING OFFICER. Is there unanimous consent to the consideration of the amendment?

Mr. EDMUNDS. I will waive the point of order for the moment. I think, though, I will hold on until we see what the present law is.

The PRESIDING OFFICER. The Chair understands that the request is for unanimous consent that the amendment be considered.

Mr. EDMUNDS. I do not give unanimous consent, so far as I am concerned, at the present moment.

The PRESIDING OFFICER. The Senator from Vermont objects.

Mr. DAVIS, of West Virginia. I understand the substance of the present law is that ninety days' notice must be given.

Mr. EDMUNDS. What I should like is to hear it read. The amendment can be passed by for the time being like the Stage Harbor light, and we can go on with something else, by unanimous consent, while we look up the law.

Mr. HARRIS. I ask that it be passed over in order that the Senator from Vermont may refer to the law.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. DAVIS, of West Virginia. The Secretary proposed this amendment and sent it to the committee, and therefore it is recommended by the Department.

The PRESIDING OFFICER. It is passed over by unanimous consent.

The next amendment of the Committee on Appropriations was read, being to strike out lines 687, 688, and 689, in the following words:

To enable the Secretary of the Treasury to provide for the maintenance of revenue steamers on the coast of Alaska, \$20,000.

And in lieu thereof to insert:

For the protection of the interests of the Government on the seal islands, the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, \$20,000.

The amendment was agreed to.

The next amendment was, in line 720, after the word "Dakota," to insert "Montana, Idaho," and in line 721, after the word "Territory," to strike out "forty-five" and insert "fifty" before "thousand;" so as to make the clause read:

Construction, maintenance, and repair of military telegraph lines: For the construction and continuing the construction, maintenance, and use of military telegraph lines on the Indian and Mexican frontiers and in the Northwest, for the connection of military posts and stations and for the better protection of immigration and the frontier settlements from depredations, especially in the State of Texas and the Territories of New Mexico, Arizona, Dakota, Montana, Idaho, and Wyoming, and the Indian Territory, \$50,000, under the provisions of the act approved March 3, 1875.

The amendment was agreed to.

The next amendment was, after line 723, to insert:

For extension of the military telegraph lines from Fort Elliot westward, \$20,000.

The amendment was agreed to.

The next amendment was, after line 725, to insert:

For the extension of the military telegraph lines from Fort Elliott, Texas, westward, \$20,000.

The amendment was agreed to.

Mr. EDMUNDS. The Senate can now go back to the amendment on page 29, so far as I am concerned. Section 3679 does appear to provide that on the calling of the 5-20 6 per cent. bonds, the interest shall cease after three months from the date of the call, and they apparently want to have it cease at a less time.

Mr. CONKLING. Is that a reason for the discretion which this amendment gives?

Mr. EDMUNDS. I cannot say that it is, and it is doubtful whether the amendment covers the point which is desired. Section 3697 reads in this way, and I should like the attention of Senators to it, for that is what they want to get at—

The Secretary of the Treasury is authorized, with any coin in the Treasury which he may lawfully apply to such purpose, or which may be derived from the sale of any of the bonds which he may be authorized to dispose of for that purpose, to pay at par and cancel any 6 per cent. bonds of the United States of the kind known as 5-20 bonds, which have become or shall hereafter become redeemable by the terms of their issue. But the particular bonds so to be paid and canceled shall in all cases be indicated and specified by class, date, and number, in the order of their numbers and issue, beginning with the first numbered and issued, in a public notice to be given by the Secretary of the Treasury, and, in three months after the date of such public notice, the interest on the bonds so selected and advertised to be paid shall cease.

Withdrawing the point of order for the moment, I wish to call attention to the question if this amendment will effectuate what is desired. The Revised Statutes do not require any length of notice in particular, but the interest terminates only after three months after the date of the notice. This amendment provides—

That the public notice to be given for called bonds required by the acts authorizing the refunding of the public debt shall hereafter be not less than ten days nor more than three months, at the discretion of the Secretary of the Treasury.

It is not by any means clear that that is going to stop their interest before three months.

Mr. CONKLING. Apart from the suggestion made by the Senator from Vermont, I should like to inquire why this discretion should be deposited with any officer to say that one bond shall continue to bear interest for three months after the call and another for only ten days. If the proposition were to fix a certain time alike for all and to stop the interest on the lapse of that time I could understand it; but even if this amendment were effectual, as it seems to me it is not, to alter the statute which has been read, I should fail to discover why it is right to deposit in any officer, high or low, the right, upon his mere say-so, to give one set of men three months' interest on a 6 per cent. bond and another set of men ten days' interest. I do not believe that the facility of administration can even be pleaded as an excuse for that.

Mr. MORRILL. I may say that I never saw the phraseology of this provision until it was introduced into this bill. All I know in relation to the subject is that within a short time I heard the Secretary say that if he had that right he could make probably a saving to the Government of interest by having the option to make it.

Mr. BLAINE. The language was sent from the Treasury Department, I think.

The PRESIDING OFFICER. The question is on the amendment.

Mr. CONKLING. The point of order has not been withdrawn, as I understand.

Mr. MORRILL. It has.

Mr. CONKLING. Then I renew it.

Mr. DAVIS, of West Virginia. I suggest that the point of order be submitted to the Senate.

Mr. ALLISON. Mr. President—

The PRESIDING OFFICER. The Chair will state the question:

Are the lines beginning at 682 and ending at 686 in order, notwithstanding the first clause of the twenty-ninth rule?

Mr. MORRILL. I will ask permission to allow this amendment to be passed over for action at some later stage in the consideration of the bill, after I can have a little conference about the phraseology.

Mr. DAVIS, of West Virginia. It can be submitted to the Senate to suit one way or the other. Let us go on with the bill.

Mr. MORRILL. It will not take any time. If we cannot agree upon any phraseology that will suit, it may go out.

Mr. DAVIS, of West Virginia. If the chairman of the Finance Committee wishes it, I have nothing to say.

The PRESIDING OFFICER. Is there objection to passing over the amendment? The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 751, to insert:

For completing the development of the water-power at the Rock Island arsenal, in pursuance of contracts made with the Moline Water-Power Company, \$25,000.

The amendment was agreed to.

The next amendment was, after line 757, to insert:

For continuing boring the artesian well at Benicia arsenal, Benicia, California; or, if artesian water is procured, for putting down a permanent iron pipe and turbine wheel, to be run by a flow of water, to pump up water to reservoir, \$5,000.

The amendment was agreed to.

The next amendment was to insert after line 776 the following clause:

For repairs of smaller arsenals, and to meet such unforeseen expenditures at arsenals as accident or other contingencies during the year may render necessary, \$30,000.

The amendment was agreed to.

The next amendment was, after line 809, to insert:

For paving with asphaltum the roadway in front of the Executive Mansion, \$8,000, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 812, to insert:

For filling, leveling, and improving the park in front of the Treasury and State Departments and the Executive Mansion, comprehended between Fifteenth and Seventeenth streets, \$15,000.

The amendment was agreed to.

The next amendment was, in line 821, after the word "dollars," to insert:

And so much as may be necessary to re-cover the roof, not exceeding \$2,000, is hereby made available immediately.

So as to read:

Executive Mansion:

For care of and repairs, refurnishing, and fuel for the Executive Mansion, and care of and necessary repair to the greenhouses, and fuel for the same, and re-covering the roof of the mansion with tin, \$25,000; and so much as may be necessary to re-cover the roof, not exceeding \$2,000, is hereby made available immediately.

The amendment was agreed to.

The Secretary read the next clause of the bill, as follows:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, plumbers, lamps, lamp-posts, matches, and repairs of all kinds; lamps for Anacostia bridge; fuel for office, for the watchmen's lodges, and for the greenhouses in the nursery, \$15,000: *Provided*, That no more than \$25 shall be paid per lamp for gas under any expenditure provided for in this bill; and in case a contract cannot be made at that rate, the engineer in charge is hereby authorized to substitute other illuminating material, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

Mr. BLAINE. That is a remarkable piece of legislation just there.

Mr. DORSEY. Will the Senator allow me to explain it?

Mr. BLAINE. I refer to the provisions in regard to gas. What is meant by that?

Mr. DORSEY. That was the provision last year.

Mr. BLAINE. At the same rate?

Mr. DORSEY. At the same rate and in the same words.

Mr. DAVIS, of West Virginia. There has been no change.

Mr. DORSEY. There has been no change whatever.

Mr. BLAINE. I thought the Senator from Vermont just informed me that there was a difference.

Mr. DORSEY. The amendment alluded to by the Senator from Vermont is a different department, in another part of the bill.

Mr. DAVIS, of West Virginia. There is no change.

Mr. DORSEY. There is no change in the rate by this bill from the amount of last year.

Mr. BLAINE. What I am inquiring is, suppose they do not come to this agreement, what is the illuminating material with which they are to light this city? That is a question which would naturally come up for answer. Suppose they do not come to an agreement. You authorize the commissioners to "substitute other illuminating material." What are they to do? Are they to hang kerosene lamps over the city at night? It is a mere *brutum fulmen*. It cannot have any meaning at all, and I do not like to vote for a pointless thing like that.

Mr. DAVIS, of West Virginia. This provision appears to be acceptable all around.

Mr. BLAINE. Can the Senator give any good explanation of it? I should like to ask the honorable Senator from West Virginia what it does mean? Suppose they do not come to an understanding to take \$25 per lamp for gas, and I have not the remotest idea whether it ought to be \$25 or \$75, the bill provides that unless they come to an

agreement the commissioners are authorized to use "other illuminating material." Now what?

Mr. DORSEY. I do not know that the point made by the Senator has much weight, when the fact is known that they have come to an agreement more than a year ago.

Mr. BLAINE. Then why repeat if it has been effected already?

Mr. DORSEY. The contract now exists with the gas company to furnish gas at this price. Last year this provision was inserted in the appropriation bill and I suppose it only covered the life of that bill, and I think that this provision simply extends it for the coming fiscal year.

Mr. BLAINE. The honorable Senator from Arkansas is himself chairman of the Committee on the District of Columbia and knows more about this subject than I do. We have a gas-lamp light and what is the "other illuminating material" we are to use in case that fails?

Mr. DORSEY. I did not prepare this clause. It came from another body to this, and it was inserted last year very much against my judgment. I do not know of any other illuminating material unless they should use coal-oil.

Mr. BLAINE. That would be a handy thing to hang around on the lamp-posts, there being a thousand or more of them. I think I shall move, for the consistency of the thing, in the line of good sense, to strike this clause out before the bill is passed to a third reading.

Mr. DORSEY. When the Senator makes that motion I will vote for it.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 840, before the word "War," to insert "building for State;" so as to make the clause read:

Repair of water-pipes and fire-plugs: For repairing and extending water pipes, purchase of apparatus to clean them, and for cleaning the springs and repairing and renewing the pipes of the same that supply the Capitol, the Executive Mansion, and the building for State, War, and Navy Departments, \$2,500.

The amendment was agreed to.

The next amendment was, after the word "dollars" in line 844, to insert:

And the engineer in charge of public buildings and grounds is hereby authorized to sell any condemned material or lines not needed by the Departments, and cover the proceeds into the Treasury.

So as to read:

Telegraph to connect the Capitol with the Departments and the Government Printing Office: For repair and care of the same, \$1,000; and the engineer in charge of public buildings and grounds is hereby authorized to sell any condemned material or lines not needed by the Departments, and cover the proceeds into the Treasury.

The amendment was agreed to.

The next amendment was, in line 848, after the word "Department," to strike out "east wing;" and in line 851, after the word "building," to strike out "four" and insert "five;" so as to read:

Building for State, War, and Navy Departments: To complete the east wing and its approaches, and for continuation of construction of the north wing of the building, \$565,000, of which sum \$65,000, shall be immediately available.

Mr. DORSEY. In line 852 the committee intended to strike out the word "of" and also the words "sum sixty-five thousand dollars," so as to read:

Fifty hundred and sixty-five thousand dollars, which shall be immediately available.

The engineer in charge of the public buildings and grounds gave as a reason why the amendment I offer should be made that all moneys appropriated for the construction of public buildings other than this simple item are made immediately available by reason of the law, and this item always before had been made available from the passage of the bill. He thought the public interests would be greatly served by inserting such an amendment as I have proposed.

Mr. BLAINE. You propose to say it shall be immediately available?

Mr. DORSEY. Yes, I move that amendment.

Mr. DAVIS, of West Virginia. That does not accord exactly with my recollection, but I do not think it makes any difference. I think it answers the purpose as it is. However, it makes no difference, and I have no objection to it.

Mr. DORSEY. I am sure the Senator will remember that Colonel Casey, who has charge of this building, stated—

Mr. KERNAN. Why is more than \$65,000 required to be made available at once?

Mr. DORSEY. It has always been made immediately available on the passage of the bill until this year. The money appropriated for public buildings everywhere is made available when appropriated. The \$65,000 is for the east wing, for furnishing it and for removing the War and Navy Departments into that wing, and the balance of the appropriation is for the continuation of the construction. By some error only \$65,000 was made available, when all of it should be made available at once.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on the amendment proposed by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was, after line 97, to insert :

For salary for one person, to be appointed by the Secretary of War, to assist in editing and compiling for publication the official records of the rebellion, \$2,000.

Mr. WINDOM. I move to add, after the word "dollars," "to be available immediately," so that the printing may go on without waiting until the 30th of June.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was, after line 891, to insert :

For publishing 2,000 copies of eight volumes, comprising the official records of the first year of the war of the rebellion, \$15,000.

Mr. WINDOM. I move the same amendment at the end of the word "dollars," in line 894, to add, "to be available immediately."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill.

Mr. BECK, (at one o'clock and five minutes a. m.) I believe I shall move that the Senate do now adjourn to meet to-morrow morning at ten o'clock, and that this bill shall be in order first after the reading of the Journal.

Mr. DORSEY. I hope not. We can go on a couple of hours, I think, with great advantage.

Mr. WHYTE. Yes, indeed.

Mr. BECK. Very well. I left the committee-room about half past one o'clock this morning. We shall lose more time in my judgment by staying up an hour or two now and meeting at eleven o'clock to-morrow, tired and weary, than by going to our homes now and meeting at ten o'clock in the morning and taking up this bill immediately after the reading of the Journal.

Mr. WINDOM. I hope we may go on a while longer and see how we progress. I think if we do not finish this bill before we adjourn to-night it is very doubtful whether we shall get through with the appropriation bills in time.

Mr. BECK. I am willing to go on, but I think we should save time if we were to adjourn now and meet to-morrow at ten o'clock, and we should do more business by taking up this bill then immediately after the reading of the Journal than by sitting up to-night and coming here to-morrow tired and worn out.

Mr. WINDOM. I think it very doubtful whether we can get through unless we sit all night to-night and to-morrow night also.

Mr. BECK. By doing as I suggest we could possibly be ready to proceed with the legislative bill to-morrow afternoon at three or four o'clock, having the sundry civil out of the way by that time.

Mr. WINDOM. I hope the Senator will withdraw his motion for a while at least.

Mr. BECK. I will withdraw the motion for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in line 899, after the word "postage-stamps," to insert "for the Executive Departments;" in line 901, after the word "countries," to strike out "one" and insert "ten;" and in line 902, after the word "dollars," to insert "(to be available immediately;" so as to make the clause read :

For official postage-stamps for the Executive Departments, as required under postal union, to prepay postage on matter addressed to postal-union countries, \$10,000, to be available immediately.

Mr. EATON. That is a very large increase, from one thousand to ten thousand dollars. I should like a little explanation of that.

Mr. WINDOM. It is upon the recommendation of the various heads of Departments, and probably is not nearly as much as will be necessary. It takes no money out of the Treasury; it simply takes money out of one pocket and puts it in another. Probably more will be required than is named in the amendment.

Mr. BAYARD. It is simply for official postage-stamps.

Mr. EATON. Very well.

The amendment was agreed to.

The Secretary continued the reading of the bill and read the following clause :

For printing and binding the catalogue of the library of the Surgeon General's Office, \$20,000.

Mr. WITHERS. There is an amendment that ought to come in there. It ought to read, "for printing and binding the first and second volumes of the catalogue." I have a letter from the Surgeon-General stating that only those two volumes are published, and this amount is required for printing and binding the first and second volumes. I move to insert on page 40, line 966, after the word "the," the words "first and second volumes of the;" so as to read :

For printing and binding the first and second volumes of the catalogue of the library of the Surgeon-General's Office, \$20,000.

The amendment was agreed to.

Mr. ALLISON. Upon that point I think the Surgeon-General recommends also that that be made available immediately. I move to add that, if there be no objection.

Mr. WITHERS. There will be no objection to that amendment.

The PRESIDING OFFICER. If there be no objection, the words "to be made available immediately" will be inserted. The Chair hears no objection.

The Secretary resumed the reading of the bill. The next amend-

ment of the Committee on Appropriations was, in line 979, after the words "provided that," to strike out the words :

No arrears of pensions shall be allowed or paid to any pensioner being a disabled soldier or sailor for the time during which he has been supported in the National Home for Disabled Volunteer Soldiers; and that.

So as to read :

Provided, That the estimates hereafter submitted for the support of the National Home shall be made in detail, specifying the several items of expenditure, and separating the cost of food and other supplies in the form usually adopted for the Army; and that this specification be made for each soldier's home separately.

The amendment was agreed to.

The next amendment was, after line 987, to insert :

That Benjamin F. Butler of Massachusetts, Frederick Smyth of New Hampshire, and Horace B. Strait of Minnesota, be, and they are hereby, appointed managers of the National Home for Disabled Volunteer Soldiers, to fill vacancies occasioned by the expiration of the terms of office of Benjamin F. Butler of Massachusetts, Frederick Smyth of New Hampshire, and Thomas O. Osborn of Illinois.

Mr. EATON. I propose to amend the amendment by striking out the names of "Frederick Smyth of New Hampshire" and "Horace B. Strait of Minnesota" and inserting "James Shields of Missouri" and "John M. Palmer of Illinois;" so as to read :

That Benjamin F. Butler of Massachusetts, James Shields of Missouri, and John M. Palmer of Illinois, be, and they are hereby, appointed managers of the National Home for Disabled Volunteer Soldiers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut to the amendment of the committee.

Mr. HOAR. I desire to inquire if it would be in order at this time to move to amend the amendment of the Senator from Connecticut by substituting for the name of John M. Palmer, of Illinois, the name of Darius N. Couch, of Connecticut?

The PRESIDING OFFICER. Such an amendment would not be in order.

Mr. EATON. It would be an amendment in the third degree.

The PRESIDING OFFICER. The Chair has decided that the amendment proposed by the Senator from Massachusetts would not be in order.

Mr. WINDOM. Frederick Smyth, of New Hampshire, is at present one of the board of managers, and the object is simply to extend his term. I do not know of any reason why he should be turned out of office or why we should refuse to select him and select another man. The place filled by Horace B. Strait, of Minnesota, was occupied by Thomas O. Osborn, of Illinois, who, I think, has been sent to some foreign mission. These names were selected by the managers and brought to the committee of the Senate, and were not selected by the Committee on Appropriations. I do not believe they can be improved.

Mr. ROLLINS. I should like to inquire what objection the Senator from Connecticut finds to Frederick Smyth, of New Hampshire? He is a very worthy man, and is now a member of this board. I see no reason why he should be displaced.

Mr. EATON. The only objection I have that I care to state is that I prefer somebody else, and therefore I named the other man.

Mr. ROLLINS. Mr. Smyth is a very worthy man.

Mr. KERNAN. I think this matter ought to be somewhat non-partisan. Soldiers of all political proclivities go there, and there are twelve of these managers. We are asked to put these three in. The amendment is largely partisan as the names are proposed by the committee. I think in a thing of this kind there should be some of each party, but here the committee recommend all of one party.

Mr. WINDOM. I do not know what the Senator could desire more partisan than the first named. [Laughter.]

Mr. BLAINE. How many, if I may ask the Senator from New York, constitute the board?

Mr. KERNAN. Twelve, I am informed, and I have the names here furnished by a man who said he knew.

Mr. BLAINE. I noticed last year that when there were two vacancies to be filled two non-partisan democrats were put in.

Mr. KERNAN. There are two democrats on the board now. I think there should be two more on the board to make it non-partisan at all.

Mr. BLAINE. I suppose, of course, the next Congress will put in some republicans.

Mr. KERNAN. I certainly will never vote to appoint them all of one party. I would certainly give the minority as many as four out of twelve in a board of this kind.

Mr. ALLISON. Who are the present members?

Mr. KERNAN. The present board, I understand, consists of the President of the United States, the Vice-President of the United States, the Secretary of War, Mr. Harris of Ohio, Mr. Cutler of Pennsylvania, General Martindale of New York, Mr. Martin of Kansas, Judge Bond of Maryland, Dr. Wolcott of Wisconsin, General Butler of Massachusetts, General Osborn of Illinois, and Governor Smyth of New Hampshire. The object I desire is to put two in who are not very strong partisans.

Mr. BLAINE. The Senator will observe that three of those he has named are *ex officio* members of the board. The President, the Secretary of War, and the Vice-President, whoever those gentlemen happen to be, are members of the board. Nobody puts them in.

Mr. KERNAN. Certainly, but there are nine others, and I think we might have three.

Mr. BLAINE. Last year two democrats were put in.

Mr. KERNAN. And we thought we could get two in this year, but you object to it.

Mr. BLAINE. I think the thing is growing at a pretty rapid rate, and considering the character and complexion of the next Congress we need not hurry matters.

Mr. SAULSBURY. There is an old saying that "Whatsoever a man soweth, that shall he also reap."

Mr. McMILLAN. I understand that the other members of the board are fairly divided between the parties. Last year there were two democrats elected, I think, and one republican. So far as the name of Mr. STRAIT is concerned, I can assure the Senator that his sympathies with the soldiers from his own experience, with his creditable service in the Army, would prevent anything like partiality upon his part. The Senator need not be afraid to trust him in an institution of this kind where the interests of soldiers are concerned.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. PLUMB. Will the Chair state the question again?

The PRESIDING OFFICER. The question is on striking out the name of Frederick Smyth, of New Hampshire, and Horace B. Strait, of Minnesota, and inserting the names of James Shields, of Missouri, and John M. Palmer, of Illinois.

Mr. PLUMB. Is that divisible?

Mr. BLAINE. No; it is not divisible.

Mr. CONKLING. To strike out and insert is not divisible under the rule.

Mr. PLUMB. I should like to take a vote on the substitution of the name of General Shields for that of Mr. Smyth separately.

The PRESIDING OFFICER. A motion to strike out and insert is not divisible.

Mr. DAVIS, of West Virginia. Is it not in order to move to strike out one name?

The PRESIDING OFFICER. It is; but the Senator from Kansas does not propose that.

Mr. DAVIS, of West Virginia. Then he may accomplish his object in that way.

The PRESIDING OFFICER. There is no such motion pending before the Senate, and the Chair cannot rule upon the motion.

Mr. DAVIS, of West Virginia. Of course I am not questioning the ruling of the Chair. I thought the Senator from Kansas wanted a division, and that is the reason why I rose in his behalf.

Mr. PLUMB. I did desire that the vote might be taken separately, as I stated. I understood the Chair to overrule me and to say that the matter could not be submitted in that way.

The PRESIDING OFFICER. The Chair decides that in the present condition of the amendment of the Senator from Connecticut the motion of the Senator from Kansas is not in order, and the question cannot be divided.

Mr. EATON. In order to gratify my friends I will change my amendment. I move to strike out the name of Horace B. Strait, of Minnesota, and insert the name of James Shields, of Missouri, and then I will try it on the other one afterward.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut as modified by him.

Mr. HOAR. I should like to ask a question, which perhaps I ought to be able to answer myself, but which I am not, not being familiar with the law creating this office. I should like to have some Senator answer me whether this is a civil office under the United States? The amendment reported by the committee speaks of these gentlemen as persons appointed to fill vacancies occasioned by the expiration of the terms of office. Perhaps the Senator from Connecticut, who seems to be familiar with the general subject, will tell us.

Mr. EATON. I certainly have not examined the question in relation to that matter. My own impression is that it is a civil, and not a military office. That is my impression.

Mr. HOAR. The Senator from Minnesota, who reported the bill, perhaps can answer that question.

Mr. WINDOM. I cannot answer it.

Mr. HOAR. The Constitution says:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Mr. DAVIS, of West Virginia. I ask the Senator from Massachusetts whether the first-named gentleman in the amendment of the committee is not also a Representative from his State, and whether he was not at the time the law was made?

Mr. HOAR. I did not raise any question upon any individual, and did not propose to discuss any individual. I asked the question simply for general information. I do not know that either of these gentlemen is re-elected.

Mr. VOORHEES. Not only the first-mentioned gentleman is at this time but has been all the time a member of the House, and the last name mentioned, Mr. STRAIT, of Minnesota, I am told is also a member of the House.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut to the amendment of the committee.

The question being put, there were on a division—ayes 23, noes 20.

Mr. McMILLAN and Mr. BLAINE called for the yeas and nays; and they were ordered.

Mr. BLAINE. Will the Chair have the amendment stated clearly again?

The PRESIDING OFFICER. The motion is to strike out, in lines 989 and 990, the name of "Horace B. Strait," of Minnesota, and insert "James Shields, of Missouri."

Mr. McMILLAN. Mr. Strait entered the Army from Minnesota and served faithfully during the whole war; he acquitted himself most creditably, and he will discharge the duties of this position as faithfully and efficiently as any other man who can be named. When his name is presented to the Senate in this way it does not seem to me to be the proper thing to strike out that name and insert another. When there can be no fault found with him in regard to his capacity or his integrity, or his sympathy with the soldiers in the institution over which he will have charge, to insert a name that has not been presented to the Senate at all from the committee, seems to me to be an unfair way to treat the person named.

Mr. EATON. I am a little tired, I confess, whenever a proposition is made here to have the soldier thrown in my teeth; and what does it amount to in this case? My friend from Minnesota says that one gentleman served during the war. Did not the other serve during the war, and did he not serve during the Mexican war also? Why throw this thing in here?

Mr. McMILLAN. Will the Senator allow me a moment?

Mr. EATON. I will allow the Senator, of course.

Mr. McMILLAN. I said nothing in regard to the services of General Shields. I said the name of Major Strait had been presented to the Senate, and there was no cause whatever in presenting him here why it may be changed. The only reason is to insert the name of another person that the Senator prefers without any cause.

Mr. EATON. With all due deference to my honorable friend from Minnesota, that is enough. Standing here as I do his peer, his equal, I have a right to move to insert one man's name in the place of another, and when I insert the name of a gallant soldier of two wars, do not talk to me that A B has been in service in one war!

Mr. McMILLAN. I have not denied the right of the Senator to make the motion. I only urged my position as an answer to that motion why it should not be carried.

The PRESIDING OFFICER. The question is on the amendment to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) I am paired on this and all similar questions with the Senator from New Jersey, [Mr. RANDOLPH.]

The roll-call having been concluded, the result was announced—yeas 29, nays 29; as follows:

YEAS—29.			
Bailey,	Davis of W. Va.,	Jones of Florida,	Saulsbury,
Barnum,	Dennis,	Kernan,	Voorhees,
Bayard,	Eaton,	Lamar,	Wallace,
Beck,	Garland,	McDonald,	Whyte,
Butler,	Gordon,	McPherson,	Withers.
Cockrell,	Harris,	Maxey,	
Coke,	Hereford,	Merrimon,	
Davis of Illinois,	Hill,	Morgan,	
NAYS—29.			
Allison,	Chandler,	Howe,	Paddock,
Anthony,	Conkling,	Kellogg,	Rollins,
Blaine,	Dawes,	Kirkwood,	Teller,
Booth,	Dorsey,	McMillan,	Wadleigh,
Bruce,	Edmunds,	Matthews,	Windom.
Burnside,	Ferry,	Mitchell,	
Cameron of Pa.,	Hamlin,	Morrill,	
Cameron of Wis.,	Hoar,	Oglesby,	
ABSENT—18.			
Chaffee,	Johnston,	Randolph,	Shields,
Conover,	Jones of Nevada,	Ransom,	Spencer,
Eustis,	McCreery,	Sargent,	Thurman.
Grover,	Patterson,	Saunders,	
Ingalls,	Plumb,	Sharon,	

So the amendment to the amendment was rejected.

Mr. EATON. I move now to strike out the name of Frederick Smyth, of New Hampshire, and insert the name of John M. Palmer, of Illinois.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut to the amendment of the committee.

Mr. DORSEY called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.]

The roll-call was concluded.

Mr. SHIELDS, (after having voted in the affirmative.) I was paired on political questions with the Senator from Nevada, [Mr. SHARON.] I do not wish intentionally to violate my pair. If I could vote, I would vote "yea," and I suppose the Senator from Nevada would vote "nay" if he were here. Therefore I withdraw my vote.

Mr. CAMERON, of Wisconsin. The Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from Kentucky, [Mr. MCCREERY.] I was requested to announce the pair.

Mr. JONES, of Nevada, (after having voted in the negative.) I am just reminded that I am, on political questions, paired with the Senator from North Carolina, [Mr. RANSOM.] I desire to withdraw the vote I just gave.

Mr. MITCHELL. My colleague [Mr. GROVER] is paired with the Senator from South Carolina, [Mr. PATTERSON.]

The result was announced—yeas 28, nays 23; as follows:

YEAS—28.

Bailey,	Davis of Illinois,	Hereford,	Merrimon,
Barnum,	Davis of W. Va.,	Hill,	Morgan,
Bayard,	Dennis,	Jones of Florida,	Saulsbury,
Beck,	Eaton,	Kernan,	Voorhees,
Butler,	Garland,	Lamar,	Wallace,
Cockrell,	Gordon,	McDonald,	Whyte,
Coke,	Harris,	Maxey,	Withers.

NAYS—23.

Allison,	Cameron of Wis.,	Hamlin,	Mitchell,
Anthony,	Chandler,	Hoar,	Morrill,
Blaine,	Conkling,	Howe,	Paddock,
Booth,	Conover,	Kellogg,	Rollins,
Bruce,	Dorsey,	Kirkwood,	Teller,
Burnside,	Edmunds,	McMillan,	Wadleigh,
Cameron of Pa.,	Ferry,	Matthews,	Windom.

ABSENT—20.

Chaffee,	Johnston,	Patterson,	Saunders,
Dawes,	Jones of Nevada,	Plumb,	Sharon,
Eustis,	McCreery,	Randolph,	Shields,
Grover,	McPherson,	Ransom,	Spencer,
Ingalls,	Oglesby,	Sargent,	Thurman.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee.

The amendment was agreed to.

Mr. MERRIMON, (at one o'clock and forty-five minutes a. m.) I move that the Senate do now adjourn. ["Oh, no."]

Mr. McDONALD. I ask the Senator to modify the motion so as to take a recess until ten o'clock.

Mr. VOORHEES. Oh, no; nobody can get here at ten o'clock.

The PRESIDING OFFICER. Does the Senator from North Carolina modify his motion?

Mr. BLAINE. Let us take a recess until ten o'clock.

Mr. MERRIMON. I move to adjourn; which would give us until eleven o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

The motion was not agreed to; there being on a division—ayes 21, noes 35.

Mr. BOOTH. I move that the Senate take a recess until ten o'clock.

Mr. DORSEY, and Mr. DAVIS of West Virginia. Let us go on a while longer.

Mr. BOOTH. It is nearly two o'clock now, and if we expect to do anything to-morrow we should adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

Mr. WINDOM. Mr. President, I suppose I have no right to say a word. The motion is not debatable, I understand, but I ask consent to make a brief statement.

The PRESIDING OFFICER. The motion is not debatable; but if there be no objection the statement of the Senator will be heard.

Mr. WINDOM. I ask consent to say that it is barely possible to get through with the utmost effort that the Senate can make. I am satisfied if we adjourn now before this bill is completed we cannot get through; but I submit that to the Senate. I take the responsibility from my own shoulders if a recess is taken.

The PRESIDING OFFICER. The question is on the motion of the Senator from California, to take a recess until ten o'clock.

The motion was not agreed to.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, after line 997, to insert:

That the Secretary of War is hereby authorized to sell or lease, in his discretion, to the Port Huron and Northwestern Railway Company a strip of land, not exceeding one hundred feet in width, along the westerly line of the Fort Gratiot military reserve, to the Grand Trunk Railroad intersection thereof; thence southeasterly to the southeast corner of the reserve; thence southeasterly through that portion of the reserve lying south of Sedgwick street and north of Pine Grove Park and south of said park and north of Lincoln avenue, together with all the area bounded by Stone street, Thomas street, and the grounds of the Grand Trunk Railway Company. And the city of Port Huron is authorized to grant said railway company the right of way through the easterly portion of that part of the military reserve granted to said city for use as a park, and known and described as Pine Grove Park.

Mr. EDMUNDS. I make the point of order that this is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont makes the point of order that this amendment proposes general legislation to an appropriation bill.

Mr. FERRY. I cannot see how that point of order can be well taken. The amendment allows the Secretary of War to dispose of the reserve. As I understand, the War Department desire it and have so recommended.

Mr. EDMUNDS. That has nothing to do with the question.

Mr. FERRY. It is putting money into the Treasury instead of taking it out.

Mr. EDMUNDS. I do not believe it.

The PRESIDING OFFICER. The Chair will submit the question

of order to the Senate. Is the amendment proposed by the committee in order?

The question being put, there were on a division—ayes 30, noes 12.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY. As the question is submitted to the Senate, I desire to say that the War Department have already sold, in three cases, a portion of this reserve. All that is asked for here is the right of way through a portion of this land. The War Department have stipulated that a certain portion, between certain streets described here, shall also be purchased by this railway company. The War Department, through its officer, General Poe, the engineer who has had this in charge, recommends not only the sale of this but of all the reserve; and as I said before, it is placing money in the Treasury instead of taking it out.

Mr. EDMUNDS. That clearly makes it in order, as the Senator from New York [Mr. CONKLING] suggests. It cannot be general legislation if it is putting money into the Treasury, because we all know that all general legislation is to plunder the Treasury and take money out of it! It is a very strong argument, and I commend the Senator for putting it in so forcibly!

Here is an amendment which proposes, without the slightest relevancy to this bill whatever, to dispose of a part of the property of the United States to certain specially favored railway companies, &c., in certain particular ways that are satisfactory to the Senator from Michigan, and therefore it cannot be legislation on an appropriation bill! Of course it is nothing to me, Mr. President, but I should like to have the Senate vote upon it.

Mr. ANTHONY. I think we ought to decide these questions of order according to parliamentary law and not according to our judgment of the expediency of a particular amendment. I have no doubt from what the Senator from Michigan says that this is a measure that ought to pass, but it has no right on this bill, and we stultify ourselves if we vote to put on everything we like as being in order and to reject everything we dislike as being out of order.

Mr. FERRY. The simple proposition is left to the discretion of the War Department either to sell or lease a part of the reserve, which the War Department desires to sell. Where the Department has already sold some two or three hundred acres, and is desirous of selling the remainder, it seems to me there can be no opposition to it.

Mr. ANTHONY. That is a reason for voting for it, but that does not make it in order.

The PRESIDING OFFICER. The question is on the point of order raised by the Senator from Vermont that the amendment is not in order under the first clause of Rule 29, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 22, nays 27; as follows:

YEAS—22.

Barnum,	Conover,	Kellogg,	Rollins,
Blaine,	Dorsey,	McMillan,	Teller,
Bruce,	Ferry,	Mitchell,	Voorhees,
Burnside,	Garland,	Oglesby,	Whyte,
Cameron of Pa.,	Hamlin,	Paddock,	
Chandler,	Hoar,	Plumb,	

NAYS—27.

Allison,	Coke,	Hill,	Morrill,
Anthony,	Dennis,	Jones of Nevada,	Saulsbury,
Bailey,	Eaton,	Kernan,	Shields,
Bayard,	Edmunds,	McDonald,	Wadleigh,
Beck,	Gordon,	McPherson,	Wallace,
Booth,	Harris,	Matthews,	Withers.
Cameron of Wis.,	Hereford,	Morgan,	

ABSENT—27.

Butler,	Eustis,	Lamar,	Sargent,
Chaffee,	Grover,	McCreery,	Saunders,
Cockrell,	Howe,	Maxey,	Sharon,
Conkling,	Ingalls,	Merrimon,	Spencer,
Davis of Illinois,	Johnston,	Patterson,	Thurman,
Davis of W. Va.,	Jones of Florida,	Randolph,	Windom.
Dawes,	Kirkwood,	Ransom,	

The PRESIDING OFFICER. The amendment is decided not to be in order by the Senate. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, after line 1013, to insert:

For the completion of the military road from Alamosa, Colorado, to Pagosa Springs, \$10,000.

The amendment was agreed to.

The next amendment was, after line 1015, to insert:

For repairing the military road from Ojo Caliente, New Mexico, to Pagosa Springs, \$5,000.

The amendment was agreed to.

The next amendment was, after line 1017, to insert:

That the sum of \$20,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the improvement and repair of the military wagon-road running from Scottsburg to Camp Stewart, in the State of Oregon; said money to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was after line 1024, to insert:

For the purpose of constructing the necessary buildings, under direction of the Secretary of War, for headquarters of the Department of Dakota, at the military post of Fort Snelling, in the State of Minnesota, in accordance with the estimates of General Charles H. Tompkins, deputy quartermaster-general of the United States Army, chief quartermaster of the Department of Dakota, \$125,000.

The amendment was agreed to.

The next amendment was, after line 1032, to insert:

For the payment of arrears of Army transportation due such land-grant railroads as compensation was withheld from, under the acts of June 16 and 22, 1874, and March 3, 1875, and which have since been found entitled to compensation by judgment of the Supreme Court of the United States, to be adjusted by the proper accounting officers in accordance with such judgment, to be paid as other Army transportation, \$300,000, or so much thereof as may be necessary. And the Army transportation hereafter performed by said companies shall be adjusted and paid in the same manner.

Mr. EDMUNDS. I make the point of order that the last clause of this amendment in the words "and the Army transportation hereafter performed by said companies shall be adjusted and paid in the same manner," is general legislation upon a general appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont makes the point of order which has been stated by him, that the portion of the amendment in lines 1043 and 1044 is general legislation, and therefore in contravention of the first clause of Rule 29.

Mr. PLUMB. I desire to call the attention of the Senate and of the Senator from Vermont to the facts in this case. In 1874 and 1875, in making the appropriation for Army transportation, it was enacted that land-grant railroads should not receive compensation, but that they might go to the Court of Claims. Under the provisions of that act these railroad companies did go to the Court of Claims, and afterward to the Supreme Court of the United States upon appeal, and rather the Government took the cases there by appeal, and the Supreme Court decided that the railroad companies were entitled to compensation.

I submit to the Senator from Vermont and to the Senate that inasmuch as this restrictive legislation was originally enacted in an appropriation bill, and as the question there raised has since been decided in favor of the railroad companies, it is not improper that in an appropriation bill that restriction should be removed, it having been decided to be invalid by reason of a judgment of the Supreme Court.

Mr. EDMUNDS. Mr. President, I have not undertaken to prevent the removal of a restriction by my point of order, but I have undertaken to prevent our pledging ourselves in the future, right in the face of the act of 1878, that we provided in respect of a sinking fund, that this money shall go out of the Treasury, when the act of 1878 requires it to be kept and applied to a sinking fund. I make the point of order in order to save the United States from reversing the act of 1878.

Mr. PLUMB. If the Senator will excuse me, I think he will find, if he will observe the facts, that the act of 1878 does not apply to these roads at all. I have here a letter of the Secretary of War of the date of the 24th of February, 1879, in which he names specifically the railroads to which this proposed legislation applies, and to which the legislation of 1874 and 1875 applied, and that expressly excludes the Pacific railroads. There is no railroad to which any provision of the sinking-fund act applies which is at all affected by this proposed legislation or which was at all affected by the legislation of 1874 and 1875. It is an entirely different class of railroads. For the edification, or information rather, of the Senator from Vermont, I will show him the letter of the Secretary of War.

Mr. EDMUNDS. That will not convince me of a fact that I know myself.

Mr. PLUMB. I will say to the Senator further that this amendment refers to railroads which have had their status fixed and defined by a decision of the Supreme Court of the United States, and those railroads are not at all of the class named or specified in the act of 1878 providing for a sinking fund. They are not a class of railroads which have any obligations of any kind or description whatever to the Government, except that in the act granting lands to them for the purpose of aiding in the building of the railroads the right of the Government was reserved to use the track, nothing more and nothing less. There is no bonded obligation, there is no obligation of any kind or description. As the Supreme Court has decided in these cases, the Government simply has a right to use the track free of cost, but in case it does not choose to use the track it is entitled to a fair deduction on the goods that it has transported over that line in the cars and by means of the engines and employes of the railroad companies for the use of the track of the railroad companies in transporting goods in that way.

Mr. ALLISON. Mr. President, I move to strike out of this amendment—

Mr. EDMUNDS. Let us settle the point of order first.

Mr. ALLISON. I wish to amend the last clause.

Mr. EDMUNDS. The last clause is the one upon which I have raised the point of order.

Mr. ALLISON. I beg pardon.

Mr. EDMUNDS. I only wish to say that I will reply to my honorable friend from Kansas on the subject of the application of this amendment when we come to it, and I hope I shall be able to show, or I hope I shall not, if it suits him better, to get at the fact that he is greatly mistaken in what this amendment covers. But my simple point now is that at the end of this amendment is a clause which does not provide for an appropriation of money to carry out what the present obligations of the Government are. This provision is added at the bottom:

And the Army transportation hereafter performed by said companies—

And that is every company which has received a land grant and

from which compensation has been withheld, which under these acts are all the companies—

shall be adjusted and paid in the same manner.

I submit, without any argument, that if it is not general legislation then the Senate will so decide.

The PRESIDING OFFICER. The Chair, in pursuance of the vote of the Senate just had upon a prior amendment, will decide that this portion of the amendment is not in order. From that decision an appeal can be taken if necessary, when the question of order will be submitted to the Senate.

Mr. DORSEY. Why not submit it first to the Senate?

Mr. DAVIS, of Illinois. Do not submit it to the Senate. Let the Chair decide it.

Mr. ANTHONY. The Chair has decided it.

The PRESIDING OFFICER. The Chair has decided it subject to an appeal to the Senate.

Mr. ALLISON. I move to strike out from the word "1875" in line 1037 down to and including the words "United States" in line 1039, and then I desire to strike out after the word "with" in line 1040 the word "such"—I will see that the Clerk gets it properly—and strike out "judgment" and insert "judgments," and after "judgments" insert the words "of the Supreme Court in cases decided under said acts."

The PRESIDING OFFICER. The clause will be reported as it will read if amended as the Senator from Iowa proposes.

The Secretary read as follows:

For the payment of arrears of Army transportation due such land-grant railroads as compensation was withheld from, under the acts of June 16 and 22, 1874, and March 3, 1875, to be adjusted by the proper accounting officers in accordance with judgments of the Supreme Court in cases decided under said acts, to be paid as other Army transportation, \$300,000, or so much thereof as may be necessary. And the Army transportation hereafter performed by said companies shall be adjusted and paid in the same manner.

Mr. ALLISON. The object of this amendment, Mr. President, is to place all these land-grant roads upon a par with each other. The Supreme Court, as I understand it, has decided in several cases that the Government is only entitled to deduct one-third of the amount of compensation. I have not the details before me, but the Secretary of War reported to the Committee on Appropriations that there is now due to these land-grant roads \$980,000 under the decision of the Supreme Court. The Quartermaster-General recommends in strong terms that this sum be paid to the land-grant roads. I find the amendment of the committee provides for only \$300,000. Of course that will only pay one or two or perhaps three of these roads, I do not know what roads, but if we are to make appropriations for these land-grant railroads we ought to make appropriations for all of them. They all stand precisely upon the same footing and ought to be treated by any act that we pass here exactly alike.

Mr. McDONALD. I should like to ask the Senator from Iowa if he means those that simply received grants of lands and nothing else.

Mr. ALLISON. I do.

Mr. McDONALD. And not lands and subsidy bonds both?

Mr. ALLISON. I speak only of land-grant roads.

Mr. EDMUNDS. A subsidy road is a land-grant road.

Mr. ALLISON. I am quite willing to put in words to exclude the roads the Senator from Vermont refers to.

Mr. McDONALD. I suggest to add at the close of the amendment as it now stands under the ruling of the presiding officer:

But this section shall not apply to any railroad company to which bonds were issued by the United States to aid in the construction of their road.

Mr. ALLISON. That is wise. There is no objection to that. I think the Senator from Kansas will have no objection to the suggestion I make that all these railways shall be treated alike. They have all transported troops and munitions of war; they have all transported mails. The acts of 1874 and 1875 prohibited the payment of any sum to them on account of these services. Now, if we are to pay one of them, I think we ought to pay all of them.

Mr. PLUMB. I not only have no objection to the amendment of the Senator from Iowa, but I think it is within his recollection that the amendment which I introduced contemplated the payment of all the indebtedness which the Government to-day owes to all these railroads. It intended also to exclude the class of railroads which are in the mind of the Senator from Vermont, to wit, the various Pacific railroads. No terms of exclusion can be made too strong for me on that point, because no such railroads were designed to be embraced within the purview of this amendment. So far as the amendment of the Senator from Iowa is concerned I think it is entirely fair and proper, but for reason which I indicated the committee saw fit to narrow the amendment and to make it apply to a smaller class of railroads, to wit, to a class of railroads that have been sufficiently diligent to bring their suits in the Court of Claims and obtain an affirmative judgment of the Supreme Court, which of course I was not in a position to accept. But the fact, as stated by the Senator from Iowa, as is evidenced by the letter of the Secretary of War and from the Quartermaster-General, and from the statements of the accounting officers of the Treasury, is that to-day the United States owes actually upon the basis established by the decision of the Supreme Court nearly a million dollars to these roads.

The Quartermaster-General states further that the operations of his Department are embarrassed by the fact that the Government has made no provision for paying this sum, and states further that for years it has been his practice wherever he could to divert the trans-

portation of Army material and supplies over these roads in order to save to the Government this deduction to which it is entitled. It is within the knowledge of many Senators on this floor that some of these railroad companies by reason of the Government having withheld these payments have refused to carry Government supplies unless the Government should pay in advance, because no provision had been made for adjusting these accounts as other Army transportation accounts are adjusted, and consequently they could not get any pay.

Mr. DORSEY. There are a good many hardships imposed upon these railroad companies by the acts referred to in this amendment which I think ought to be removed. Under those acts, if a railway company had received a grant for ten or fifteen miles along its constructed line, the Department withholds all pay to it, although it transports freight over a hundred miles of that line. In the case of one of these very roads which the Supreme Court has rendered a decision in favor of, their land grant I think extends less than half the distance of their mileage. I speak of the Atchison, Topeka and Santa Fé Railroad. A great portion of that land grant is not of much value, and notwithstanding that, the Government withholds over the entire line of this railway, its leased line, all Army transportation; and that is a corporation which is now pressing its work forward toward the southwest Pacific coast at the rate of a mile or two miles a day without a single dollar of aid from anybody in the way of land or money. They need this money to build their road, which they are building without coming here for assistance, and it ought to be paid. We owe them about \$250,000.

Mr. BOOTH. To what road does the Senator refer?

Mr. DORSEY. I speak now of the Atchison, Topeka and Santa Fé Railroad, which is building at a very rapid rate through New Mexico toward Arizona. It is a road that has been conducted admirably in its work of construction and management since it has been constructed, and it is built entirely by private capital from the city of Boston.

That is one case. I know of a number of similar cases that have not yet been adjudicated by the Supreme Court; but the Committee on Appropriations thought that perhaps they had better not go into the whole question, and so they only provide for the cases which had been decided in the Supreme Court the exact sum then due, and not require these railway companies to go into the court every time they had a bill against the Government of a hundred dollars, and sue over again. If this last provision which the Senator from Vermont has made a point of order against is stricken out, these companies will have to go into the court again the next year and the year after, and so on for all time, and they will have to spend more money in securing their pay from the Government than the pay is worth that they get.

Mr. EDMUNDS. Why could you not pass a bill to provide for it on its own merits, and not ride it on an appropriation bill?

Mr. DORSEY. I have no doubt the Senator from Vermont would object to the passage of such a bill.

Mr. EDMUNDS. I should unless it was honest, you may be sure.

Mr. McDONALD. I should like to ask if the decision of the Supreme Court does not execute itself without our undertaking the indorsement of the action of the court? If the Supreme Court has settled the rights of these parties and granted them the compensation which has been withheld from them, I apprehend that the accounting officers of the Treasury would be governed by that decision.

Mr. CONKLING. And without our appropriating the money?

Mr. McDONALD. No, sir; not without our appropriating the money, but without our requiring them to conform to that decision. I understand that it is claimed, unless this portion of the amendment that has been ruled out of order shall be continued in the bill, the companies will be compelled to sue at each time that any sum is found to be due them.

Mr. EDMUNDS. Cannot an independent act be passed that is right?

Mr. McDONALD. I do not see why it cannot; but on the other hand I do not see why the decision of the Supreme Court is not sufficient, and why if it decides in their favor they are not entitled to it.

Mr. JONES, of Florida. I agree with the Senator from Indiana that the Supreme Court's decision ought to be sufficient; but the Quartermaster-General does not think that he has any authority to go beyond the particular case that has been decided. He has followed the decision in one case, and in all others he follows the law of 1874. That is his position.

There is another question in connection with this matter that has not been alluded to, and that is the great embarrassment and incon-

venience that is constantly arising to the Government from the present state of this law. Many of the railroad companies upon which the Government is depending for transportation refuse to perform its service unless their freight be paid in advance; they will not take the Government's goods. I know of many cases that have come within my own knowledge where the railroad companies said, "We will not take your goods, and the officers of the Government had no authority to pay the transportation. The Quartermaster's Department has been greatly embarrassed on that account. The company says, 'the decision of the Supreme Court gives us a right to demand compensation; the Government has refused to provide the means to meet it.' I think some legislation is necessary. I am not sure whether this is right or not, but I am satisfied that something ought to be done to remedy this evil."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. EDMUNDS. Let it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. On page 43, line 1037, it is proposed to strike out from the words "eighteen hundred and seventy-five" to and including the words "United States," in line 1039, in the following words:

And which have since been found entitled to compensation by judgment of the Supreme Court of the United States.

And in line 1040, after the word "with," to strike out the word "such" and insert the word "the;" and in the same line, after the word "judgment," to insert "of the Supreme Court in cases decided under the said acts;" so as to read:

For the payment of arrears of Army transportation due such land-grant railroads as compensation was withheld from, under the acts of June 16 and 22, 1874, and March 3, 1875, to be adjusted by the proper accounting officers in accordance with the judgment of the Supreme Court in cases decided under the said acts, to be paid as other Army transportation, \$300,000, or so much thereof as may be necessary.

Mr. EDMUNDS. This amendment of the Senator from Iowa opens a very large question that has no place in an appropriation bill, I think. I will ask as the best explanation of the state of the affair, that the letter from the Secretary of War be read. It is going to involve too vast consequences to be gone over in a hurry.

Mr. ALLISON. I do not understand that we are in a hurry to-night, Mr. President. The question is here and we have to deal with it.

The PRESIDING OFFICER. The letter referred to by the Senator from Vermont will be read.

The Secretary proceeded to read as follows:

WAR DEPARTMENT,
Washington City, February 24, 1879.

The Secretary of War has the honor to transmit to the United States Senate, in connection with his letter of the 14th of January last to that body relative to Senate bill No. 485, repealing the law prohibiting payments to land-grant railroads for the transportation of property or troops of the United States, a communication from the Quartermaster-General, of the 16th instant, intended to correct a misapprehension which is understood to exist in regard to the scope of said bill.

GEO. W. MCCRARY,
Secretary of War.

The PRESIDENT
Of the United States Senate.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 18, 1879.

SIR: In reply to the letter from Mr. S. R. Hamill of this date, referring to the letter from the War Department of the 14th ultimo, transmitting to the United States Senate the letter from this office of the 6th ultimo, suggesting certain amendments to Senate bill No. 485, providing for paying certain land-grant railroads for the transportation of troops and property of the United States, in which letter Mr. Hamill requests you, if deemed consistent with the interests of the War Department, to make such further communication to the Senate as will correct a misapprehension which exists as to the scope of the bill, in this, that it is thought to authorize payment to the Pacific Railroads for Government transportation contrary to express legislation, and outside of the decision of the Supreme Court in the cases of the Atchison, Topeka and Santa Fé and Lake Superior and Mississippi Railroads, I have the honor to submit, for further information upon this subject, the following as a summary of legislation heretofore had in respect of the transportation of the troops and property of the United States over the land-grant railroads and payment for such transportation, to the end that the matter may be fully understood, and that such legislation may be had during the present session of Congress as will enable this department to secure the prompt transportation of the troops and property of the United States over these railroads, and to make such payment for the transportation as is justly and equitably due under the decision above referred to.

There are three classes of these land-grant railroads, to wit: First. Those railroads to which grants of lands were made on condition that "the railroads should be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of the property or troops of the United States."

This class embraces the following-named railroads, as now controlled and operated:

Railroads to which certain land-grants were made for the transportation of troops, &c., of the United States.

	Name of company.	From—	To—	Miles.
1	Alabama and Chattanooga.....	Wanhatchie, Tennessee.....	State line, Mississippi and Alabama.....	270½
2	Atchison, Topeka and Santa Fé.....	Atchison, Kansas.....	The State line.....	470.58
3	Atlantic, Gulf and West India Transit.....	Fernandina, Florida.....	Cedar Keys, Florida.....	15½
4	Chicago, Burlington and Quincy, (Iowa division,) Iowa.....	Burlington Iowa.....	Missouri River.....	279
5	Chicago, Milwaukee and Saint Paul, (Iowa and Minnesota division,) Minnesota.....	Saint Paul, via Mendota, Faribault, and Austin, and Minneapolis, via Mendota, Faribault, and Austin.....	Lyle, Minnesota.....	113
6	Chicago, Milwaukee and Saint Paul, (Iowa and Dakota division,) Iowa.....	Calmar, Iowa.....	Lyle, Minnesota.....	116
7	Chicago, Milwaukee and Saint Paul, (La Crosse and Madison and Portage divisions,) Wisconsin.....	Portage City, Wisconsin.....	Tomah, Wisconsin.....	62

Railroads to which certain land-grants were made for the transportation of troops, &c., of the United States—Continued.

	Name of company.	From—	To—	Miles.
8	Chicago and Northwestern, (Iowa division,) Iowa, {	Cedar Rapids, Iowa.....	Missouri River.....	278
9	Chicago and Northwestern, (Minnesota division,) {	Branch, Lyons.....	Clinton, Iowa.....	3
10	Chicago and Northwestern, (Wisconsin division,) {	Winona, Minnesota.....	A point on the Big Sioux River, 10.48 miles east of Lake Kempesta Station.	323.52
11	Chicago and Northwestern, (Peninsular division,) {	Fond du Lac, Wisconsin.....	Wisconsin State line.....	117
12	Chicago and Northwestern, (Iowa division,) Iowa, {	Wisconsin State line, via Escanaba.....	Marquette, Michigan.....	137
13	Chicago, Rock Island and Pacific, Iowa.....	Davenport, Iowa.....	Missouri River.....	310
14	Flint and Pere Marquette, Michigan.....	Flint, Michigan.....	Lake Michigan.....	171
15	Grand Rapids and Indiana, Indiana and Michigan.....	Fort Wayne, Indiana.....	Petosky, on Traverse Bay, Michigan.....	333
16	Hannibal and Saint Joseph, Missouri.....	Hannibal, Missouri.....	Saint Joseph, Missouri.....	266
17	Illinois Central (Chicago division,) Illinois*.....	Cairo, Illinois.....	Chicago, Illinois.....	365
18	Illinois Central (Northern division,) Illinois*.....	Cairo, Illinois.....	Dunleith, Illinois.....	456
19	Illinois Central (Iowa division,) Iowa.....	Dubuque, Iowa.....	Sioux City, Iowa.....	327
20	Jacksonville, Pensacola and Mobile, Florida.....	Jacksonville, Florida.....	Chattahoochee River.....	299
21	Leavenworth, Lawrence and Galveston, Kansas.....	Lawrence, Kansas.....	South line of the State.....	141
22	Louisville and Great Southern, Alabama.....	Decatur, Alabama.....	Montgomery, Alabama.....	162
23	Marquette, Houghton and Ontonagon, Michigan.....	Marquette, Michigan.....	Ontonagon, Michigan.....	84
24	Missouri Pacific, Missouri.....	Saint Louis, Missouri.....	Pacific, Missouri.....	37
25	Mobile and Girard, Alabama.....	Columbus, Alabama.....	Troy, Alabama.....	84
26	Mobile and Montgomery, Alabama.....	Montgomery, Alabama.....	Pollard, Alabama.....	114
27	Mobile and Ohio, Alabama, Mississippi, Tennessee and Kentucky.....	Mobile, Alabama.....	Columbus, Kentucky.....	472
28	Morgan's Louisiana and Texas, Louisiana.....	New Orleans, Louisiana.....	Morgan City, Louisiana.....	60
29	North Wisconsin, Wisconsin.....	Saint Croix River.....	West end of Lake Superior, with a branch from some point on the railroad to Bayfield.	44
30	Pensacola, Florida.....	Pensacola, Florida.....	To junction with Mobile and Montgomery Railroad.	156
31	Selma, Rome and Dalton, Alabama.....	Selma, Alabama.....	Eleven miles north of Jacksonville, Alabama.....	242
32	Saint Louis and San Francisco, Missouri.....	Saint Louis, Missouri.....	Springfield, Missouri.....	155
33	Saint Paul and Duluth, Minnesota.....	Saint Paul, Minnesota.....	Duluth, Minnesota.....	13
34	Saint Paul and Pacific, main line, Minnesota.....	Branch from White Bear Lake.....	Stillwater, Minnesota.....	217
35	Saint Paul and Pacific, Saint Vincent Extension, Minnesota.....	Saint Paul, Minnesota.....	Breckenridge, Minnesota.....	270
36	Saint Paul and Sioux City and Sioux City and Saint Paul, Minnesota.....	Saint Paul, via Saint Cloud, Minnesota.....	Saint Vincent, Dakota.....	270
37	Saint Paul and Sioux City and Sioux City and Saint Paul, Minnesota.....	Saint Paul, Minnesota.....	Sioux City, Iowa.....	270
38	Texas and Pacific, (Southern division,) Louisiana.....	Shreveport, Louisiana.....	Texas State line.....	95
39	Vicksburg and Meridian, Mississippi.....	Jackson, Mississippi.....	Meridian, Mississippi.....	72
40	Vicksburg, Shreveport and Texas, Louisiana.....	Delta, Louisiana.....	Monroe, Louisiana.....	136
41	West Wisconsin, Wisconsin.....	Eleven miles south of Warren's, Wisconsin.....	Hudson, Wisconsin.....	136
42	Western Railroad of Minnesota, Minnesota.....	Saint Paul, via Crow Wing, Minnesota.....	Brainerd, on the Northern Pacific Railroad.....	136
43	Wisconsin Central.....	Portage, via Stevens Point.....	Bayfield, thence to Superior, on Lake Superior.....	

* Branches at Centralia.

† In operation to Alexandria, 141 miles from Saint Paul.

Second. The second-class embraces those railroads to which grants of land were made on condition that the companies owning or operating the railroads shall at all times transport the troops and property of the United States free of all cost, charge, or expense to the United States, to wit:

	Name of company.	From—	To—	Miles.
1	Central Pacific, (Oregon division,) California.....	Junction with Central Pacific Railroad.....	Southern boundary of Oregon.....	
2	Chicago, Milwaukee and Saint Paul, Hastings and Dakota divisions, Minnesota.....	Hastings, Minnesota.....	Western boundary of the State.....	
3	Little Rock and Fort Smith, Arkansas.....	Little Rock, Arkansas.....	Fort Smith, Arkansas.....	168½
4	Memphis and Little Rock, Arkansas.....	Mississippi River, opposite Memphis.....	Little Rock, Arkansas.....	135
5	Michigan Central, (Saginaw and Mackinaw divisions,) Michigan.....	Amboy, Michigan.....	Straits of Mackinac.....	
6	Missouri, Kansas and Texas, Kansas.....	Junction City.....	Southern boundary of Kansas, and to Fort Smith, when the Indian title is extinguished.	182.56
7	Oregon and California, Oregon.....	Portland, Oregon.....	Southern boundary of the State.....	
8	Southern Minnesota, Minnesota.....	Mississippi River, opposite La Crosse, Wisconsin.....	Western boundary of the State.....	
9	Saint Louis, Iron Mountain and Southern Missouri and Arkansas.....	Mississippi River, opposite Cairo, Illinois, via Poplar Bluff, Missouri, and Little Rock, Arkansas.....	Texas State boundary, at Texarkana.....	

* Constructed and in operation as a land-grant railroad only from Lansing to Bay City, Michigan, thence northward. That portion of the road from Jackson to Lansing is not a land-grant road.

The third class embraces those railroads to which grants of lands were made with the simple condition (so far as relates to compensation for the transportation of troops and property of the United States) that the railroads shall transport the troops and property of the United States at reasonable rates of compensation, not to exceed the rates paid by private parties for like transportation, coupled in some cases with the right of Congress to restrict the charges for Government transportation. It also includes those railroads to which bonds of the United States have been issued, with the provision that one-half of the compensation due for military transportation shall be applied to the payment of the bonds and interest thereon. The following are the railroads referred to:

	Name of railroad.	From—	To—	Miles.
1	Burlington and Missouri River, Nebraska.....	Plattsmouth, Nebraska.....	Junction with Union Pacific Railroad.....	191
2	Central Pacific, main line, including the Western Pacific.....	Ogden, Utah.....	San Francisco.....	883
3	Central Branch, Union Pacific Railroad.....	Atchison, Kansas.....	Concordia, Kansas.....	155
4	Denver Pacific Railroad.....	Denver, Colorado.....	Cheyenne, Wyoming.....	106
5	Kansas Pacific.....	Kansas City, Missouri.....	Denver, Colorado.....	639
6	New Orleans, Baton Rouge and Vicksburg.....	New Orleans, Louisiana.....	Texas State Line.....	
7	Northern Pacific.....	Lake Superior.....	Puget Sound.....	
8	Oregon Central.....	Portland, Oregon.....	Astoria, Oregon, with a branch to McMinnville, Oregon.....	
9	Sioux City and Pacific.....	Sioux City, Iowa.....	Fremont, Nebraska.....	113
10	Southern Pacific of California.....	San Francisco, California, via Tres Pinos, Goshen, and Tehachapa.....	A point on the Atlantic and Pacific, now Saint Louis and San Francisco Railroad, near the State line of California.....	
11	Southern Pacific of California, branch line.....	A point near Tehachapa Pass, via Los Angeles.....	The Texas Pacific Railroad, near the Colorado River.....	
13	Saint Louis and San Francisco.....	Springfield, Missouri, via Canadian River, Albuquerque, Agua Frio, and Colorado Rivers.....	Pacific Ocean, with a branch from the Canadian River to the western boundary of Arkansas, at or near Van Buren, Arkansas.....	
14	Texas and Pacific.....	A point near Marshall, Texas, via El Paso, to southern boundary of California, thence.....	San Diego, California.....	
15	Union Pacific.....	Omaha, Nebraska.....	Ogden, Utah.....	1,639

NOTE.—The railroads in this last class, (Class 3,) numbered 2, 3, 5, 9, and 15, are the roads known as the Pacific Railroads, to which bonds of the United States have been issued.

On June 16 and 22, 1874, and March 3, 1875, Congress passed laws forbidding the payment of any money—

"To any railroad company for the transportation of any property or troops of the United States over any railroad which, in the whole or in part, was constructed by the aid of a grant of public land, on condition that such railroad should be a public highway for the use of the Government of the United States, free from toll or other charge, or upon any other conditions, for the use of such road for such transportation." But nothing herein contained shall be construed as preventing any such railroad from recovering for the same, if found entitled thereto by virtue of the laws in force prior to the passage of this act."

The Attorney-General construed these laws to embrace and include all the railroads named in the first and second classes, but not to include the railroads named in the third class. The act of March 3, 1873, forbids the payment of any money to the Pacific Railroads that had received bonds of the United States (Nos. 2, 3, 5, 9, and 15, of class No. 3,) that were in arrears in payment of the interest due on the bonds—

Mr. HOAR. Mr. President, I object to the further reading of that document.

Mr. EDMUNDS. The objection is probably good. I ask the Secretary to give me the paper.

[The document was handed.]

Mr. HOAR. It is evident the Senate does not want to hear it read.

Mr. EDMUNDS. If the Senator from Massachusetts considers himself to be the Senate, undoubtedly the Senate does not want it read, and he can go out.

Mr. HOAR. The Senator from Vermont can proceed.

Mr. EDMUNDS. I will proceed with my remarks now, Mr. President, if it is entirely agreeable to the Senator from Massachusetts.

Mr. HOAR. If the Senator makes that a condition he will dispense with the reading.

Mr. EDMUNDS. Then I will make it a condition-subsequent.

I wish to proceed to state, Mr. President, that—

In pursuance of the provisions of the acts of June 16 and 22, 1874, and March 3, 1875, compelling the railroads to bring suit in the Court of Claims to recover whatever sum was due, if any, for military transportation under previous laws, two railroad companies (the Atchison, Topeka and Santa Fé, and the Lake Superior and Mississippi Railroad Companies) brought suit in the Court of Claims for the amount then claimed to be due. The suits were carried to the Supreme Court, and that court decided—

"That the Government, under the land-grant laws, is entitled only to the free use of the railroads, not to the equipment, rolling-stock, &c., and that it is not entitled to have its troops and property transported by the companies over their respective railroads free of charge. That the companies are entitled to compensation for all transportation performed by them, respectively, of troops and property of the Government, subject to a fair deduction for the use of their respective railroads, (3 Otto, 443.)"

That decision, Mr. President, was made under the one class, of which there are three, which the Senator from Massachusetts desires of protecting the public interest no doubt observed with his usual attention to affairs. The first clause was that the railroads should be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of the property or troops of the United States. Those were the grounds that were in consideration in 3 Otto where the Supreme Court decided that that was merely a right of way and that the company was not bound to furnish transportation, and consequently were entitled to a fair deduction for that as distinguished from the use of the track.

Mr. ALLISON. Will the Senator from Vermont allow me right there to ask him a question?

Mr. EDMUNDS. If the Senator will pardon me, I am afraid the Senator from Massachusetts will lose the run of this, and I prefer to go on. The Quartermaster-General proceeds:

This decision, though given in the cases above referred to, applies to and affects all the railroads that received grants of lands on like conditions, to wit, all the railroads named in class No. 1, and no others.

Of which the Senator from Iowa wishes to put in all the others that are not affected.

Mr. ALLISON. I hope the Senator will allow me a moment.

Mr. EDMUNDS. If the Senator will pardon me I shall go on.

Mr. ALLISON. I should like the Senator from Vermont—

Mr. EDMUNDS. I ask to be excused. Mr. President, if you can protect me from the Senator from Massachusetts and the Senator from Iowa both at the same time, I shall feel duly grateful.

The PRESIDING OFFICER. The Senator from Vermont declines to yield.

Mr. ALLISON. I shall wait with patience.

Mr. EDMUNDS. I will wait until we can have peace, Mr. President.

The PRESIDING OFFICER. The Senator from Vermont is entitled to the floor.

Mr. BLAINE. I hope the Senator from Vermont will not be interrupted and will be protected by the Chair.

Mr. EDMUNDS. He certainly will not go on until he is protected, Senators may be quite sure.

These other classes comprise, I will not waste the time of the Senate in counting them, but somewhere between twenty and thirty railroads, which the Senator from Iowa's amendment will include under this supposed decision of the Supreme Court, and will provide for paying money out of the Treasury when it has never been decided and I think never will be decided that they are entitled to any pay at all. Of course it is not a very convenient time, in the hurry of an appropriation bill to carry on the Government, to go into all these questions, but if Senators are determined that these matters shall ride in this omnibus, then I think the proper commentary upon it should go with it. He proceeds to say:

The railroads named in class No. 2, being by their organic acts required to trans-

port the troops and property of the United States free of cost, charge, or expense to the United States, are not affected by the decision of the Supreme Court, for no question affecting Government transportation over those roads was before the court. They have never been paid for Government transportation, and it is not now, by Senate bill 485, proposed to pay them for such transportation.

I believe that this provision under consideration is not Senate bill 485, but whatever was in Senate bill 485 that would affect one class was put into this bill, and whatever was not in it is to be imported by such changes as will provide for making a grand scoop for all these companies at one bite.

The repeal of the acts of June 16 and 22, 1874, and March 3, 1875, will leave those roads in just the position they were prior to the passage of those acts. The organic acts forbid payment to these roads, and payment will not be made unless future legislation directs that it be done.

That is what is desired on this appropriation bill, to get the future legislation that will direct it to be done and will repeal all the safeguards of the original grants that secure to the United States these rights.

Senate bill 485 amended as suggested by the Quartermaster-General—

I will not spend time in reading that because that is in a form not before us.

The railroads named in class No. 3—

And I now come to the last class—

with the exception of the Pacific Railroads to which bonds have been issued, (Nos. 2, 3, 5, 9, and 15)—

In this vast mass that this amendment is to cover and provide for—

have always been paid for Government transportation—

Because it is provided as to those, as the Senator from Massachusetts undoubtedly remembers, that they shall transport the troops and property of the United States at reasonable rates of compensation, not to exceed the rates paid by private parties for like transportation, coupled in some cases with the right of Congress to restrict the charges for Government transportation.

This third class, as this report proceeds to say, embraces fifteen railroads, and they have always been paid according to the provision of the grant, excepting five of them that received bond subsidies which under other provisions of paying in 5 per cent. of the net income and allowing for half transportation, &c., to keep down the interest on bonds that we have lent them, have not been paid since certain acts of Congress.

That, Mr. President, without spending the time of the Senate to read the residue of this report which would be somewhat useful if we were to go into it, is all that I wish to say at this present time. I have felt justified in asking this letter to be read at the desk, where everybody could hear it, in order that the Senate might see the vast field of legislation beginning you do not understand precisely where and ending nobody can tell where, the effect of which will be to relieve these roads that have received grants of public lands from obligations that are plainly stated in the grants, and in no one of which, except one class, has the Supreme Court ever decided or been asked to decide that their claim to be paid for transportation was well founded. That is what I thought it to be a duty to let the Senate understand.

Mr. ALLISON. Mr. President—

Mr. WINDOM. I was going to make a proposition, but I will not submit it at this moment if the Senator from Iowa desires to be heard.

Mr. ALLISON. I desire to be heard.

Mr. WINDOM. My proposition is that as it will be necessary for the Senate to remain in session for the great portion of the next three nights, I have consulted with a large number of Senators, and the prevailing opinion seems to be that we shall gain time by adjourning until ten o'clock to-morrow morning, with the understanding that the bill shall be taken up immediately after the Journal is read. I want to make that motion, but the Senator from Iowa appeals to me for a moment, and I will not make it now.

Mr. DAVIS, of Illinois, and others. Make it now.

Mr. WINDOM. I will make it, then.

Mr. DAVIS, of West Virginia. Let us dispose of this matter.

Mr. WINDOM. Can there be a general understanding that we shall proceed with this bill immediately after the Journal is read to-morrow?

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate adjourn until ten o'clock this morning, and that the sundry civil bill be taken up after the reading of the Journal.

Mr. EATON. I hope not. I hope we shall not adjourn. If we are to finish our business and not have an extra session, let us stay. I do not desire an extra session, and therefore I wish to remain here.

Mr. ALLISON. I hope the Senator from Minnesota will withdraw the motion for the present.

Mr. WINDOM. I will withdraw the motion for the present. I want to go on if anybody else does.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. ALLISON. Mr. President, I offered what I supposed to be—

Mr. DAVIS, of Illinois. Will the Senator from Iowa give way a moment? I renew the motion of the Senator from Minnesota.

Mr. ALLISON. If the Senator from Illinois will excuse me, he has not the floor to renew the motion.

Mr. DAVIS, of Illinois. I thought it could come up again.

Mr. ALLISON. I desire to say a word or two, and then I will yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Iowa has the floor and will proceed.

Mr. ALLISON. I find in this bill a proposition to pay two railway companies for transportation, which a law passed in 1874 prohibited them from receiving until they had tested their right to receive payment in the Court of Claims. There are, as the document read at the Clerk's desk discloses, a large number of railways in precisely the same situation, who have performed exactly the same service. I ventured in the presence of the Senator from Vermont to offer an amendment, the object and aim of which was to place all railways of the same class upon the same footing, and not to stand here at this hour of the night to legislate in the interest of two corporations, to the exclusion of a number of other corporations situated in precisely the same manner. Now because I undertook to do that the Senator from Vermont states that I offered an amendment here the effect of which is to pay railways not included within the decision of the Supreme Court. My amendment has no such purpose, and as I believe will have no such effect. If it has, it is in the power of the Senator from Vermont to so modify it as to bring it within the purpose I have, and I shall so modify it as to bring it within that purpose if he does not propose a proper amendment.

I have no objection to these railways included in this amendment being paid. I think after a decision of the Supreme Court has been made saying that the Government holds money belonging to them it is but fair and just that they should be paid; but the Supreme Court has not held that these two railways alone shall be paid, although judgment was rendered in their favor alone. The principle settled by the decision of the court justifies and requires payment to all land-grant railways having similar provisions attached to their several grants.

Mr. MITCHELL. And the Attorney-General recommends it very strongly.

Mr. ALLISON. And the Attorney-General and the Secretary of War and the Quartermaster-General in letters which I have read, but which I cannot lay my hands upon now at this hour of the night, recommend it. The Secretary of War recommends that all these railways included within the first class mentioned in the letter just read should be paid.

Nobody here proposes, I certainly do not propose, to include within any amendment to this bill or any other bill railways that are not included in the decisions of the Supreme Court. I submit that I should not be charged with a purpose which I did not intend in the amendment I offered. I think I will endeavor as carefully in this bill to guard the Treasury and the just rights of parties as will the Senator from Vermont.

Mr. EDMUNDS. The Senator has entirely misunderstood me, and I am sure the RECORD will show that I have not in any single word I have said imputed to him any such purpose as he now thinks I did.

Mr. ALLISON. The Senator from Vermont said that my amendment intended to include two classes of railways that are excluded by the letter of the Quartermaster-General.

Mr. EDMUNDS. I said in my opinion the Senator's amendment would do that thing, and that is my opinion.

Mr. ALLISON. Very well. I then misunderstood the Senator from Vermont. I understood the Senator to say that was the purpose of the amendment.

Mr. EDMUNDS. I said it was the effect; I think the Senator will find that the word "purpose" was not used.

Mr. ALLISON. I ask the Senator from Vermont if he thinks it is fair to select out two railway companies and pay them and exclude all other railways similarly situated?

Mr. EDMUNDS. I have said nothing upon that subject.

Mr. ALLISON. The purpose of my amendment was simply to place all these railways upon an equality. I do not ask that the appropriation shall be increased. I ask that whatever sum is appropriated shall be appropriated to these railways alike. And if the Senator from Vermont thinks that is injustice, then his opinion on that subject differs from my own.

Now, Mr. President, I did not expect to occupy so much of the time of the Senate. I shall, of course, make all other necessary amendments to include the railways named by the Quartermaster-General as first class and exclude all others, so that the questions arising under the second and third classes named can be pursued to the Supreme Court for final decision.

Mr. PADDOCK. I should like to ask the Senator a question. Is it not true that the Quartermaster-General recommended that there should be a settlement on the basis of throwing off 33½ per cent., or something like that, of the gross amount of the claims of these roads which are entitled under the decision? And is it not true that one or two or more of the roads agreed to this proposition, and that some others did not agree to it, and that these are the companies that are seeking to get the additional appropriation, the estimate having been as named in this amendment to cover only those, under the adjustment as proposed by the Quartermaster-General?

Mr. ALLISON. I know of no such agreement and no such understanding. On the contrary, I do know that railroads which have transported for the Government since this law was passed in 1874 and 1875 and which have not received one dollar of compensation have been and are willing to receive the compensation upon the basis of the Su-

preme Court decision, and have been willing to do so all the time, and these statutes are the only thing that stands in their way.

Mr. PADDOCK. I understand that that is the proposition of the Quartermaster-General, that part of these companies, two or three perhaps, have accepted the proposition, and that others stand out, and they are the ones that are clamorous for the larger appropriation.

Mr. ALLISON. I am very clear that no such state of facts exists in reference to any great number of these railroads of the first class.

Mr. HOAR. Mr. President, we have had a great many bitter lessons of late years against taking up this complicated question of the rights and obligations of the land-grant railroads in this country just at the end of the session and dealing with them on appropriation bills. I hope we shall not repeat that error. It is very evident that my objection to the reading of the document from the Clerk's desk was well taken; nobody could fully understand or gather what was the point from the reading as it was read. I move to lay the amendment of the committee, carrying with it the whole subject, upon the table, and ask for the yeas and nays.

Mr. ALLISON. Before the Senator from Massachusetts does that, I want to remind him that this question is in this bill, not upon my motion, but it is here singling out two railways to the exclusion of all other railways.

Mr. HOAR. I move to lay that on the table as well as the amendment of the Senator. I move to lay all on the table.

The PRESIDING OFFICER. The Senator from Massachusetts moves to lay the amendment of the committee on the table.

Mr. HOAR. On that I call for the yeas and nays.

Mr. DORSEY. I should like to say a word if the Senator will allow me.

The PRESIDING OFFICER. The motion is not debatable.

Mr. DORSEY. I ask unanimous consent to say a single word.

The PRESIDING OFFICER. Is there unanimous consent that the Senator from Arkansas may be heard?

Mr. HOAR. If nobody else wishes to speak I will yield with great pleasure.

Mr. BOOTH. I rise to a privileged question. I move that the Senate take a recess until to-morrow morning.

Mr. DORSEY. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Arkansas has not the floor. He rose to debate, and as the Chair understands, the question is not debatable.

Mr. DORSEY. The Senator from Massachusetts withdrew the motion to permit me to say a word, as I understand.

The PRESIDING OFFICER. The Chair was not aware of that.

Mr. DORSEY. The Committee on Appropriations included the roads which I embraced in this amendment because the Supreme Court had passed on these specific cases and no others. That is all I have to say.

AMENDMENTS TO BILLS.

Mr. COCKRELL. I offer an amendment to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, which I ask to have referred to the Committee on Commerce.

Mr. McMILLAN. Let it go to the table, the bill having been reported.

Mr. COCKRELL. Let it be referred to the Committee on Commerce.

The PRESIDING OFFICER. The amendment will be so referred.

Mr. BRUCE. I offer an amendment to the river and harbor bill, and ask its reference to the Committee on Commerce.

The PRESIDING OFFICER. It will be so referred.

Mr. CONKLING. That committee no longer has charge of that bill. It has been reported to the Senate.

The PRESIDING OFFICER. But the Senator has the right to have the amendment referred to the committee.

Mr. CONKLING. I only state that for information that nobody may be misled.

The PRESIDING OFFICER. If the Senator from Mississippi desires to have it so referred that is his right.

RECESS.

Mr. BOOTH. I move that the Senate take a recess until ten o'clock in the morning.

Mr. DAVIS, of West Virginia. Was there not a motion to lay the amendment on the table?

The PRESIDING OFFICER. The motion of the Senator from California takes precedence.

Mr. HOAR. My motion stands pending.

Mr. WADLEIGH. I hope the Senator from California will withdraw the motion for a moment. I wish to make a personal statement which will take but a single moment.

Mr. President, just before the vote was taken upon the Shields amendment and upon the passage of the bill relating to pensions this evening I was obliged to go out. I had arranged a pair with my friend the Senator from Missouri, [Mr. COCKRELL.] When the Senator from Vermont announced that the bill would be disposed of in twenty minutes I thought I might remain to vote upon it, and consequently voted once or twice after the pair was arranged. But the

length of the debate compelled me to go out before it was finished; and the Senator from Missouri, not noticing my absence, voted. If I had been present, I should have voted against the Shields amendment, and also against the bill on its passage.

The PRESIDING OFFICER. The question is on the motion of the Senator from California that the Senate do now take a recess until ten o'clock this morning.

The motion was agreed to; there being on a division—ayes 26, noes 13; and (at three o'clock a. m.) the Senate took a recess until ten o'clock a. m., (Saturday, March 1.)

MORNING SESSION.

The Senate was called to order at ten o'clock a. m., (Saturday, March 1.)

The VICE-PRESIDENT. The Senate resumes its session. The business in order is the sundry civil bill.

Mr. ALLISON. The pending question is on the motion of the Senator from Massachusetts [Mr. HOAR] to lay on the table the amendment discussed last night.

Mr. WINDOM. I ask that the roll may be called to ascertain whether there is a quorum present.

The VICE-PRESIDENT. The roll will be called by the Secretary. The Secretary called the roll.

The VICE-PRESIDENT. There are only seventeen Senators present.

Mr. WINDOM. I move that the names of the absent Senators be called.

The VICE-PRESIDENT. They will be called.

The Secretary called the list of the absentees.

The VICE-PRESIDENT. Twenty-six Senators are now present.

Mr. WINDOM. I suppose we must wait.

The VICE-PRESIDENT, (at ten o'clock and thirty minutes a. m.) Thirty-nine Senators are now present, constituting a quorum.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT signed the following enrolled bills, heretofore signed by the Speaker of the House of Representatives:

A bill (S. No. 852) granting a pension to Mary E. Pauley;

A bill (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States;

A bill (H. R. No. 4414) to amend the laws relating to internal revenue;

A bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy;

A bill (H. R. No. 1162) for the relief of Alfred Muller, late acting assistant surgeon United States Army;

A bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

A bill (H. R. No. 4289) for the relief of Thomas W. Segar; and

A bill (S. No. 4392) for the relief of Lucinda C. Dillahanty, of Tennessee.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, communicating, in answer to a resolution of February 20, 1879, information in relation to the construction of railroads in Mexico; which was ordered to lie on the table, and be printed.

HOUSE BILLS.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives:

The bill (H. R. No. 6523) providing for the engraving and printing of portraits to accompany memorial addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher, was read the first time by its title.

Mr. EDMUNDS. I stated yesterday that I should object to the second reading of all bills, but I do not object to that one under the circumstances.

The bill was read the second time by its title, and referred to the Committee on Printing.

The bill (H. R. No. 6524) to remove the political disabilities of H. B. Littlepage, of King William County, Virginia, was read the first time by its title.

Mr. EDMUNDS. That may be read the second time and referred to the Committee on the Judiciary.

The bill was read the second time by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 224) authorizing the Public Printer to print 20,000 copies of House report No. 53, on the adoption of the metric system of weights and measures, was read by its title.

Mr. EDMUNDS. I object to the second reading of that.

The VICE-PRESIDENT. The joint resolution goes to the Calendar, having been read once.

TREATY OF WASHINGTON.

Mr. HOAR. My colleague [Mr. DAWES] presented last night the resolutions of the Massachusetts Legislature in regard to the fisheries treaty. It is a resolution of only about four lines in length, and it is quite desirable that it should be in the RECORD in connection with

the public history of this treaty. I ask that it may be printed in the RECORD. That order was accidentally omitted last night. I ask unanimous consent.

The VICE-PRESIDENT. To which the Chair hears no objection. The resolution is as follows.

Resolved, That justice to the fishermen and to the fishing interests of the country requires that articles 18 and 21 of the treaty concluded between the United States and the government of Great Britain on the 8th day of May, A. D. 1871, should be terminated at the earliest possible period.

Resolved, That a copy hereof be sent to each of our Senators and Representatives in Congress.

HOUSE OF REPRESENTATIVES.

February 28, 1879.

Passed.

LEVI C. WADE, *Speaker*.

IN SENATE, February 27, 1879.

Passed.

JOHN B. D. COGSWELL, *President*.

FEBRUARY 27, 1879.

Approved.

THOMAS TALBOT.

SECRETARY'S DEPARTMENT.

Boston, February 27, 1879.

A true copy. Attest:

HENRY B. PEIRCE,

Secretary of the Commonwealth.

CREDENTIALS.

Mr. EATON presented the credentials of Orville H. Platt, chosen by the Legislature of Connecticut a Senator from that State for the term beginning March 4, 1879.

The credentials were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CONKLING presented a petition, signed by a large number of citizens of Jefferson County, New York, praying such legislation as will make effective the anti-polygamy act of 1862; which was referred to the Committee on the Judiciary.

Mr. BURNSIDE presented a resolution of the Legislature of Rhode Island, in favor of an appropriation for the establishment of a signal station on Block Island and telegraphic communication by cable with the main land; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. FERRY. I am directed by the Committee on Post-Offices and Post-Roads to report back the bill (H. R. No. 6126) to establish post-routes in the several States herein named, with an amendment to strike out all after the enacting clause and insert a substitute. I ask that it be laid on the table. It is the post-route bill, including all that passed at the last session and the bill passed by the House at the present session, with the amendments made by the Senate Post-Office Committee. It covers nothing but post-routes except a simple extension of mail service where contractors have failed to perform their duty, allowing the Postmaster-General to run the service twelve months instead of six, as in the present statute. There is nothing else in the whole substitute.

Mr. MITCHELL. Is it a House bill?

Mr. FERRY. It is. I ask that it lie on the table. My object is at the first moment to call it up and have it passed.

The VICE-PRESIDENT. The bill will go to the Calendar subject to the call of the Senator from Michigan.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 6416) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company through the United States Cemetery tract of land near Vicksburgh, Mississippi, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army, reported it without amendment.

Mr. VOORHEES, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4967) granting a pension to Calvin E. Pratt, late brigadier-general of volunteers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1756) granting an increase of pension to James H. Reeve, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4326) granting a pension to Charles Cline, of Clinton County, Ohio, reported it with amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 848) for the relief of Francis B. McNamara, of Coudersport, Potter County, Pennsylvania, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Eugene O'Sullivan praying an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1863) granting an increase of pension to Eugene O'Sullivan.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. ALLISON, from the Committee on Finance, to whom was re-

ferred the bill (H. R. No. 6137) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. No. 4143) for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased, Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That Cole, Sizer & Brink have leave to withdraw from the files of the Senate their petition and papers on leaving copies of the same with the Secretary.

On motion of Mr. EATON, it was

Ordered, That Harriet E. Edwards have leave to withdraw her petition and papers from the files of the Senate.

COMPILATION OF PRIVATE LAND CLAIMS.

Mr. THURMAN, from the Committee on Private Land Claims, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the reports of the Senate and House Committees on Private Land Claims from the Nineteenth Congress to date, compiled under the direction of the Senate Committee on Private Land Claims, by its clerk, be printed for the use of the Senate.

AMENDMENTS TO BILLS.

Mr. MITCHELL, Mr. THURMAN, and Mr. KERNAN submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT, of Georgia, Mr. WILLIAM A. J. SPARKS, of Illinois, and Mr. J. H. BAKER, of Indiana, as managers at the conference on its part.

The message also announced that the House had disagreed to certain amendments of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes; and that it had disagreed to certain portions of the twentieth amendment of the Senate to the said bill and agreed to other portions of said amendment with amendments, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT, of Georgia, Mr. HESTER CLYMER, of Pennsylvania, and Mr. J. H. BAKER, of Indiana, managers at the conference on its part.

POST-OFFICE APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, disagreed to by the House of Representatives, and the amendments of the House to the twentieth amendment of the Senate to the said bill; and,

On motion of Mr. DORSEY, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to the twentieth amendment of the Senate, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. DORSEY, Mr. BLAINE, and Mr. WALLACE the conferees on the part of the Senate.

DEFICIENCY APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes disagreed to by the House of Representatives; and,

On motion of Mr. WINDOM, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. ALLISON, Mr. DORSEY, and Mr. WALLACE as the conferees.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. DORSEY and Mr. WINDOM demanded the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. ANTHONY. I ask leave to make a report.

The VICE-PRESIDENT. The Chair cannot receive it in the presence of a demand by two Senators for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Iowa, [Mr. ALLISON,] which will be read.

Mr. HOAR. The pending question, I think, is on the motion to lay the amendment of the committee on the table.

The VICE-PRESIDENT. The Chair was informed by the Secretary that the pending question was on the amendment of the Senator from Iowa.

Mr. DAVIS, of Illinois. But a motion was made to lay it on the table.

The VICE-PRESIDENT. The Senator from Massachusetts was in the chair at the time.

Mr. HOAR. I was not in the chair; but I made the motion to lay on the table the amendment reported by the committee, which carried with it the amendment proposed by the Senator from Iowa.

The VICE-PRESIDENT. The entire amendment?

Mr. HOAR. The entire amendment.

The VICE-PRESIDENT. The question is on that motion.

The question being put, there were on a division—ayes 18, noes 19; no quorum voting.

Mr. DAVIS, of West Virginia. If another division is had, I think there will be a quorum voting.

A further division being had, there were—ayes 20, noes 22.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Iowa, which will be read.

The Secretary read the amendment, which was, in line 1037, on page 43, to strike out:

And which have since been found entitled to compensation by judgment of the Supreme Court of the United States.

And in line 1040 to strike out "such," and after the word "judgment" to insert "of the Supreme Court in cases decided under the said act."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment of the Committee on Appropriations as amended.

Mr. EDMUNDS. I move to amend this amendment, the whole of which I regard as very dangerous for the reason that it is not sufficiently guarded, (and that appears from the report of the Quartermaster-General himself,) by inserting after the word "railroads," in line 1034, these words:

As have not received aid in Government bonds.

So that it will read:

For the payment of arrears of Army transportation due such land-grant railroads as have not received aid in Government bonds as compensation, &c.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations as amended.

The question being put, there were on a division—ayes 21, noes 17; no quorum voting.

Mr. PLUMB. Let us have another division.

Mr. ANTHONY. I call for the yeas and nays.

Mr. WINDOM. I think another division will show a quorum.

The yeas and nays were ordered.

Mr. BECK. Let the amendment be read as now amended. It has been amended several times.

The VICE-PRESIDENT. It will be read.

The Secretary read as follows:

For the payment of arrears of Army transportation due such land-grant railroads as have not received aid in Government bonds as compensation was withheld from under the acts of June 16 and 22, 1874, and March 3, 1875, to be adjusted by the proper accounting officers in accordance with judgment of the Supreme Court in cases decided under said acts, to be paid as other Army transportation, \$300,000, or so much thereof as may be necessary.

The question being taken by yeas and nays, resulted—yeas 29, nays 15; as follows:

YEAS—29.			
Allison.	Davis of W. Va.	McDonald,	Saunders.
Beck.	Dawes.	Matthews.	Teller.
Booth.	Dorsey.	Mitchell.	Voorhees.
Burnside.	Ferry.	Morgan.	Windom.
Cameron of Pa.	Garland.	Paddock.	Withers.
Cameron of Wis.	Hamlin.	Plumb.	
Chandler.	Harris.	Rollins.	
Cockrell.	Howe.	Sargent.	
NAYS—15.			
Anthony.	Edmunds.	Kernan.	Saulsbury.
Bailey.	Grover.	McPherson.	Wadleigh.
Bayard.	Hereford.	Merrimon.	Wallace.
Davis of Illinois.	Hoar.	Morrill.	

ABSENT—32.

Barnum,	Dennis,	Jones of Nevada,	Patterson,
Blaine,	Eaton,	Kellogg,	Randolph,
Bruce,	Eustis,	Kirkwood,	Ransom,
Butler,	Gordon,	Lamar,	Sharon,
Chaffee,	Hill,	McCreery,	Shields,
Coke,	Ingalls,	McMillan,	Spencer,
Conkling,	Johnston,	Maxey,	Thurman,
Conover,	Jones of Florida,	Oglesby,	Whyte.

So the amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after the word "for" in line 1060, to strike out "the same on" and insert "observing;" so as to read:

For the United States Naval Observatory the following items, to wit: For solar and stellar photography, \$1,000; for illustrations for report on the eclipse of July, 1878, \$1,500; for observing the California eclipse, January, 1880, \$600; and for thirty-five wood-cuts of nebula in Orion, \$350; in all, \$3,450, which shall be immediately available.

The amendment was agreed to.

The next amendment was to strike out lines 1081 to 1083, as follows:

To enable the Secretary of the Navy to pay J. F. H. Claiborne amount due him on adjusted account, \$748.10.

The amendment was agreed to.

The next amendment was, after line 1083, to insert:

To enable the Secretary of the Navy to publish charts of the west coast of Mexico, \$10,800, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1087, to insert:

To enable the Secretary of the Navy to alter and repair the United States ship Antietam, so as to provide for the marines at League Island station, \$7,525.

The amendment was agreed to.

The next amendment was, after line 1104, to insert:

For fire-proofing in part the National Statuary Hall, namely, for taking out gallery and the wooden partition above it; constructing brick walls and extending marble tiling of floor, \$10,000, or so much thereof as may be necessary. And no work of art or manufacture shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol, unless by the permission of the Joint Committee on the Library.

The amendment was agreed to.

The next amendment was, after line 1112, to insert:

For renewing and repairing portions of the heating apparatus in the Senate wing of the Capitol, \$4,000.

The amendment was agreed to.

The next amendment was, after line 1115, to insert:

For electric clocks for the Capitol, namely: One Howard & Company's regulator, No. 1 movement, with dials, for the Senate Chamber, House of Representatives, old Hall of Representatives, and Rotunda, all to be connected with the Naval Observatory, including wires and electric batteries, \$1,453.

The amendment was agreed to.

Mr. EDMUNDS. My attention was diverted and I ask consent to go back to line 1109. The committee's amendment, I suppose, was adopted embracing that line.

The VICE-PRESIDENT. It was.

Mr. EDMUNDS. Where it reads "and no work of art or manufacture shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol, unless by permission of the Joint Committee on the Library," I wish to put in after "manufacture" the words "other than the property of the United States." It would perhaps so be construed although, literally it would turn out everything there. I presume there is no objection to that.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS. Then I wish to move to strike out in lines 1111 and 1112 the words "unless by the permission of the Joint Committee on the Library." The Committee on the Library have found, gentlemen of both Houses, the extreme inconvenience and annoyance of being continually pressed by people who wished to exhibit their things for sale. They bring everything they have got that they think can be packed off on Congress, and persuade and overpersuade us to let them stick it up somewhere. I should like to have a law absolute that nothing shall come into the Capitol except the property of the United States until it is bought, and then it will be the property of the United States. I move to strike out the words "unless by the permission of the Joint Committee on the Library."

The VICE-PRESIDENT. To which the Chair hears no objection. The amendment is agreed to.

Mr. SARGENT. I should like to direct the attention of the Senator from Vermont to the language as it stands. Strictly construed, it would exclude perhaps more than the committee intended, and more than the Senator intends. "And no work of art or manufacture," no manufactured work of any kind, unless the property of the United States, shall be exhibited in any corridor for sale or otherwise. A newspaper is a manufactured work.

Mr. EDMUNDS. That would hardly be so regarded.

Mr. SARGENT. I think it is a manufactured work. I know that is not the intention or the suggestion of the Senator. Suppose we pass the matter over for the present. It seems to me the language should be a little more carefully guarded.

The VICE-PRESIDENT. Does the Senator from California make any motion?

Mr. SARGENT. Not now.

The Secretary resumed the reading of the bill. The next amend-

ment of the Committee on Appropriations was, after line 1122, to insert:

To pay C. Brumidi for retouching and blending the picture in fresco on the canopy of the Dome of the Capitol, and for constructing a scaffolding under said picture, \$700.

The amendment was agreed to.

The next amendment was, after line 1126, to insert:

To Mrs. C. Adile Fassett, for the purchase of the painting of the "Electoral Commission," \$10,000.

Mr. KERNAN. I should like to have some explanation why that is to be paid for at that sum.

Mr. WINDOM. I will say to the Senator from New York that the Committee on Appropriations inserted this item on the recommendation of the Joint Committee on the Library, as I understand.

Mr. BECK. I only desire to say to the Senator from New York that it is on the bill by a divided vote of the committee.

Mr. KERNAN. I think we had better divide here, too.

Mr. DAVIS, of West Virginia. The chairman has stated that it is on the request of the Library Committee that the amendment is proposed. I wish to state that I join in that. It was by their request, and not on any special thought of the fitness of it on the part of the Committee on Appropriations—or, at least, of part of the Appropriation Committee—that the amendment is proposed.

Mr. WINDOM. I do not wish to go so far as the Senator from West Virginia. I would vote for the proposition as an independent one. I say the action of the committee and my own vote as a member of the committee was largely because of that; but I do not wish to be placed in the position of throwing all the responsibility on the Joint Committee on the Library. I think I should vote for it myself as a separate measure on its merits.

Mr. DORSEY. As the members of the Committee on Appropriations consider it necessary to explain the reason why this measure is on the bill, I want to say that it is on by my vote without any regard to the Committee on the Library, and will remain on if I can keep it here by my vote in the Senate.

Mr. SARGENT. It seems to me that it is a very fitting thing that the Government should buy this picture. That was the sentiment of the majority of the Committee on Appropriations. The amendment was sent to that committee by the chairman of the Committee on the Library. The picture is very valuable, not merely as a work of art, but as preserving in imperishable form the faces of a very large number of the statesmen and jurists of the country. If this picture is bought by the United States and deposited in the Capitol, there is every reason to believe that one hundred years from now it will exist and will remain preserved in the Capitol for future generations to see the faces of the distinguished men who participated in and witnessed the singular scene of the electoral commission.

These considerations are not at all affected by the judgment of any Senator upon the result of the work of that body. Whether the result was fortunate or unfortunate—I believe that both parties, men of each party, have differing opinions upon that; some of both parties believing the result was very unfortunate—I say, however Senators may look upon that consideration, nevertheless it was a great historical event, and this picture groups, in a pleasing and as accurately arranged form as is possible in a work of art, the faces of distinguished men who participated in it and who witnessed it. It is as interesting as the pictures by Trumbull and others which are in the Rotunda, and, unquestionably, much more accurate. There has been no criticism made of this picture which does not grant that the likenesses are striking and remarkable, and I have no doubt that our children's children will be glad to see the face of my friend from Ohio [Mr. THURMAN] in the picture, the face of the Senator from Maine, [Mr. BLAINE,] the face of the present Secretary of State, of the various members who composed the commission, and those who attended its sessions. Of course, strictly, it is not accurate. There are persons put into it who may not have been at the sessions, but they are all historical faces, and a part of the history of the times. That does not detract from the picture as a work of art, and adds to its interest historically. All the surroundings, I believe, are as literal as it is possible to have them in a picture of that kind, and the grouping is as good as it could be. I think there can be no question that it is valuable as a work of art, and I trust the Senate will do, so far as it can, the meritorious work of securing this picture for the benefit of posterity.

Mr. BECK. Mr. President, the Senator from New York has called attention to this amendment. I said in response to his question that it was put on by a divided vote of the committee. I only desire now to say that I opposed it as a part of this bill, not thinking it was properly any part of a sundry civil bill. If it has merit, it can stand by itself. I have not seen the picture since it was finished; I believe I saw it soon after it was begun, a friend having asked me to go and look at it. I opposed it because I did not think it ought to be put into this bill. It commemorates a scene of which I am not proud, and it commemorates an event which I do not think reflects much credit upon the country; and, therefore, I shall vote against the amendment.

Mr. HOWE. Perhaps I ought to say a word about this matter, and the more so as the attitude of the Joint Committee on the Library is not accurately understood. What the Joint Committee on the Library did was to instruct the chairman of that committee on the part of the Senate and House to move an amendment to this very bill

appropriating a sum of money which, in their judgment, should be deemed proper for the purchase of this picture. It turned out that the two individuals designated were not able to agree as to the price proper to be paid, so that the precise sum proposed here is a sum which I fixed myself upon consultation with members of the House, leading members of both parties, and with members of the Senate. I put this amendment, therefore, at this sum on my own responsibility, stating, however, I think, to individuals of the Appropriation Committee, if I did not to the committee itself, that, in my judgment, every member of the Joint Committee on the Library would approve this amendment except one, and I was not at all certain but that every one would approve it.

Mr. KERNAN. Will the Senator please repeat his last statement?

Mr. HOWE. I said to members of the Appropriation Committee, I think I said to the committee itself, that it was my judgment that every member of the Joint Committee on the Library would support this amendment with perhaps one exception, and I was not sure that there would be any exception, nor am I at this moment. But the amendment was not moved on the authority of the joint committee for the reason I have already stated.

Now, as to the purchase itself, Mr. President, I have only a word to add. I think the event which the painting commemorates, no matter what gentlemen may think of the circumstances which led to it; no matter what gentlemen may think of the result flowing from it, the event itself is as well worth commemorating as any single event written in the history of free government; and if free government continues and republican institutions survive, I think it will be a landmark centuries hence. As to the merits of the painting itself, I do not propose to speak. I am not qualified for the work of criticism. I am inclined to think, after listening to a great deal of art criticism, that there is no more use in disputing about art than there is about taste. Gentlemen and critics differ as to their accuracy and fidelity. Any one who has seen one of those likenesses and never saw the original will have a very distinct idea of how the original looked.

Mr. DAVIS, of West Virginia. Will my friend allow me to ask him how the price was fixed?

Mr. HOWE. I said the price was fixed on consultation with leading members of both parties in the House and in the Senate. They thought the sum named was a proper sum to pay. The artist herself had been advised to ask a much higher sum, as high as \$30,000, and I think one consideration which induced my colleague in the House to discourage the purchase more than any other was that the artist was induced to put too high a figure upon it. The price which she finally named upon consultation with her friends was \$25,000. We did not think the Government could afford to pay that price, and we made the price \$10,000, which I think will be either accepted or rejected. If it is rejected, the Government will not suffer any in point of money; if it is accepted, the Government will get a picture which I think is worth the money.

Mr. DORSEY. I should like to inquire of the Senator from Wisconsin how many portraits there are in this painting?

Mr. HOWE. Over two hundred, I think; I do not remember the exact number.

Mr. DORSEY. If there are over two hundred portraits, as I understand there are, it is very easy to arrive at the value of the picture, basing it upon the ordinary price paid for portraits, which is about \$250. At that rate the picture would be worth \$50,000.

Mr. HOWE. It is suggested by one of my colleagues on the Library Committee that there should be added to this these words, "to be paid when the picture is finished to the satisfaction of the Library Committee."

Mr. DAVIS, of West Virginia. "And to be in full."

Mr. HOWE. "And to be in full."

Mr. DAVIS, of West Virginia. I take it there will be no objection to the Senator's amendment to add these words.

Mr. SAULSBURY. I shall vote against the purchase of this picture. I know nothing about its merits as a work of art. I am not a judge in matters of that kind. I do not believe, however, in converting the Capitol into an art gallery, and I do not know why we should purchase every picture that may be offered to the Senate and House. As to commemorating the great event which has been referred to, I do not think we should commemorate that event any more than history generally will do. I am very well satisfied that the result of the action of that commission will live in history, and everybody that participated in it will share in the criticisms of history for the part he took. I do not think that that event is commemorated by this painting at all any more than it will be commemorated by the facts that exist in history. We cannot afford to pay every party that offers a work of art to the Senate, and I do not know why we should select out this particular artist—doubtless she is a very worthy lady—and patronize her when hundreds of others, ay, thousands of other artists in this country have got pictures doubtless of equal merit and would be glad to have them purchased by the Congress of the United States. This picture may be a very meritorious one artistically; I do not know anything about that; but I am opposed to voting away the money of the people for a thing so entirely unnecessary even if the amount is only \$10,000. I shall therefore record my vote against the proposition.

Mr. HOAR. Mr. President, I suppose I shall not be suspected of having any sympathy with the opinion expressed by the Senator from

Kentucky or the Senator from Delaware who has just taken his seat, and I certainly am desirous of ornamenting this Capitol properly with works of art, whether they be of great merit in themselves or whether they commemorate important events in our history, and I certainly have a very great regard for the worthy lady who is the artist of this work, from what I have seen of her; but I do not think it is reasonable or fair to undertake to fill the Capitol or to expend the public money by purchasing paintings or statues which are commemorative of transactions so recent, about which the political parties of the country are so divided as they are in regard to the important political event which this work commemorates. I do not think it would have been reasonable to have asked the opposition in the time of Washington to have contributed the public money to purchase a painting commemorative of the signing of the Jay treaty, although probably at the present day nearly the whole American people would be agreed in their homage to the great statesman who signed that treaty and would regard that act as one of the great acts of his public life.

Mr. HOWE. Will the Senator pardon me a question?

Mr. HOAR. Certainly.

Mr. HOWE. Does he understand this electoral commission to have been a party event in any sense?

Mr. HOAR. I do not see what I have said that could have suggested that question or what I have not said that could have suggested it to the Senator from Wisconsin. It is an event concerning which the feelings of the American people are divided and upon party lines to-day; divided, and heated, and excited. The heats of that occasion have not passed away. That I think is true. To answer the question of the Senator from Wisconsin, I do not understand that it is a transaction which is a party event in that sense.

Mr. HOWE. Does the Senator mean to say that political parties as they exist in this country divide as upon the question whether the electoral commission was a proper or an improper thing, whether it was a wise or unwise thing?

Mr. HOAR. No, sir, but they are divided on this. I believe with as much conviction as I believe anything which is a matter of opinion, that that was not only an important historic event, but that the judgment pronounced was a righteous judgment asserting principles upon which the preservation of the American Constitution depends. I believe so with all my heart, and I am prepared to defend that opinion against any man who desires to challenge it, on a fit occasion. But there are gentlemen on the other side of the Chamber who believe that it was an unrighteous judgment, that the men who rendered that judgment by a majority of one were constrained in a judicial act by party feeling. That is the thing about which the American people are divided to-day; they are about a great many other things. Now, I do not think it is wise, within two years of that event, to select that judgment or the trial which resulted in it to ornament as a subject or a work of art to form an ornament of this Capitol. I do not think it is wise for the Senate to send down to the House of Representatives a proposition to do that to-day or to-morrow. That is the point I am making. There are a great many other scenes; take the passage of the fifteenth amendment in the House or the Senate, or the passage of the fourteenth amendment in the House or the Senate; and there are a great many others to which I might refer; I do not think it would have been reasonable to have asked the democratic party to have selected them for ornamenting the Capitol, although the faces of a great many famous statesmen might have been preserved. If posterity, as I believe it will, shall desire to honor that transaction, it will be time enough to purchase the picture when men look back upon it in the cool light with which posterity surveys the history of the past, and the then democratic party of this country, by whatever name it may be then termed, the party which prides itself on being the party of State rights and against centralization, the party which prides itself on being the party of individual freedom, will be the party that of all others will delight, as I believe, to honor that event by art and by speech and by the pen of the historian.

I am not afraid of that judgment; but I do not think the time has come. I think we must commemorate in the nation's Capitol by the money of the nation, by the authority of its Congress, its National Legislature, those historic events (and there are enough of them) in regard to which the whole nation has agreed to do homage. We have not yet kept our pledge; the vote of a monument to La Fayette remains an empty vote upon our statute book to-day. The great French alliance is not yet fitly commemorated. It is but a year or two or three since any representation of the gallant Greene, whose grave is forgotten and cannot be marked with a grave-stone, was to be found in the Capitol of the Nation. I think I have a right to say, if any man has, that this is not the time to pick out the events of the last two or three years, however creditable or honorable a majority of us may believe them to be, for that species of homage which, if it is to have any value, must be the homage of the united hearts of the whole American people without distinction of party.

Mr. WINDOM. Mr. President, I rise to ask the Senate that the five-minute rule may be adopted on this bill.

The VICE-PRESIDENT. The Senator from Minnesota moves that the rule, which will be read, be applied to the consideration of the pending bill.

The Secretary read the following resolution heretofore adopted:

Resolved, That during the present session it shall be in order at any time pend-

ing an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion; and such motion shall be decided without debate.

The VICE-PRESIDENT. Will the Senate agree to the motion of the Senator from Minnesota applying this resolution to the pending bill.

The motion was agreed to.

Mr. HOWE. Mr. President, I confess my surprise that opposition to this purchase should come from that quarter, and especially that that opposition should be based upon such reasons as have been presented. I was not ignorant that political parties differed in their judgment on the conclusion to which the electoral commission arrived; but I think it is fair to remind the Senator from Massachusetts that the artist has not recorded that judgment; it nowhere appears on the painting. What the judgment was nowhere appears there.

Mr. President, political parties, happily, did not divide as to the wisdom of constituting that commission. That is the great event, that is the fact which I deem worth recording. I think it one of the most remarkable events in the history of free governments, as I have already said, and I should have said so no matter what conclusion that commission arrived at; that would still have been my opinion. We all boast of the fact that two great governments, that of Great Britain and the United States, differing as to their respective international rights, differing very broadly and very widely, finally came together and submitted by agreement those differences to the arbitrament of men—

Mr. HOAR. Will the gentleman allow me to ask him a question?

Mr. HOWE. Yes, sir.

Mr. HOAR. Will the Senator vote for the purchase of a painting of the Halifax commission?

Mr. HOWE. The Halifax commission? I do not quite understand.

Mr. HOAR. I ask the Senator if he would vote for purchasing a painting of the Halifax commission?

Mr. HOWE. On the fisheries?

Mr. HOAR. Yes.

Mr. HOWE. Why, yes, Mr. President, I will, [laughter,] on reflection.

Mr. HOAR. My friend marches straight up to the logic of his conclusion. I wish to express my profound reverence.

Mr. HOWE. It never occurred to me that anybody would want to put on canvas that commission, but if there is a desire to do so I do not know but that in one point of view it deserves handing down to immortality as much as any class of men I know of.

Mr. SARGENT. I ask if the Senator forgets the assembly in the Hall of the House a little while ago to celebrate the reception of the picture of the signing of the proclamation for the emancipation of slavery?

Mr. HOWE. No, Mr. President, I do not forget that, and I hope the Senator from Massachusetts does not forget that. Parties were divided upon the policy of issuing the emancipation proclamation; but when an artist, who doubtless believed in that policy, saw fit to commemorate that event on canvas, and a public-spirited woman offered that painting to the Government, it was accepted, and representatives of both political parties joined in commemorating the event in eloquent terms.

And one thing more I want to say of that. While that picture, which did commemorate a party measure was repeatedly offered for purchase to the Joint Committee on the Library and was as repeatedly declined, I will say of the members who served on that committee that I never heard one offer as an objection to its purchase that it did commemorate a party measure. The event which is spread on this piece of canvas is in no conceivable sense a party measure.

Mr. SARGENT. I move to amend after the word "dollars" by inserting:

When the picture shall be finished to the satisfaction of the Joint Committee on the Library, and this sum shall be accepted as in full for the said picture.

Mr. HOAR. Mr. President, the Senator from Wisconsin, I think, overlooks one very important fact which brings the case of the emancipation proclamation within the principle which I stated; and that is this, that although the emancipation proclamation was a party measure, it was a measure so just and wise that at the distance of fifteen or sixteen years from its date the whole American people had agreed in its justice and that it was a great historic event. As I said about Jay's treaty, the time came when men could look at it coolly. John Jay was burned in effigy in Philadelphia by the democratic party of that day, or some of them; but the time came when the whole American people paid homage to the act; and it would be very proper to have a commemorative picture of it. The great pictures in the vestibule of the House of Commons are pictures commemorating events about which the great parties of England differed, the great historic events in the history of liberty; but they were put there when they had ceased to be the commemoration of the triumphs of a party alone, and received the undivided homage and support of the people of England. But I do not think it is wise at a time when the smoke has not cleared off to undertake to fill the Capitol with the representations of those scenes about which party passions are still excited. That is the distinction.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. HOWE. Does he mean to be understood as saying that the

whole American people now approve the wisdom or justice of the emancipation proclamation?

Mr. HOAR. Yes, sir; I mean to say that the whole American people say they do. How much hypocrisy there may be in some particular place, no man can undertake to say.

Mr. HOWE. I am not very accurately informed on that point; but I must be allowed to say, being so challenged, that there is one American citizen I know of who does not think the emancipation proclamation was a wise measure.

Mr. HOAR. He voted for the picture?

Mr. HOWE. He had no voting to do about it.

Mr. HOAR. Who is that citizen?

Mr. ANTHONY. I wish to say one word in reply to an *obiter dictum* that fell from my friend from Massachusetts, that the grave of General Greene was unmarked. That is not owing to any lack of appreciation in the State whose annals his fame illustrates, as it does the annals of the whole country; but he died of yellow fever in Savannah and his body was placed in a tomb, and in the confusion of that terrible time the tomb could not be identified.

Mr. HOAR. But still it is true that no appropriate honor was paid to that great captain until a very recent period. That was the point I was making.

Mr. ANTHONY. Certainly, that is true.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California [Mr. SARGENT] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Appropriations as amended.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SHIELDS, (when his name was called.) On questions of this kind I am paired with the Senator from Nevada, [Mr. SHARON.] I should vote in the negative, if he were present.

The result was announced—yeas 20, nays 29; as follows:

YEAS—20.

Allison,	Cameron of Pa.,	Ferry,	Matthews,
Anthony,	Cameron of Wis.,	Howe,	Sargent,
Blaine,	Chandler,	Ingalls,	Teller,
Booth,	Dawes,	Jones of Nevada,	Windom,
Burnside,	Dorsey,	Kellogg,	Withers.

NAYS—29.

Bailey,	Garland,	McCreery,	Thurman,
Barnum,	Grover,	McDonald,	Voorhees,
Beck,	Harris,	McPherson,	Wadleigh,
Butler,	Herrford,	Maxey,	Wallace,
Coke,	Hoar,	Merrimon,	Whyte.
Davis of W. Va.,	Kernan,	Plumb,	
Eaton,	Kirkwood,	Rollins,	
Eustis,	Lamar,	Saulsbury,	

ABSENT—27.

Bayard,	Dennis,	McMillan,	Randolph,
Bruce,	Edmunds,	Mitchell,	Ransom,
Chaffee,	Gordon,	Morgan,	Saunders,
Cockrell,	Hamlin,	Morrill,	Sharon,
Conkling,	Hill,	Oglesby,	Shields,
Conover,	Johnston,	Paddock,	Spencer.
Davis of Illinois,	Jones of Florida,	Patterson,	

So the amendment was rejected.

The Secretary resumed the reading of the bill to line 1153.

The VICE-PRESIDENT. The Chair understands that last evening it was understood that where the Committee on Appropriations proposed to strike out clauses of the bill the matter should not be read in full, but a statement made by the Secretary of the lines containing the matter.

Mr. DAVIS, of West Virginia. Unless the reading was requested by some Senator.

Mr. HOAR. Unanimous consent was given to that course at the beginning of the consideration of the bill.

Mr. WINDOM. It so happens that the committee desire that the lines now reached should not be stricken out.

The VICE-PRESIDENT. The amendment will be read at length.

Mr. WINDOM. The clause was recommended to be stricken out for want of information, which has since been obtained.

The SECRETARY. It is proposed to strike out from line 1154 to line 1159, both inclusive, in these words:

To pay the American Photolithographic Company, the sum of \$2,000 is hereby appropriated, or so much thereof as may be necessary, to enable the Commissioner of Patents to reimburse said company for the actual expenses it incurred in reproducing ten copies of drawings in 1869 1870.

The VICE-PRESIDENT. The question is on the amendment to strike out the words just read.

Mr. BECK. I desire to ask if the question is on agreeing with the committee in striking out this clause, because I understand the chairman now desires to restore it.

Mr. WINDOM. I have just so stated.

The VICE-PRESIDENT. A negative vote on this amendment will restore the clause.

The amendment was rejected.

The VICE-PRESIDENT. The Secretary suggests that the word "and" is wanting, to make sense. That word will be inserted after "1869," in line 1159.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1165, to insert:

For stable and building for the better preservation of stock, tools, implements, grain, &c., \$1,500.

Mr. PADDOCK. I move, in line 1167, to strike out the words "grain, &c., one thousand" and insert the words "and grain, three thousand;" so as to make the committee's amendment read:

For stable and building for the better preservation of stock, tools, implements, and grain, \$3,500.

This relates to the Department of Agriculture.

Mr. WINDOM. I raise the point of order that the Senator's amendment increases the appropriation, and that it has not been referred to the Committee on Appropriations.

The VICE-PRESIDENT. The point of order is well taken.

Mr. PADDOCK. I desire to state—

The VICE-PRESIDENT. The Chair rules that it is not in order. Does the Senator appeal from the decision?

Mr. PADDOCK. If the Chair will hear me, I think he will decide that it is in order.

Several SENATORS. Regular order!

The VICE-PRESIDENT. It certainly violates the rule in increasing the appropriation.

Mr. PADDOCK. An amendment to this effect was offered by the Committee on Agriculture some days ago, and referred to the Committee on Appropriations, and by them considered. I do not think it has been well considered. The amendment is certainly in order, because it was referred by a committee of the Senate to the Committee on Appropriations, and by that committee considered, and the amount which had been recommended by the Committee on Agriculture, \$5,000, was reduced to \$1,500.

Mr. DORSEY. If the Senator from Nebraska will wait until the committee's amendments are acted upon, then his amendment, as coming from the Committee on Agriculture, will be in order, and he can move it, but not at this time.

Mr. PADDOCK. I will wait until that time, though I think it is in order now.

The VICE-PRESIDENT. The question is on the amendment recommended by the Committee on Appropriations.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment was, after line 1165, to insert:

For laboratory, and equipments to the same, at the Agricultural Department, \$30,000.

The amendment was agreed to.

The next amendment was, in line 1182, after the word "lands," to strike out "twenty-five" and insert "forty," and after the word "dollars," in the same line, to strike out:

For depredations on the public timber: *Provided*, That the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, may be authorized to draw, if necessary, from the Treasury of the United States \$25,000 of the fund paid into the Treasury during the fiscal year, accruing from sales, seizures, or penalties on account of public lands.

So as to make the clause read:

To meet expenses of protecting timber on the public lands, \$40,000.

Mr. JONES, of Florida. I ask the chairman of the Committee on Appropriations what necessity there is for increasing this appropriation from \$25,000 to \$40,000?

Mr. WINDOM. It is not an increase. It is really a reduction. As the bill came from the House of Representatives, the Senator will see on examination, it appropriated \$25,000, and by the proviso \$25,000 additional was appropriated, to be taken from a certain fund. The committee consolidated the two propositions and made the total \$40,000 instead of \$50,000, on consultation with the Commissioner of the General Land Office, who thought possibly he could get along with \$40,000.

The amendment was agreed to.

Mr. ALLISON. That appropriation I think ought to be made immediately available.

Mr. WINDOM. It ought to be so made.

Mr. ALLISON. I move to amend by inserting after the word "dollars," in line 1182, the words "to be immediately available."

The amendment was agreed to.

Mr. PADDOCK. I offer the following amendment to come in after line 1182:

Provided, That the Commissioner of the General Land Office may make settlements with parties who have heretofore cut and removed timber from the public lands, on such terms and conditions as he may deem just, the moneys arising from such settlements to be paid into the Treasury of the United States.

Mr. WINDOM. I understood the Senator to say he was going to propose a mere verbal amendment. I think we had better defer this until we get through with the reading of the bill.

Mr. PADDOCK. Very well; I withdraw it for the present.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, after the word "lands," in line 1190, to strike out "two hundred and sixty-seven thousand five hundred" and insert "three hundred thousand;" and in line 1192, after the word "dollars," to insert "to be available immediately;" so as to make the item read:

For surveying the public lands, \$300,000, to be available immediately.

The amendment was agreed to.

The next amendment was, after line 1212, to insert:

For the survey into tracts of not over one hundred and sixty acres each of that body of public lands lying west of the Indian Territory and north of the parallel of 36° 30' north latitude, \$30,000. When said lands are surveyed, and the surveys thereof shall have been approved, they shall be subject to entry under the homestead and pre-emption laws at the nearest United States land office, to be designated by the Commissioner of the General Land Office.

Mr. EDMUNDS. I make the point of order that that is an entire legislative provision, a special provision about particular lands, and then a general provision as to their general disposition under entry, and the homestead and pre-emption laws. Did it not appear to me to be a dangerous provision in this case, situated as we are, I would not make the point of order; but I feel bound to do it under the circumstances.

The VICE-PRESIDENT. The Chair thinks the point of order is well taken, the rule of the Senate being against general legislation on the bill. Does the Senator from Minnesota in behalf of the committee desire the point submitted to the Senate? ["No!" "No!"] The reading will continue.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 1230, to increase the appropriation "for enabling the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys now on file, and constituting a part of the records of said office," from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, after line 1245, to insert:

That in case of any claim to land in any State or Territory which has been or may hereafter be confirmed by act of Congress, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been or may hereafter be made, to issue patents for the claims so confirmed upon the presentation to the Commissioner of the General Land Office of plats of surveys thereof, approved by the surveyor general of any State or Territory, if the same be found correct by the Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

Mr. EDMUNDS. I make the point of order that that is legislation.

The VICE-PRESIDENT. Clearly. Does the Senator from Minnesota desire the point submitted to the Senate?

Mr. EDMUNDS. Nobody wants it. If the Chair will give me unanimous consent to say one word, that provision is reported from the Committee on Private Land Claims in the form of a bill, and I think the bill is right, but it is clearly legislation and ought not to be here.

The VICE-PRESIDENT. The Chair has no doubt of that.

The reading of the bill was proceeded with.

The next amendment of the Committee on Appropriations was, after line 1261, to insert:

To enable the Secretary of the Treasury to pay for lands wrongfully taken from the owners by the act approved March 3, 1875, to establish the boundary line between the State of Arkansas and the Indian country, \$175,049.57: *Provided*, That the acceptance of such payment by any of such owners shall operate as a relinquishment of claims to said lands on the part of the owners thus accepting; and that one-fourth of whatever may be paid under this act for lands wrongfully taken south of the Arkansas River shall be paid to the proper authorities of the Chickasaw Nation.

Mr. EDMUNDS. Reserving the point of order, I should like to hear that explained a little. I think at this stage of the session I will make the point of order on that without waiting for an explanation.

Mr. GARLAND. Is the point of order debatable?

The VICE-PRESIDENT. It is not debatable until the Chair has decided or it is submitted to the Senate. The Chair thinks the point of order is well taken, but will submit it to the Senate if desired.

Mr. GARLAND. I think if the Senator from Vermont will listen to an explanation of this matter he will withdraw the objection.

Mr. EDMUNDS. If my friend from Arkansas will pardon me one moment, I do not make it out of hostility to the nature of the provision itself, because I know nothing about it; but we have only forty-eight hours more, or thereabout, of this session with the legislative bill behind, and still more than half of this bill to go through. I submit to my friend's good sense, therefore, that if we take up the time necessary to consider and understand each one of these amendments, that make new provisions, except to carry out the law as it is, even this bill cannot get through. That is what leads me to make the point of order, and it is entirely distinct from any reference to how much merit there may be in the case.

Mr. GARLAND. I appreciate very fully the position of the Senator from Vermont, but I cannot see for the life of me under the rule under which the objection is made that this can be called in any sense general legislation. This is a provision to pay a matter that has been standing out now ever since the year 1835 between the United States and the Indian Nation as to the eastern boundary line of the Indian Nation. I should like to ask the Senator from Vermont how else than by an appropriation bill can this be done? I hold in my hand the report made by the Committee on Public Lands, to which this question was first referred, and among other things there is a letter from the Commissioner of the General Land Office, addressed to the chairman of the committee, the Senator from Illinois, [Mr. OGLESBY,] in which he says:

As the aforementioned quantities of land have been wrongfully taken from the Indians, I am of opinion that they should be awarded a reasonable compensation therefor, and that to this end legislation fixing the amount of such compensation is necessary.

How, let me ask the Senator from Vermont, can this reasonable compensation be awarded except by and through an appropriation bill? This is not a legislative appropriation; it is not executive; it is not judicial. Then the question is, where else is the proper place for it except the sundry civil bill? This bill, it has been admitted on the point being raised by some gentleman last night, is a general appropriation bill. Now, there are several classes of appropriation bills; and if the Senator from Vermont will tell me upon what other appropriation bill this belongs, I should be much obliged to him. There is no legislation, says the report in my hand, necessary to fix the boundary; that is already fixed by treaty and by subsequent surveys, as appears in this report, so that all that is left to be done is to award compensation for the land that fell within that boundary when it was definitely fixed by the surveys. You can award this compensation only by appropriating the money.

Now, I cannot see where else or how else this can be done except by and through this very appropriation bill. The Committee on Public Lands considered this matter maturely, and the report which I had the honor to submit from that committee was a unanimous report. Seeing that an appropriation must necessarily be made, and that it was the only way to carry out the requirements of the case, they recommended the very amendment which the Committee on Appropriations have here incorporated and which is now under discussion. After considerable inquiry and considerable investigation, I have not been able to ascertain where else is the proper place for this provision except in this bill.

Mr. President, if this is not appropriate we must go back and strike out at least one-third of the bill that has already been adopted and sanctioned by the Senate. I contend in all sincerity that this has become a chronic matter that should be settled, and settled at an early day.

Mr. EDMUNDS. Will the Senator from Arkansas kindly send me the report of the Committee on Public Lands?

Mr. GARLAND. Certainly.

Mr. EDMUNDS. Chapter 140 of the laws of the second session Forty-third Congress, being an act approved March 3, 1875, provided in the first section of that act that the boundary-line between Arkansas and the Indian country as originally surveyed and marked, &c., be declared to be the true boundary-line. The second section provided that the Secretary of the Interior should cause that boundary-line to be marked in a distinct and permanent manner, &c., and they were to compute the area of the land that fell on one side or the other, and cause monuments to be set up in accordance with the true line, and the old monuments in accordance with the erroneous line to be obliterated. That is all the law there is upon the subject. Now it is said—and I do not question the statement, because I know nothing about it—that the effect of this rectification of the line would be to make sundry titles that are on one side or the other—and it is no matter which for this purpose, because I must condense all I can—invalid, and that the people who were occupying under those titles, be they many or few, were entitled to some redress, to the consideration of Congress to have other lands.

Now instead of this being a bill like the hundreds of bills there are on the Calendar, to decide what is right in respect to these various occupants, whose titles have thus been disturbed, and finding out what is right, then to provide for doing it, this piece of legislation proposes to decide in the first part of the amendment that certain lands were wrongfully taken, and having been wrongfully taken, provision shall be made for ascertaining the extent of compensation to be made for them and then it shall be paid.

Mr. President, if there is anything that may be considered as general legislation covering a class of subjects, and that would be the appropriate thing for a bill, it is this.

My honorable friend from Arkansas asks where shall we do this then? I say do it as you do every subject of legislation that is on the Calendar; do it by a bill which provides either by a decision of Congress or what would be better the decision of some tribunal, to ascertain how many different persons have a just claim for indemnity in some form or other, and having ascertained the persons that have these just claims, if no appropriation were made in the same bill, as it ought to be if they were to be indemnified in money, then an appropriation on a general appropriation bill providing money to carry out that law which had thus provided for the ascertaining of the thing would be a proper item. But the trouble here is that you are proposing to determine a general question of legislation in respect of a class of persons whom the rectification of a boundary between two independent States, in the sense in which I am now speaking of the thing, has thrown upon one side of the line or the other. Why, Mr. President, I only need to state it, it appears to me, to show to my friend from Arkansas, whose interest in this matter I perfectly recognize and sympathize with, that this is just as general legislation as any single bill there is on the Calendar. If we had two or three days' time to explore the whole thing, and make adequate provision for settling all these cases justly, then there would be no more objection than there is to any log-rolling bill as it may be called, to putting in this appropriation bill all the bills on the Calendar.

The VICE-PRESIDENT. Is the pending committee amendment in order under the twenty-ninth rule of the Senate?

Mr. DORSEY. A few years ago an act was passed directing the Commissioner of the General Land Office to ascertain accurately the

western boundary-line of Arkansas, and in the course of that ascertainment to learn how much land should be taken from the Choctaw tribe of Indians and added to the State of Arkansas that properly belonged to the Choctaw Nation under previous treaties and under the law establishing the western boundary-line of that State many years ago. That survey has been made; the amount of land belonging to the Choctaws has been ascertained; it has been reported to this body; the amount sold to settlers, the money received into the Treasury, all has been stated. There is no further ground to go over on this subject. All the facts that can be obtained have been laid before us, and of the one hundred and thirty thousand and odd acres of this land which belonged to these Indians, seventy-seven thousand acres have been sold by the Government at \$1.25 an acre, and the money is in the Treasury. The rest of the land has either been entered upon by homestead entry or now belongs to the Government, or has been appropriated by the Government to railway companies.

I cannot understand what further information the Senate wants before passing upon this question. It is a simple question whether we are going to pay these people for the land we have taken from them and sold to somebody else and got our pay for.

The VICE-PRESIDENT. Is the pending committee amendment in order under the twenty-ninth rule of the Senate?

Mr. GARLAND and Mr. DORSEY called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 9:

YEAS—36.

Bailey,	Eustis,	Lamar,	Plumb,
Barnum,	Ferry,	McCreery,	Ransom,
Beck,	Garland,	McDonald,	Rollins,
Butler,	Gordon,	McPherson,	Sargent,
Chandler,	Grover,	Maxey,	Teller,
Cockrell,	Harris,	Merrimon,	Thurman,
Coke,	Hersford,	Mitchell,	Voorhees,
Dennis,	Ingalls,	Morgan,	Windom,
Dorsey,	Jones of Florida,	Oglesby,	Withers.

NAYS—9.

Anthony,	Davis of Illinois,	Hoar,	Morrill,
Cameron of Pa.,	Edmunds,	Matthews,	Wadleigh.
Cameron of Wis.,			

ABSENT—31.

Allison,	Conover,	Jones of Nevada,	Saulsbury,
Bayard,	Davis of W. Va.,	Kellogg,	Saunders,
Blaine,	Dawes,	Kernan,	Sharon,
Booth,	Eaton,	Kirkwood,	Shields,
Bruce,	Hamlin,	McMillan,	Spencer,
Burnside,	Hill,	Paddock,	Wallace,
Chaffee,	Howe,	Patterson,	Whyte.
Coukling,	Johnston,	Randolph,	

The VICE-PRESIDENT. The amendment is admitted as in order. The question is on agreeing to the amendment.

The amendment was agreed to; there being on a division—yeas 34, nays 8.

Mr. VOORHEES. I move, on page 52, after line 1273, to insert:

For the fulfillment of the obligations of the United States as trustees under the treaty with the Great and Little Osage Indians, proclaimed January 21, 1867, to dispose of the lands described in said treaty at a price not exceeding \$1.25 per acre, that sum of money shall be and is hereby appropriated and placed to the credit of the Secretary of the Interior which would have accrued to said trust at the date of the settlement required herein had all of the Osage lands in Kansas that have been alienated by the United States been sold at \$1.25 per acre, and the proceeds disposed of as provided for by said treaty, less the sum that has been placed to the credit of said Osages in the Treasury of the United States on account of sales of said lands; and after deducting and paying the cost of survey and sale of said lands as contemplated in said treaty, and the expenses incurred by said Osages in enforcing the proper execution of said trust, the Secretary of the Interior shall cause the remainder of the sum herein provided for to be passed to the credit of said Indians in the Treasury of the United States.

And I ask leave to make a short statement in this connection.

Mr. WINDOM. I ask the Senator to withdraw his amendment until it is in order in point of time. It is in order neither in point of time nor in substance now.

Mr. VOORHEES. Very well; but I suppose I can occupy five minutes under the rule. Mr. President, I propose—

Mr. WINDOM. Under what rule?

Mr. VOORHEES. Under the five-minute rule.

Mr. WINDOM. On what subject?

Mr. VOORHEES. On the amendment I offer.

Mr. WINDOM. I raise the point of order that the amendment is not in order and is not debatable.

Mr. VOORHEES. I have a right to speak to that or the whole bill.

The VICE-PRESIDENT. The Chair does not comprehend the amendment. It has not been reported at the desk.

Mr. VOORHEES. I read it purposely to make some comments.

The VICE-PRESIDENT. It will be sent to the desk and reported.

Mr. VOORHEES. I send up my amendment.

The Secretary read the proposed amendment.

The VICE-PRESIDENT. The Senator from Minnesota will state his point of order.

Mr. WINDOM. I stated that this amendment was out of order in point of time, but I believe there is no rule that is violated in that regard. So, waiving that, I raise the point of order that it is not recommended by any committee, and therefore is not in order.

The VICE-PRESIDENT. The point of order is well taken.

Mr. VOORHEES. Have I not the right to be heard a moment?

As a matter of course I state to Senators with great frankness that I would not introduce a measure of this kind had it not been very carefully considered by others besides myself. On the 16th of December, at this session, I introduced a bill to carry out our treaty with the Osage Indians; which was referred to the Committee on Indian Affairs, of which my friend, the Senator from Iowa, [Mr. ALLISON,] is chairman. Having done that, I entered into a correspondence with the Commissioner of Indian Affairs in regard to the justice of this measure. The facts in regard to this matter are as follows:

The State of Kansas was admitted into the Union by an act of Congress approved January 29, 1861. In 1867, January 21, a treaty before that time negotiated between the United States and the Great and Little Osage Indians was duly proclaimed by the President. By the second article of that treaty the Osage Indians ceded to the United States a tract of land twenty miles in width from north to south off the north side of the remainder of their then reservation, to be held in trust for said Indians, and to be surveyed and sold for their benefit, under the direction of the Commissioner of the Land Office, at a price not less than \$1.25 per acre. The proceeds of such sales were, after deducting the expenses of surveying and selling, to be placed in the Treasury of the United States to the credit of said tribe of Indians.

Congress, however, utterly disregarding the provisions of this treaty, by a joint resolution approved April 10, 1869, provided that the sixteenth and thirty-sixth sections in each township of such lands should be reserved for school purposes in accordance with the act of admission of the State of Kansas. Congress therefore withdrew from sale to purchasers and donated to the State of Kansas two sections, that is, one thousand two hundred and eighty acres of these lands, in every township in direct violation of this treaty. There is not a shadow of justification for it; and that the Indians are entitled to be credited with the proceeds of these lands is as clear as any proposition was ever made under the sun.

In correspondence with the Commissioner of Indian Affairs I received the following on this subject:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 4, 1879.

SIR: In reply to your verbal request I have the honor to state that the number of acres contained in the sixteenth and thirty-sixth sections of the Osage trust and diminished reserve lands in the State of Kansas are as follows: Osage trust and diminished reserve lands in place, 447,472.55 acres; Osage trust and diminished reserve lands sold by the Government, 11,034.83 acres; making an aggregate of 458,507.38 acres, for which the Osages have received no compensation.

These figures are correct, and should be substituted for those sent you before, which were furnished in haste by the Land Office, without opportunity for verification.

Very respectfully, your obedient servant,

E. A. HAYT, *Commissioner*.

Hon. D. W. VOORHEES,
United States Senate.

I also received from the Commissioner of Indian Affairs the following:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1879.

SIR: Referring to my letter to you of yesterday suggesting certain amendments to Senate bill No. 1507, Forty-fifth Congress, third session, I have the honor to say that, in my judgment, the addition of the following proviso to section 2 of said bill will answer all the purposes designed to be accomplished by said amendments, and respectfully submit the same for use in lieu thereof, as follows:

Provided, That a like settlement shall be made with the Indian civilization fund for school lands given by the United States to the State of Kansas within the limits of the Osage lands ceded in the first article of the treaty aforesaid.

Very respectfully, your obedient servant,

E. A. HAYT, *Commissioner*.

Hon. D. W. VOORHEES,
United States Senate.

These and other letters were submitted by me to the chairman of the Committee on Indian Affairs, the Senator from Iowa, and by him examined, and I am authorized to say that he concurs with me in the statements I am making and that this is a claim of the very highest merit, the very highest dignity and obligation.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. VOORHEES. May I speak a moment longer?

The VICE-PRESIDENT. Is there unanimous consent?

Mr. DORSEY. I suggest to the Senator that he present this amendment, and whatever remarks he has to make upon it he can make when the Committee on Appropriations get through with their amendments.

Mr. WINDOM. He might as well finish now.

Mr. VOORHEES. I want to justify myself—

The VICE-PRESIDENT. Is there unanimous consent to the Senator from Indiana continuing his remarks?

Mr. WINDOM. For how long?

Mr. VOORHEES. Just a moment more. I do not want to seem to be intruding on the Senate. This may be regarded by the Senate as a surprise, but it should not be so considered. This matter has been considered by the Commissioner of Indian Affairs, and the measure I present has been recommended by him and recommended by the chairman of the Committee on Indian Affairs of this body, but not having time to get a formal report from the Committee on Indian Affairs, I submitted it and had it referred to the Committee on Appropriations as an amendment to the sundry civil appropriation bill. I went before the Committee on Appropriations yesterday and made

the statement which I have made upon the floor now, and I understood from the committee that there was not a single objection to this measure on its merits, but that it was agreed to be a measure of justice long delayed, and which ought to be provided for at the first opportunity.

We cannot afford to violate our obligations with helpless people. I hope the Senate will embrace this opportunity to do this act of delayed justice, and I appeal to the Senators upon the Committee on Indian Affairs and the Committee on Appropriations to say whether I have inaccurately stated this matter in any single particular.

The VICE-PRESIDENT. The Chair desires to ask the Senator from Indiana is this amendment moved by any standing committee of the Senate, and has it been one day before this day referred to the Committee on Appropriations?

Mr. VOORHEES. Yes, sir; it has been so referred.

The VICE-PRESIDENT. Was it moved by a standing committee of the Senate?

Mr. VOORHEES. No; it was referred to the Committee on Appropriations through me.

Mr. WINDOM. What standing committee?

The VICE-PRESIDENT. None.

Mr. BLAINE. I understand this case, which has been very clearly presented by the Senator from Indiana, to be just this: the United States agreed to take from the Osage tribe of Indians, and pay for it at the rate of \$1.25 per acre, a certain tract of land. After they had taken it under this agreement, they agreed, by a subsequent enactment, to give to Kansas the sixteenth and thirty-sixth sections for school purposes, and they did this without giving any credit whatever to the Indians. In other words, they agreed to give a school fund to Kansas at the expense of the Osage tribe of Indians. Now this amendment certainly does not propose to take a dollar out of the Treasury for any attorney or any job, or anything of that sort. It merely says that the Osage tribe of Indians shall have credited to them on the books of the Interior Department the amount of money to which they are clearly entitled under the treaty, and it is recommended by the Commissioner of Indian Affairs, and, I believe, has had the general assent of every person to whom it has been presented. It is an act of simple and pure justice, in which there is no one interested except the United States to do justice, and the wards of the United States to receive justice.

Mr. WINDOM. Is the point of order debatable?

The VICE-PRESIDENT. It is, having been submitted to the Senate.

Mr. PLUMB. I concur in the statement made by the Senator from Maine and the Senator from Indiana in regard to this claim, but I desire to correct a seeming misapprehension on the part of the Senator from Maine in regard to the General Government, having given to the State of Kansas—

The VICE-PRESIDENT. The merits are not debatable.

Mr. WINDOM. I give notice that I will insist on the enforcement of the rule.

The VICE-PRESIDENT. The Chair desires to state the real condition of the question. This amendment, if the rules of the Senate are to be observed, is not in order unless it was originally moved by some standing committee of the Senate. The Senator from Indiana admits that it was not, and the question now is, Shall it be admitted by unanimous consent?

Mr. SARGENT. I object.

The PRESIDING OFFICER. The Senator from California objects. Does the Senator from Indiana desire to appeal from the decision of the Chair?

Mr. McDONALD. Do I understand that where an amendment has been submitted by a Senator and referred to the Committee on Appropriations, it is not in order?

The VICE-PRESIDENT. The rule does not recognize that transaction. The rule requires a standing committee originally to move the amendment, and then that it shall be referred one day, before action shall be taken upon it, to the Committee on Appropriations.

Mr. McDONALD. Unless a standing committee move an amendment does the Chair rule it out of order.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. BLAINE. I thought the Chair submitted the point in this case to the Senate.

The VICE-PRESIDENT. The Chair did not. The Chair asked the Senator from Indiana [Mr. VOORHEES] if he desired to appeal.

Mr. VOORHEES. I do not want to appeal from the decision of the Chair on a point of order, of course.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill. The Chair desires to say, in order that his ruling may be understood, that in those cases where Senators have introduced amendments and asked that they be referred to the Committee on Appropriations, and they are adopted by the Committee on Appropriations, the Chair will not go behind the record of that committee.

Mr. McDONALD. But if not adopted by the Committee on Appropriations they cannot be offered in the Senate?

The VICE-PRESIDENT. The Chair so holds, unless the particular amendment was originally introduced by a standing committee of the Senate and approved by the Committee on Appropriations.

Mr. BLAINE. That is a good deal larger power than I have ever yet known belonged to the Committee on Appropriations, that their

mere *ipse dixit* could place an amendment beyond all objection. I am glad I belong to that committee with these large powers.

The VICE-PRESIDENT. A standing committee can do what it pleases in the way of moving amendments. The reading of the bill will be continued.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after the word "survey" in line 1336, to insert "of the Territories;" so as to read:

For the expenses of the geological survey of the Territories and the classification of the public lands, &c.

The question being put, a division was called for.

Mr. SARGENT. What objection is there to this? Unless the intention is also to adopt the proposition that was made in another bill to consolidate the land surveys, the coast survey, and interior geological and geographical surveys in the hands of the Coast Survey, then these words ought to be omitted from the bill. Congress at its last session improvidently authorized a body called the Academy of Sciences to report a plan for the consolidation of the surveys; and they with a singular incongruity, showing little reflection, recommended that a body whose duties are confined entirely to the coasts and which adopts very expensive methods, necessarily on account of the nature of its work, shall be changed into an amphibious animal living upon land and water as well, that this Coast Survey shall be extended all through the interior, that it shall deal with geological and botanical questions, with paleontology and ethnology, and that the surveys, which heretofore have been made under the authority of the United States and which have made the name of American scientific exploration illustrious, shall be dispensed with and thrown over.

Now, the Committee on Appropriations do not believe in anything of the kind. One of these surveys was carried on by Dr. Hayden, very well known for the contribution it has made to the positive knowledge upon scientific subjects on behalf of the American Government, and I hold in my hand a little volume which contains publications which have been made and letters written by eminent men, showing the high estimation in which the work of this exploring expedition has been held.

I desire to call the attention of the Senate to a letter written by Professor Asa Gray, of Harvard University, referring to this survey. He says:

It has come in my way to know a good deal about Dr. Hayden's territorial surveys for several years past, especially as to their scientific results; and of late my attention has been still more called to them. I wish here, not only to express emphatically my own opinion of their great value and of the importance of continuing them, but also to testify to the deep impression they are making upon the scientific world. In Europe the learned societies, the scientific journals, as also the working naturalists in correspondence, speak with one accord in terms of admiration, not unminged with envy, of what our Government has done and is doing in this regard; and I observe that Dr. Hayden's survey and the resulting publications are put forward as the type and exemplar.

S. H. Seudder, late president of the Appalachian Club, testifies to the same thing, and Professor William B. Rogers, of Boston, Massachusetts; Professor Wolcott Gibbs, of Cambridge; Professor W. D. Whitney, of Yale College; Baron Von Richtofen, president of the Berlin Geographical Society; and Hon. George P. Marsh, United States minister at Rome, in a recent letter also testified to his appreciation and the appreciation of the scientists of Europe of this great survey. Sir Joseph D. Hooker, a distinguished botanist, director of the Garden of Kew and president of the Royal Society of England, gives the same testimony, and Professor A. Geikie, professor of mineralogy in the University of Edinburgh and director of the geological survey of Scotland, testifies the same.

Mr. EDMUNDS. What document is the Senator reading from?

Mr. SARGENT. I am reading from a book which is a collection of these views.

Mr. EDMUNDS. It is not a public document from which the Senator is reading.

Mr. SARGENT. It is not. It is a private document.

Mr. EDMUNDS. I beg pardon. I thought I might get a copy.

Mr. SARGENT. In order to show that this estimation is general, I quote an extract from the Popular Science Review, of October, 1878, London, England:

We have once more to call attention to a long series of valuable publications issued either by the General Government of the United States or by individual States, and we do this with a certain feeling of sadness, as we have heard a rumor that, perhaps, the most important of the sources to which we are indebted for this seemingly perennial spring of a scientific literature, namely, the "geological and geographical survey of the Territories," so ably conducted by Dr. F. V. Hayden, is about to be, if not suppressed, at least considerably shorn of its means of useful work.

The work done by this survey is so exceedingly good, and the importance of accurate information upon the natural phenomena of a new country like these western Territories is so great that we cannot imagine any valid objection being raised to the continuance of its labors. We must, therefore, express a hope that no check will be put upon the activity of Dr. Hayden and his staff of assistants, and that we may still from time to time be able to announce the results of their researches.

I have not time to read more at length from this book. I have named but a small number of the persons who in America and in Europe have testified to the high scientific value of these researches in the Territories of the United States, made under the auspices of the Government. Now comes in a society which never has originated anything, which has published no original work whatever, except a volume of obituaries of some of its members, an association incorpo-

rated at its own request, made up of a few specialists, and they ask that this work be devolved upon an institution organized for a useful purpose and carrying on that purpose usefully, but incongruous in organization and methods to this work. The result of this is to be great, immense work for specialists. That can be the only effect of it, and for this we are to break up a system which has been brought to an extremely economical basis, which is producing most valuable results, and which is appreciated both at home and abroad. Among those of my constituents who ask for the publications of Congress there are none so urgent as those who desire Professor Hayden's reports. Other surveys may have their value, but none of their publications are sought for with as much avidity as those of Dr. Hayden.

I think one reason why they are valuable to the people generally is that while they are really scientific works they are written in such a popular way that they facilitate the studies of ordinary students. It is a well-known fact that the school-books of the country are largely indebted to this source for the materials which have been wrought into their text; as, for instance, the best work recently published on botany takes whole pages from the publication of Dr. Hayden, and in all the geological text-books recently edited the researches of Dr. Hayden have been brought into use.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. DAWES. I should like to inquire of the Senator from California, with the leave of the Senate, if the committee's amendment prevails how it leaves this survey? The Senator may now have my time.

Mr. SARGENT. If the committee's amendment prevails I understand that it will continue this survey in the manner it has been done heretofore.

Mr. DAWES. It will continue Dr. Hayden's survey?

Mr. SARGENT. Yes, sir; in the manner it has been done heretofore.

Mr. BECK. I rise to ask the Senator from California a question, if he will listen to me for a moment, for what it is worth. The Committee on Appropriations in a bill which will be before us this afternoon, the legislative, executive, and judicial appropriation bill, have stricken out the second section, in reference to the whole system of surveys. Will it be necessary to restore that section in order to preserve this?

Mr. SARGENT. I beg the Senator's pardon.

Mr. BECK. I simply desire to know if the recommendation of the Committee on Appropriations prevails to strike out the second section of the legislative appropriation bill, relative to the whole system of surveys, whether it will be necessary to restore, on page 55 of this bill, the lines that are stricken out, which were inserted by the House in order to carry on the present system, my desire being that if we do not have time to adopt the new system we shall not destroy the one that we have.

Mr. SARGENT. It is necessary, if the action of the committee is sustained on the legislative bill, to strike out these words. These words reverse the whole purpose of the committee.

Mr. BECK. That is all I desire to know.

Mr. SARGENT. But the present amendment is a mere formal one. After the words "the geological survey" it adds the words "of the Territories," as this survey has been hitherto called "the Geological Survey of the Territories." My impression is, however, that "the Geographical and Geological Survey of the Territories" is the designation of the present survey.

Mr. BECK. My only desire was to prevent confusion.

Mr. SARGENT. This prevents it, and at the same time preserves a valuable organization that is doing a beneficent work, appreciated by the highest scientific authorities at home and abroad. The field is ample for a continuance of the work. I think the agency of but one organization is needed, but I see no reason why, because there are more than one, the best one should be broken up, and a recommendation should be adopted that reads like a caricature on the whole subject.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Appropriations, in the thirteen hundred and thirty-sixth line of the bill, to insert in that and the succeeding line the words "of the Territories."

The amendment was agreed to.

Mr. SARGENT. To carry the idea a little further and perfect it, I move before the word "geological," in line 1336, to insert the words "geographical and."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after the word "domain," in line 1339, to strike out the words:

Provided for under the — section of the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," approved March —, 1879, to be expended by the director of the geological survey.

So as to read:

For the expenses of the Geographical and Geological Survey of the Territories, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, to be expended under the direction of the Secretary of the Interior, \$100,000.

The amendment was agreed to.

The next amendment was, after line 1346, to insert:

For the preparation of reports, maps, and such other illustrations as may be nec-

essary for completing the office work of the Geographical and Geological Survey of the Rocky Mountain Region, \$20,000, to be immediately available.

Mr. WINDOM. There is an error in that which I desire to correct. I move to strike out in line 1349 the words "geographical and geological" and insert "geological and geographical," transposing the words.

The VICE-PRESIDENT. To which the Chair hears no objection.

Mr. WINDOM. In line 1350, I move to strike out the words "Rocky Mountain region" and insert "Territories."

The VICE-PRESIDENT. To which the Chair hears no objection.

The amendment, as modified, was agreed to.

The next amendment was, after line 1351, to insert:

For the completion of the reports of the Geographical and Geological Survey of the Rocky Mountain Region, with the necessary maps and illustrations, \$20,000; to be immediately available.

Mr. WINDOM. I move the same amendment to that as the preceding clause, transposing the words "geographical" and "geological," and striking out "Rocky Mountain region" and inserting "Territories."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment was, after line 1355, to insert:

For the preparation of reports, maps, and such other illustrations as may be necessary for completing the office-work of the geographical surveys west of the one hundredth meridian, under the direction of the Secretary of War, \$20,000; to be immediately available.

The amendment was agreed to.

The next amendment was, in line 1379, before the word "thousand," to strike out "sixty" and insert "seventy;" and in the same line, after the word "dollars," to insert:

And of this sum not exceeding \$1,000 may be used for transporting patients to their friends.

So as to make the clause read:

Current expenses, Government Hospital for the Insane: For support, clothing, and treatment of the insane of the Army, Navy, Marine Corps, and Revenue Cutter Service, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane of the District of Columbia, in the Government Hospital for the Insane, \$170,000; and of this sum not exceeding \$1,000 may be used for transporting patients to their friends.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. No. 989) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands;

A bill (S. No. 1285) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872;

A bill (S. No. 1073) granting lands to the State of Minnesota in lieu of certain lands heretofore granted to said State;

A bill (S. No. 362) granting a pension to A. G. Ege;

A bill (S. No. 399) granting a pension to Abigail S. Tilton;

A bill (S. No. 663) granting a pension to William H. H. Buck;

A bill (S. No. 687) granting a pension to William H. Bagley;

A bill (S. No. 872) granting a pension to Mrs. Ann W. Steele;

A bill (S. No. 801) to amend section 2403 of the Revised Statutes of the United States in relation to deposits for surveys;

A bill (S. No. 889) granting a pension to John Etzell;

A bill (S. No. 929) granting a pension to Hiram Howard;

A bill (S. No. 932) granting a pension to Cornelius Le Roy;

A bill (S. No. 969) granting a pension to Mrs. N. E. Belrichards;

A bill (S. No. 971) granting a pension to William Leibig;

A bill (S. No. 996) granting a pension to Edmund Woog;

A bill (S. No. 1310) granting a pension to Edmund R. Batchelder;

A bill (S. No. 1049) granting a pension to Richard Middleton;

A bill (S. No. 1163) granting a pension to Mary E. Parker;

A bill (S. No. 1188) granting a pension to Harmon Vann;

A bill (S. No. 1189) granting a pension to Ellen Devlin;

A bill (S. No. 1214) granting a pension to Amos Argle;

A bill (S. No. 1309) granting an increase of pension to Isabella H. Silvey;

A bill (S. No. 1380) granting a pension to Josiah Kellogg;

A bill (S. No. 1419) granting a pension to Mrs. Rosa Gale;

A bill (S. No. 1509) granting a pension to John Willans;

A bill (S. No. 1625) to remove the political disabilities of William T. Welcker, of California;

A bill (S. No. 1705) granting an increase of pension to James C. Daggett;

A bill (S. No. 1723) granting arrears of pension to Mrs. Jane Dunlany;

A bill (S. No. 1741) granting a pension to Elizabeth McNeil Benham;

A bill (S. No. 1742) granting a pension to Frances McNeil Potter;

A bill (S. No. 1759) granting a pension to Sarah E. Webb and minor children.

A bill (S. No. 1775) to remove the political disabilities of Isaac R. Trimble, of Baltimore County, Maryland;

A bill (S. No. 1776) to remove the political disabilities of Henry H. Lewis, of Baltimore, Maryland;

A bill (S. No. 1841) granting a pension to John McNulta;

A bill (S. No. 1844) to remove the political disabilities of S. W. Ferguson, of Mississippi; and

A bill (S. No. 1848) granting an increase of pension to Charles C. Smith.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Twenty-fourth Regiment Indiana Volunteers;

A bill (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers;

A bill (H. R. No. 520) granting a pension to Daniel Middough;

A bill (H. R. No. 550) granting a pension to Mary A. Allen;

A bill (H. R. No. 585) for the relief of Daniel C. Putnam;

A bill (H. R. No. 698) granting a pension to Nathan Udell;

A bill (H. R. No. 830) granting a pension to Elizabeth Teagarden;

A bill (H. R. No. 846) for the relief of Thomas C. Young, late private Company F, Thirty-ninth Iowa Infantry;

A bill (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple;

A bill (H. R. No. 1045) to place George W. Browning on the pension-roll;

A bill (H. R. No. 1055) granting a pension to Samuel B. Robertson;

A bill (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late a private in Company B, Fifty-eighth Illinois Volunteers;

A bill (H. R. No. 1842) granting a pension to Henry Grossman, late a private in Company G, One hundred and fifty-fourth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 1959) granting a pension to John Haley;

A bill (H. R. No. 2172) granting a pension to De Forest Doty, of Timmouthe, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry;

A bill (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;

A bill (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee;

A bill (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry;

A bill (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general, United States Army;

A bill (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment;

A bill (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl;

A bill (H. R. No. 2769) granting an increase of pension to Catherine H. Gallagher, widow of Captain John Gallagher, late of United States Army;

A bill (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio;

A bill (H. R. No. 2975) granting a pension to William Reynolds, late a private Company G, Thirteenth Regiment Indiana Volunteers;

A bill (H. R. No. 3108) granting a pension to Hugh B. Makin, late a private of Company A, Eighth Regiment United States Volunteers;

A bill (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased;

A bill (H. R. No. 3150) granting a pension to Joseph Ward;

A bill (H. R. No. 3196) granting a pension to William H. Garrett, late private Company B, Fifty-sixth Regiment Illinois Infantry Volunteers;

A bill (H. R. No. 3332) granting a pension to Nathan A. Winters;

A bill (H. R. No. 3408) granting a pension to Samuel V. Adams;

A bill (H. R. No. 3676) for the relief of Benjamin Sanders;

A bill (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris;

A bill (H. R. No. 4368) granting a pension to Johanna Kuhlman;

A bill (H. R. No. 4371) granting a pension to Ludwig Ueber;

A bill (H. R. No. 4379) granting a pension to Mary Bradley Cross;

A bill (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifty-first Infantry, United States Army;

A bill (H. R. No. 4391) granting a pension to Susan Humes;

A bill (H. R. No. 4494) granting a pension to John Grubbins;

A bill (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles Thomas, deceased;

A bill (H. R. No. 4691) granting a pension to Hannah Hallam;

A bill (H. R. No. 4694) granting a pension to James Riley, late private in Company D, Forty-first Regiment United States Infantry;

A bill (H. R. No. 4695) granting a pension to James Buchanan;

A bill (H. R. No. 4696) granting a pension to Cynthia Spradlin;

A bill (H. R. No. 4697) granting a pension to Philip Thon;

A bill (H. R. No. 4698) granting a pension to Helen Crabbe;

A bill (H. R. No. 4701) granting a pension to J. W. Staplin;

A bill (H. R. No. 4702) granting a pension to Catharine Gemmill and children;

A bill (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers;

A bill (H. R. 4794) granting a pension to Peter Yarnell, late a private in Company D, Twelfth West Virginia Volunteers;

A bill (H. R. No. 4983) granting a pension to Sarah H. Bradford; and

A bill (H. R. No. 4987) granting a pension to James H. Cook.

The message also announced that the House had passed the bill (S. No. 373) to amend an act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouri and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska, with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers;

A bill (H. R. No. 550) granting a pension to Mary A. Allen;

A bill (H. R. No. 585) for the relief of Daniel C. Putnam;

A bill (H. R. No. 698) granting a pension to Nathan Udell;

A bill (H. R. No. 830) granting a pension to Elizabeth Teagarden;

A bill (H. R. No. 846) for the relief of Thomas C. Young, late private Company F, Thirty-ninth Iowa Infantry;

A bill (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple;

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A bill (H. R. No. 4983) granting a pension to Sarah H. Bradford;

A bill (H. R. No. 4987) granting a pension to James H. Cook;

A bill (H. R. No. 4414) to amend the laws relating to internal revenue; and

A joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to Hon. R. C. McCormick by American exhibitors at the Paris exhibition.

PRINTING OF A REPORT.

Mr. TELLER submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 2,000 additional copies of the report of the select committee to inquire into alleged frauds in the late elections, with the accompanying testimony, of which 800 copies shall be for the use of the Senate and 1,200 copies for the House of Representatives.

HOUSE BILL REFERRED.

Mr. COCKRELL. I ask to have the bill which has just come from the House for the allowance of certain claims reported by the accounting officers taken up and referred to the Committee on Claims.

By unanimous consent, the bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes, was read twice by its title, and referred to the Committee on Claims.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. No. 55) for the relief of John W. Douglass;

An act (S. No. 290) for the relief of James D. Holman;

An act (S. No. 793) for the relief of Edwin R. Clarke; and

An act (S. No. 837) for the relief of the officers and privates of the New Mexico Mounted Volunteers.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6471) making appropriations for sundry

civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was, to strike out lines 1444 to 1454, inclusive, in the following words:

That so much of "an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878, as is in the words following, "to pay to Charles P. Birkett the sum of \$32,505.71, to reimburse the said Birkett, late United States Indian agent, for amount expended by him for the benefit of the Indians at Ponca agency, Dakota," be, and the same is hereby, repealed.

Mr. BECK. After further reflection the Committee on Appropriations have requested me to propose to reinstate these words and move to add to the provision inserted by the House of Representatives, at the end of line 1454, the following:

And the said Charles P. Birkett is hereby authorized and empowered to institute and prosecute suit against the United States in the Court of Claims for the recovery of the amount claimed by him as provided in the act aforesaid, under the rules and regulations governing proceedings in said court, with the right of appeal to the Supreme Court of the United States, to either said Birkett or the United States, from the judgment of the Court of Claims in said case.

The VICE-PRESIDENT. The matter proposed to be stricken out will be restored if there is no objection. The Chair hears none, and the question is on agreeing to the amendment of the Senator from Kentucky to the text of the bill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1457, to insert:

For the removal of the Mueche, Capote, and Weeminche bands of Ute Indians to the new reservation provided for; them under the terms of an agreement made by the United States through Edward Hatch, N. C. McFarland, and Lot M. Merrill, commissioners, and the above-named bands of Ute Indians, at Pagosa Springs, in the State of Colorado, upon the 9th day of November, A. D. 1878, and for the erection of suitable agency buildings, including residence for agent upon said new reservation, \$20,000.

Mr. COCKRELL. I desire to ask the chairman or some member of the committee where this reservation is.

Mr. DORSEY. It is a part of the old Ute reservation, that part lying south of the Rio Grande River, adjoining the north line of Mexico and east of the San Juan River, surrounding Pagosa Springs, which has been reserved by special order for this purpose, and was selected by the commissioners named in the amendment.

The amendment was agreed to.

The next amendment was, after line 1500, to insert:

For a fire-proof building for the use of the National Museum, three hundred feet square, to be erected under the direction and supervision of the regents of the Smithsonian Institution, in accordance with the plans now on file with the Joint Committee on Public Buildings and Grounds, on the southeastern portion of the grounds of the Smithsonian Institution, \$250,000; said building to be placed east of the Smithsonian Institution, leaving a roadway between it and the latter of not less than fifty feet, with its north front on a line with the south face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

The amendment was agreed to.

The next amendment was, after the words "Court of Claims," in line 1531, to strike out the words "that have been or may be rendered, but have not yet been appealed from, in the event of non-appeal;" and in line 1533, after the word "hundred," to insert "and twenty-five;" so as to read:

For payment of judgments of the Court of Claims, \$125,000.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read the following paragraph, from line 1574 to line 1592, inclusive:

Expenses of territorial courts in Utah: For defraying the contingent expenses of the courts, including compensation of the United States district attorney, and the fees, per diem, and traveling expenses of the United States marshal in the Territory of Utah, with expenses of summoning jurors; subpoenaing witnesses; of arresting, guarding, and transporting prisoners; of hiring and feeding guards; and of supplying and caring for the penitentiary, to be expended only under the direction and order of the Department of Justice, upon accounts duly verified and certified, \$20,000. And this appropriation may be used, under the direction of the said Department, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

Mr. EATON. I desire to ask the attention of the Senate to this clause, because I think that from line 1584, after the word "dollars," to the close of the paragraph, the matter should be stricken out.

Mr. WINDOM. Will the Senator do the committee the favor to wait until the committee's amendments are acted upon, and defer this matter?

Mr. EATON. Certainly; only I desire to go back to it when the amendments of the committee are acted upon, and I give notice that I shall move the amendment I have suggested.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The amendment is not now in order until the amendments reported by the committee are acted upon. The next amendment of the Committee on Appropriations will be reported.

The next amendment was to strike out line 1593 to line 1601, inclusive, in the following words:

That so much of the act "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878, as requires the authorities of the county of Madison, or

town of Jackson, Tennessee, to provide suitable buildings, free of any expense to the United States, for holding the United States district and circuit courts, be, and the same is hereby, repealed.

Mr. HARRIS. I desire to appeal to the Committee on Appropriations and to the Senate to non-concur in the amendment proposed by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HARRIS. I simply wish to say that the provision of the law requiring terms of the circuit and district courts of the United States to be held at the town of Jackson, County of Madison, was upon the condition that is recited in this amendment. In obedience to that condition the people of the County of Madison have tendered to the Federal court a room in the court-house of the county, which from personal knowledge I can say is as good a court-house as can be found within the limits of Tennessee. But the judges of the Federal courts, the circuit and district judges, decline to accept quarters in the court-house building because the State courts are held there; that is, the building the use of which was tendered to the Federal Government free of expense. The courts thus far have failed because of the fact that the circuit and district judges decline to take a room in the court-house of the county which has been tendered them. The question now is, shall the courts fail to be held there entirely because of that fact, or shall the courts at Jackson be put upon the same basis as all the other circuit and district courts in the United States in regard to the court-rooms provided by the Government? I can state to the Senate that from my knowledge of rentals in that locality, suitable quarters can be obtained at a cost not to exceed from three to five hundred dollars a year. I ask that a letter from the Attorney-General upon this exact question which I send to the Chair be reported to the Senate.

The PRESIDING OFFICER. The Secretary will read the letter. The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, February 1, 1879.

SIR: At the last session of Congress (act of June 20, 1878) it was provided that a term of the district and of the circuit court should be held at the town of Jackson, in the county of Madison, Tennessee, at such times as the judges thereof should respectively fix, "whenever the authorities of said county or town shall provide suitable buildings therefor, free of any expense to the United States."

The rest of the law contemplates obviously the holding of the terms as soon as provision therefor can be made.

There seems to be a difficulty in carrying out this enactment on account of the question as to what accommodations are needed, and how long provision therefor should be made by the county or town, although attempts have been made by the county authorities and by the judges to arrange the matter.

In view of this, I would respectfully suggest that the provision "whenever the authorities of said county or town shall provide suitable buildings therefor free of any expense to the United States" should be stricken out from the law. If this is done, the necessary provision for the holding of the terms (if it is deemed necessary by Congress that they should be held at this place) can be made under the general appropriation for the judiciary fund.

Very respectfully, your obedient servant,

CHARLES DEVENS,
Attorney-General.

Hon. J. D. C. ATKINS,
Chairman Appropriations Committee, House of Representatives.

Mr. HARRIS. It is due to the Committee on Appropriations that I should state that the letter from the Attorney-General was not before the Senate committee. It was addressed to the chairman of the Committee on Appropriations in the House and was not sent to the Senate. I obtained it from the chairman of the House Committee on Appropriations.

I desire to say in addition simply that the present site of the Federal courts for the district of Western Tennessee is at a point one hundred and fifty miles removed from the portions of the district in which a large proportion of the litigations in that district originates. It is a great hardship to parties litigant to be compelled to carry their witnesses distances ranging from one hundred to one hundred and fifty miles in order to have their causes heard and disposed of. This court is located at Jackson with a view to accommodate that portion of the district so far removed from the present site of the court. For these reasons I ask that the clause as it came from the House shall remain, and that the amendment proposed by the committee to strike out the paragraph be rejected.

Mr. WINDOM. I make no opposition to the request of the Senator from Tennessee. The facts which he has stated and the letter of the Attorney-General were not known at the time the committee recommended the striking out of this clause. Upon the face of the clause it did not seem to be a proper thing to do to make this provision. It looked as if under the form of law it was intended to take advantage of having the court at the place, and then to be relieved from the necessity of having a place to hold it. Therefore the committee struck out these lines. I make no objection, however, to the proposition of the Senator from Tennessee.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 1602 to 1615, inclusive, in the following words:

That the second section of an act entitled "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878, be, and the same is, amended to read as follows:

SEC. 2. That the clerk of the district court and the clerk of the circuit court for

the district of Indiana, and the marshal and the district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts, and the clerks of said courts and the marshal shall appoint deputies, to reside and keep their offices at Fort Wayne, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices respectively.

The amendment was agreed to.

The next amendment was, in line 1670, before the word "fire-extinguishers" to strike out the word "portable," and in line 1671, after the word "thousand" to insert "nine hundred and twenty-five;" so as to make the clause read:

For the purchase of fire-extinguishers \$1,925.

Mr. CONKLING. Mr. President, I wish to make an inquiry about line 1671 and possibly to offer an amendment to which I think there will be no objection. I inquire of the chairman what are the fire-extinguishers to which this appropriation refers, any in particular or some in general?

Mr. WINDOM. In answer to the Senator from New York I will say that the committee struck out the word "portable" so as not to decide as to any of them. There were quite a number of different inventions for this purpose argued before the committee, and the committee declined to decide as to any of them.

Mr. CONKLING. Then I shall offer an amendment to which I think nobody will object. I move to add at the end of line 1671 the words:

After competitive tests of such apparatus as may be presented by the agents or owners thereof.

Mr. WINDOM. That, I understand, carries out the idea of the committee.

Mr. CONKLING. So I understand. There has been some allegation that the contrary was true and I do not understand that it is, any more than the chairman of the committee does.

Mr. DAWES. This is to be under the direction of the Architect of the Capitol.

Mr. CONKLING. I understand; he is to expend the money.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was, after line 1676, to insert:

SENATE.

To pay D. T. Corbin, late contestant for a seat in the United States Senate from the State of South Carolina, his expenses of such contest, \$10,000.

Mr. HILL. Mr. President, I do not understand the proposed amendment. I will state to the Senate that the question of compensating contestants for seats in this body has been before the Committee on Privileges and Elections, and the committee have adopted a rule. They have repudiated the old rule of paying contestants the amount of salary for the time they contest, and have adopted the rule, where there is a reasonable ground of contest, to pay the contestant his reasonable expenses actually incurred; and they require a contestant to produce to the committee an itemized statement of his expenses for the purpose of being satisfied that they are reasonable and correct.

We had before us the case of Mr. Joseph Segar, of Virginia, lately, where this question was discussed. My recollection is that Mr. Joseph Segar was a contestant for several years for a seat in the Senate. He claimed a large amount under the old rule, and asked for the allowance of a salary, but the committee for his several years' contest required him to present a bill of expenditures, and they finally reported the sum of a reasonable bill of expenses to the Senate, which was paid. He could not itemize very correctly, but still he did itemize his accounts and gave the committee a statement of expenses, and they passed upon it and allowed him only \$5,000.

This case of Mr. Corbin has not been before the Committee on Privileges and Elections. If the standing committees of the Senate are to have rules to govern their action in this body, it seems to me they ought to be respected by the Senate. I do not understand how it is that a case of this sort is taken out of the hands of the proper committee, who know all the facts, who know the character of the contest, and who know the probable amount of expenses incurred by the contestant. I do not see why that case should be taken from the proper committee and passed upon by another committee of the Senate.

Here Mr. Corbin is allowed \$10,000. That would be a full salary for two years' contest. His contest really has not lasted two years; at least he has not been an active contestant for two years. The amendment provides for the payment of his expenses. I do not think that a Senator in this body will say that it is possible that his expenses could have amounted to \$10,000. With the knowledge of everything that transpired before that committee, with a knowledge of all the labor involved in the contest, I must confess that it is inconceivable to me as one member of that committee that his expenses could have amounted to \$10,000. If we are to have a rule let us have it. We reported Mr. Segar's case to the Senate upon that rule, and Mr. Segar was adjudged \$5,000 according to that rule, and not fifteen or twenty thousand dollars, which he would have been entitled to under the rule now adopted by the Committee on Appropriations. We allowed him expenses; and that is the rule of the Senate, and I believe it is the rule of the other House. I think it is a reasonable and just rule, and it should be applied to this case as well as other cases. I submit to the Senate, are we to make Mr. Corbin an exception, and not require him to present to the proper committee who had knowl-

edge of his case a bill of expenses; but is he to have the salary of a Senator under the name of expenses? I think not. I do not think it is right. I think this case ought to take the usual course. It ought to be referred to the proper committee; that is, the Committee on Privileges and Elections, and let them investigate this question and report under the rule they have established and which has been ratified by the Senate, and which is reasonable and just in itself. Let them report, first, whether Mr. Corbin is entitled to compensation in this contest; and secondly, what is the amount of reasonable expenditure actually incurred by him in the contest.

I therefore move to lay this amendment on the table, with a view of referring the subject to the proper committee.

Mr. BLAINE. The motion to lay the amendment on the table is not debatable, but I ask the Senator from Georgia to withdraw it for a moment.

The PRESIDING OFFICER. Will the Senator from Georgia withdraw his motion?

Mr. HILL. Certainly.

Mr. BLAINE. This matter came before the Committee on Appropriations by a reference from the desk of the Vice-President of the memorial of Mr. Corbin. In that memorial there was a general statement of his expense, which aggregated between eleven and twelve thousand dollars. He has been here constantly for two years. No one can deny that he staid here upon probable cause. He had the report, after an elaborate examination of the Committee on Privileges and Elections, that he was entitled to the seat. The Committee on Appropriations, compelled to decide the case somewhat summarily, because there was not time to have the investigation made by the Committee on Privileges and Elections to which the Senator from Georgia refers, thought that, upon a fair and even balance, some \$1,500 less than he claimed they would put in this appropriation bill. Those are the circumstances under which it came here. I think the Senator is mistaken in saying that Mr. Corbin has not been here two years. At all events, it is a difference of only a few days. He has been here continuously since the 4th of March, 1877, every day that Congress has been in session, and he has been here pressing for a seat to which the Committee on Privileges and Elections said he was entitled.

In that connection I desire to state another thing in reference to this case. I have received a communication from about a dozen members of the House of Representatives, of both political parties, referring to matters which probably it would not be proper to state here, the circumstances under which this bill was passed not permitting it to be amended in the House. The communication relates to the case of John D. Young, of Kentucky. Mr. John D. Young, of Kentucky, was regularly elected to the Fortieth Congress. I believe almost the entire delegation, if not all, were kept out, some of them—a portion, some of them—the whole of that Congress, on charges of disloyalty, which upon subsequent examination were not established. Mr. John Young Brown was a conspicuous instance in that Congress. Every member of that Congress from certain States was thus excluded. There was no denial that they were regularly elected; there was no denial that they had a certificate of election; there was no contest on that point at all; but they were kept out, and every one except John D. Young has been paid his compensation for that time; and when we reach the point of the bill immediately below relating to the contestants in the House of Representatives I shall move an amendment in his favor in connection with the other provisions there. I think the Senator from Georgia under the circumstances had better allow the Corbin matter to go just as it stands.

Mr. KERNAN. Mr. President, I hope we shall adhere to the rule which the Committee on Privileges and Elections has adopted. There are at times great abuses in paying contestants a full salary for two or three years. Let the case go to that committee and let them report upon it, what time he has spent, what expenses he has had, and then we can judge. I can hardly conceive that this gentleman stayed here two whole years considering what had been done in his case. But I do not say anything about the merits. I think we should adhere to the rule submitting such cases to the Committee on Privileges and Elections, and let us act on their report.

Mr. SAULSBURY. Mr. President, I desire to say, as a member of the Committee on Privileges and Elections, that there has been no action taken by that committee in reference to any compensation to be paid to Mr. Corbin. In regard to the expenses which he has incurred, I desire to say that there never was any examination of witnesses before the committee in the case of Corbin and Butler. The case was presented upon a brief, and a single argument was made on one side by one counsel, I believe. That was the sum and substance of the case. So far as the Committee on Privileges and Elections have any knowledge, certainly this vast amount of \$10,000 could not have been incurred by Mr. Corbin in his contest. A brief and an argument, which \$500 would have paid for to any lawyer in the country, was all the contest which was made before the committee. There was an argument of an hour and a half in length by Governor Chamberlain and a brief made of the authorities. There was a perfect agreement on the facts. There was no witness called to establish any disputed fact whatever.

I cannot conceive how any great amount of expense could have been incurred. Perhaps Mr. Corbin was at expense in staying here and paying hotel bills, &c. The committee would have done ample

justice if they had had the case before them, having a full knowledge of the facts in the case and knowing what contest had been made. I say the Committee on Privileges and Elections would have done full justice to Mr. Corbin in this matter, but it has been taken out of the possession of our committee and an arbitrary sum has been fixed by gentlemen who knew nothing about his case as the members of the Committee on Privileges and Elections did, before whom the contest was made.

I shall not vote for any such sum as that proposed by the Committee on Appropriations. I would vote for a reasonable sum, because I am not prepared to say that Mr. Corbin had not some ground of contest; but for this sum I cannot vote in justice to the people of this country who pay into the Treasury the money that we take out of it.

Mr. BLAINE. The honorable Senator from Delaware fails to note, I think, that during all this time which he speaks of, only one brief being put in and one attorney appearing, Mr. Corbin was giving his entire attention to the matter. If his time was worth anything, he was devoting the whole of it to the prosecution of what he regarded as a just and proper claim to a seat in the Senate.

Mr. SAULSBURY. If the Senator will allow me, I have no doubt that the matter was present to the mind of Mr. Corbin during the two years, but I do not conceive how he was giving his attention to it when his case was submitted upon a brief and upon an argument, and the question then rested with the committee. Mr. Corbin had no other matter to attend to in reference to it, for there was a perfect agreement in regard to the facts of the case. Therefore, while it may have been present in his mind, and while he may have felt an interest as to what the Committee on Privileges and Elections would do, there was no act of his required in the contest, because his whole case was in his brief and in the argument which was submitted.

Mr. BLAINE. Mr. Corbin has done no otherwise than is the custom with Senators and Representatives elect who come here to contest; they stay on the ground; they devote themselves to it; they consider that to be their duty. They do it in a representative capacity. It is not merely a personal matter. Mr. Corbin believed that he was elected by the rightful authority in South Carolina, and I am quite at a loss to see why \$10,000 should be regarded as anything else than a quantum meruit and merely a fair compensation.

Mr. HILL. I wish the Senator from Maine to understand that I am not now fighting Mr. Corbin. I am fighting for the preservation of a rule which has been adopted by the Committee on Privileges and Elections after considerable discussion, and unanimously adopted by that committee and acted upon by the committee, upon which reports have been made to the Senate in other cases, and which has been passed upon and ratified by the Senate. The simple question is whether that rule is to be adhered to or not. We adopted that rule because we saw that there were abuses growing up on this question which ought to be corrected.

I will state what the rule is. That committee is personally cognizant of what occurred before it, of the amount of labor and expense incurred so far as the preparation of a case is concerned. That committee knows how long it was in session in the consideration of the contest, and can form a reasonable judgment of the expense incurred by Mr. Corbin. They have adopted the rule of requiring an itemized account of expenses to be presented by the contestant to the committee. For instance, in the case of Mr. Corbin, you say he is to be allowed something for attorney's fees. Very well, let him present to that committee the amount he paid his attorneys, and not leave it open for his attorneys to get unreasonable fees without their being passed upon. That committee is the best judge of what would be a reasonable fee for the counsel of Mr. Corbin; they know what service that counsel rendered, and they have an idea of what would be reasonable compensation.

So they have adopted that rule, and the simple question for the Senate is, will you adhere to that rule? Suppose you depart from it; suppose you say in Mr. Corbin's case that you will not allow the Committee on Privileges and Elections to pass upon this case according to the rule; what do you do?

I have observed in my short service in the Senate that one of the most dangerous things in this country is a bad precedent, for whenever you act in one case in violation of a rule every man who has been injured heretofore by the observance of the rule comes in for reclamation of damages, as I may call it. Take Mr. Segar's case. The testimony before that committee, according to my recollection, was that Mr. Segar had a reasonable ground for claiming a seat in the Senate, and he claimed it for several years, and was at great expense. He stayed here in Washington prosecuting his claim justly and reasonably for a much longer time than Mr. Corbin, and he claimed under the old rule that he should have \$20,000. Under the rule now to be applied to Mr. Corbin's case Mr. Segar would have been entitled to \$20,000. He had just as good ground for his claim as Mr. Corbin had, I think, and better under the law, for it was a legal question in his case, as it was in Mr. Corbin's. In neither case was there any dispute about the facts; it was simply a legal question. The committee, after grave consideration, refused to allow Mr. Segar the \$20,000 he claimed, and they adopted the rule of paying his expenses, and those amounted to \$5,000. That sum we allowed him, and that allowance the Senate affirmed and paid.

Suppose you go back and abandon the rule adopted by the committee, and Mr. Corbin's case give him what a Senator's salary

would have amounted to during the time of his contest, you will have a bill for the relief of Mr. Segar here at the next session. He will say, "You did me injustice," and he will have reason to say so. He will say, "If Mr. Corbin was entitled to \$5,000 a year during his contest, I ought to be entitled to \$5,000 a year during my contest." There is the danger, and the Senator from Maine will see it. Now let us have a rule, or let us have no rule.

Mr. BLAINE. Yes, but the Senator leaves out the fact that Mr. Corbin is not responsible for the length of the contest. Mr. Corbin has been asking us for two years to decide it. We are the parties responsible for the delay. We, the Senate of the United States, kept him here on expense, kept him out of other business. Had we done our duty and decided his case promptly, practically there would have been no expense about it; but after we kept the man here dangling by the eyelids for two years, unable to prosecute any other business, subjected continually to expense by our delay, it does not sound to me very gracious to turn around and say, "You ask pay for this time. For what time?" He replies, very justly, "For the time that you have kept me outside at your doors." There is the point in the case.

Moreover, the Senator will remember that it was only on Wednesday last that this case was finally decided. The kind of reference that he speaks of to the Committee on Privileges and Elections is not a practicable thing for this session. If this is not settled this session, then Mr. Corbin is remitted to the long list of hopeless claimants; it becomes an old thing; it is not worth prosecuting, and the money he will get at the end will not pay the expense of staying here for it. If you ever intend to do the man any justice, do it now.

Mr. HILL. I am willing to do Mr. Corbin justice now, but I insist that Mr. Corbin's case shall be governed by the rule. The Committee on Privileges and Elections can pass upon this case in fifteen minutes.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. HILL. My time was taken up by other Senators; it was not used by me, and I did not know that I was being interrupted in my own time.

Mr. DORSEY. I desire to say a single word. I am sure the Senator from Georgia has no wish to treat Mr. Corbin unfairly.

Mr. HILL. None in the world.

Mr. DORSEY. If the Senator from Georgia will remember the facts, he will agree with me that under no state of the case could the Committee on Privileges and Elections have passed upon this account before this bill was reported to the Senate after the vote was taken on Mr. Corbin's case. When Mr. Corbin found he could not be admitted to the seat to which he thought he was elected, and to which a majority of the committee, of which the Senator from Georgia is a member, thought he was entitled, he then applied to be paid, not his salary as the Senator suggests, but his actual expenses. He asked to be paid his actual expenses. He could not submit that account to the Committee on Privileges and Elections, because such was the work of the session that it could not go to them; it was a thing that could not be done.

Mr. GARLAND. I should like to ask my colleague a question. The payment proposed to Mr. Corbin is for expenses incurred, \$10,000. The House of Representatives have sent over a list on pages 69 and 70 of this bill of a good many contestants, many of whose contests occupied two years, and in no case does the sum to be paid exceed \$4,000 for expenses and salary. Some of these contestants came all the way from the State of Colorado and the State of California and other distant points. I want to do Mr. Corbin justice, and I believe I am competent to do it if I know the facts; but will my colleague or some member of the Committee on Appropriations give me the basis by which a conclusion is arrived at so different in the case of the Senator contestant, Corbin, and these various contestants in the House, as reported on pages 69 and 70?

Mr. DORSEY. Of course the Committee on Appropriations of this body had none of the evidence before it on which the committee of the House passed upon the bills of its own members. We did have, however, a statement of expenses in great detail from Mr. Corbin, showing that he had paid over \$12,000 in lawyer's fees, personal expenses, and other things in connection with this contest. We cut that down to \$10,000, and we thought that was a right and proper sum to be paid. I hope the Senator from Georgia will not insist on his motion to lay this amendment on the table.

Mr. BLAINE. I want to answer one word in reply to the Senator from Arkansas, [Mr. GARLAND.] Will the Senator yield to me a single moment?

Mr. DORSEY. Certainly.

Mr. BLAINE. The Senator from Arkansas asks why so much less is paid to the contestants in the House. He will observe that what is paid to parties in the House in almost all these cases is to the sitting member who was seated, and who gets all the pay for the two years, besides the amount that is allowed in the bill. Take the case of Mr. SHELLEY; take the case of Mr. WIGGINTON; take the case of Mr. FINLEY; take the case of Mr. Bisbee, of Florida, who lost his seat only last week; they give him in addition to his pay \$4,000 for expenses.

Mr. GARLAND. Do I understand the Senator to say that the entire list is of that sort?

Mr. BLAINE. No; but the great majority is, and the other list is

shorter, where the contests were decided early, where the expense of delay was not incurred. The Senator will observe that a large majority of that list is for expenses allowed in addition to the entire salary for the Congress.

Mr. GARLAND. Will the Senator from Maine designate one or two of the exceptions?

Mr. BLAINE. I will designate an illustrious Representative from Alabama: "Jere Haralson, \$2,500."

Mr. HEREFORD. Mr. President, the Senator from Maine said that Mr. Corbin has been engaged in this contest since the 4th of March, 1877. On the 30th day of November, 1877, Senator BUTLER was sworn in. What business had Mr. Corbin about here from that day to this? The testimony was submitted, the arguments were made; then, what business had Mr. Corbin here from November 30, 1877, to the present time? None at all. Again, from the 4th day of March, 1877, to November 30, 1877, was almost nine months. If you were to give him the whole of his salary during that length of time it would be only \$3,750; yet we are here asked to allow him \$10,000. Again, I understand that one of the items in this claim of Mr. Corbin is \$5,000 for personal expenses. How could his personal expenses in that length of time have been \$5,000? Perhaps he may have paid his board. Well, he would have had to pay his board if he had been in South Carolina or anywhere else.

Again, right in this very bill, as was referred to by the Senator from Arkansas, [Mr. GARLAND,] there are allowances for twenty-five contested cases in the House of Representatives, and for the whole twenty-five there is only allowed a little over \$40,000, whereas it is proposed to give to this man \$10,000, which is more than his salary would have amounted to up to the present time if he had been seated on this floor.

Mr. DORSEY. Will the Senator from West Virginia allow me to interrupt him?

Mr. HEREFORD. For a second, but not very long. I have only five minutes.

Mr. DORSEY. If the Senator will be good enough to look at the names in the list of House contests he will see that they are sitting members who are to get this sum in addition to their regular pay.

Mr. HEREFORD. That is not true. The Senator from Arkansas is mistaken. Is Mr. Tillman, one of the parties in the list of the House of Representatives contestants, who has been allowed \$2,000, a sitting member? Certainly the Senator from Arkansas must know he is not. Is Mr. Pacheco, from the State of California, a sitting member? Certainly he is not a sitting member.

Mr. SARGENT. He did sit for months, however.

Mr. HILL. And Jere Haralson.

Mr. HEREFORD. Is Mr. Belford, from the State of Colorado, a sitting member? Certainly not.

Mr. DORSEY. If the Senator wants an answer, I can give it to him.

Mr. HEREFORD. I have not time just now. Is Richardson a sitting member? Certainly not. So I could go over this list and show others. Frost has never taken his seat. Therefore the statement of the Senator from Maine [Mr. BLAINE] and the statement of the Senator from Arkansas [Mr. DORSEY] is not sustained by the facts. If it were sustained by the facts, what is the difference? If you were simply proposing to pay this man what his necessary expenses were, that I am in favor of. If he paid an attorney's fee, let him bring the receipt or evidence of the attorney that he paid him a certain amount; and if it was a reasonable amount, I say refund it to him. Any other reasonable expense he was at I say refund it to him; but do not make a donation to him; do not give to him a bounty out of the money of the people. I think it is high time that we should have retrenchment somewhere in this bill, and stop with your Fassett pictures and your bonuses to Corbin, and let us have a little economy.

Mr. HILL. I will withdraw my motion to lay the amendment on the table. I want to satisfy the gentlemen on the other side that I have no desire in the world but to do Mr. Corbin justice, and I think more than justice. My object has been to preserve the rule. I do not think it respectful to the Committee on Privileges and Elections to treat a case of this kind in this way and to treat the committee in this way.

Mr. HOAR. Mr. President—

Mr. HILL. I do not want to be interrupted. I was knocked out of my time before.

Mr. HOAR. I raise the question of order that the Senator from Georgia has spoken twice; and I do it with great respect to him.

Mr. HILL. I rose to change my motion, and upon that I am entitled to the floor. I withdrew my motion to lay the amendment on the table, and now I move to strike out "ten" and insert "five" before "thousand."

Mr. HOAR. Mr. President—

Mr. HILL. The Senator need not interrupt me, for I shall be in order, and I hope he will not take up my time. Every word said by the Senator from Maine in behalf of Mr. Corbin would be more appropriate and could be more forcibly said in behalf of Mr. Segar, if he were to come here and ask the Senate for \$15,000 additional pay, for Mr. Segar was kept here three or four years and only got \$5,000, and he had to employ lawyers and incur many expenses. He was kept here for several years after the term for which he claimed to be elected expired, and he only got his pay at this session of Congress, although he claimed a seat during the war. I think the rule ought to be ad-

hered to. I think Mr. Corbin ought to have his expenses, and no more than reasonable expenses, paid.

But, sir, in order to show that I am liberal to Mr. Corbin and that I agree with what the Senator from Maine says, that whatever he is to be paid he ought to be paid now; that it is better that he should, that it is right he should, as we only allowed Mr. Segar \$5,000 for four years, I think it is liberal to allow Mr. Corbin \$5,000 for two years, and that is \$1,000 more than any member of the House is to receive who has contested for as long a time. Jere Haralson has contested and is only to receive \$2,500. He never had his seat, and reasonably he was put to just as much expense as Mr. Corbin. As a matter of compromise and to show a disposition to be liberal in this matter and not to be niggardly, and in order to have some respect for the rule adopted by the Senate, I shall do more than I think ought to be done; I move to strike out "ten" and insert "five;" so as to pay Mr. Corbin \$5,000.

Mr. HOAR. What is the pending question?

The PRESIDING OFFICER. The Senator from Georgia proposes to strike out "ten," in line 1650, and insert "five."

Mr. HOAR. The question has never been stated from the Chair until this moment.

The PRESIDING OFFICER. The Senator from Georgia has just moved the amendment.

Mr. CAMERON, of Wisconsin. Mr. President, I do not think there is much force in the point made by the Senator from Georgia. The Senate has not adopted a rule that all questions relating to the compensation to be paid to contestants shall be referred to the Committee on Privileges and Elections. That committee, it is true, has adopted a rule that when a question of compensation is referred to it it will recommend to the Senate that the contestant be paid his reasonable expenses. In this case Mr. Corbin presented a paper to the Senate through the Vice-President. In that paper he asked to be compensated. That paper by the Senate was not referred to the Committee on Privileges and Elections, but it was referred to the Committee on Appropriations. The Committee on Appropriations heard the case. Mr. Corbin presented to that committee a statement of his expenses, and the committee upon that statement inserted this amendment in the bill.

The rule of the Senate as to compensation up to and including the Pinchback case was to pay the full salary and mileage. The only case passed upon by the Senate since that time was the Segar case. The rule to which the Senator from Georgia has referred has been strictly complied with in this case. A committee of the Senate, the Committee on Appropriations, as competent to pass upon the question as any other committee of the Senate, has reported that Mr. Corbin's reasonable expenses are \$10,000. I think myself that the amount is not at all extravagant, and I shall very willingly vote for it.

Mr. SAULSBURY. If it was stated that there was an account rendered, itemized, giving all the expenditures, the case would be different. The Senate has no information as to what the expenses are. The Committee on Appropriations may be in possession of the statement of expenses incurred by Mr. Corbin, but there has been no exhibit to this body of what those expenses were. I join in the remark of the Senator from Georgia that there has not been the respect paid to the Committee on Privileges and Elections that it is entitled to in relation to this matter. The memorial of Mr. Corbin, instead of being referred to the Committee on Appropriations, ought to have been referred to the appropriate committee. If I occupied the position which the Senator from New Hampshire [Mr. WADLEIGH] holds as chairman of the Committee on Privileges and Elections, I should seek to vindicate the rights of that committee to the courtesy of the Senate. The Senator from New Hampshire doubtless is too amiable and too modest as the chairman of that committee to insist upon the observance of its rights, but as a member of that committee, not having the responsibility of its management which the Senator from New Hampshire has, I take it upon myself to say with the Senator from Georgia that there has been discourtesy in referring the case to the Committee on Appropriations rather than to the Committee on Privileges and Elections, to which it properly belonged.

Mr. WADLEIGH. Mr. President, after what has fallen from my friend, the Senator from Delaware, perhaps I should say a word. I do not complain, and the Committee on Privileges and Elections so far as I know have no good reason to complain, of the reference of the case to the Committee on Appropriations, and for this reason: I myself, and I presume the rest of the committee, and my friend from Georgia, I presume from the amendment which he has offered, are aware of the hardship to which claimants are subjected who are compelled to come here year after year and prosecute these claims. The Segar case to which reference has been made is one in point.

For the purpose of having justice, and speedy justice, done to this claimant, I myself should have preferred that the memorial should go to the Committee on Appropriations, because we all know that if it had been referred to the Committee on Privileges and Elections that committee could only have reported by resolution; that resolution would have gone upon the Calendar; it could not possibly have been reached, and there would have been no result at this session, and Mr. Corbin, who, as I understand, has been nearly impoverished by this contest, would have been forced to hang around the Senate for years perhaps before getting the compensation which everybody admits he should have.

Now a word as to the rule upon which the Committee on Privileges and Elections have acted. As I understand the rule laid down by the Senate in the resolution, and the rule adopted by the Committee on Privileges and Elections in accordance with that resolution, it is that a suitable compensation shall be made for the reasonable expenses incurred in the prosecution of his claim by the contestant. What evidence went before the Committee on Appropriations I do not know. It struck me before a conversation which I had with the chairman of that committee that this amount was too high, but I am assured by him that upon the evidence presented to that committee, and evidence which they found conclusive to act upon, not to republican members of that committee alone but to some others, they agreed that this amount was none too large.

Mr. HILL. The Senator from New Hampshire is perfectly aware of this whole case, and I put to him the question, from his knowledge of the facts, does he believe that \$10,000 is a reasonable sum to be paid in this case, and does he not believe that \$5,000 would be ample?

Mr. WADLEIGH. I have just said what my idea was before conversing with the gentlemen to whom the evidence was presented. I have seen no evidence of what the expenses have been. I am well aware that he has incurred a great deal of loss on account of the contest.

Mr. HILL. I ask the Senator if he does not know that the Committee on Privileges and Elections would have been the best judge of the correctness of that bill of expenses?

Mr. WADLEIGH. That may be so; but to that committee this memorial was not referred. It went to another committee, and the only committee that could report upon it with any result at this session. Inasmuch as I am assured that this amount is not too large, and that the evidence before the committee justifies this amendment, I am inclined to support it. Of course if it does not succeed I shall support the amendment offered by my friend from Georgia.

Mr. DAVIS, of West Virginia. Frequent reference to the Appropriations Committee and the evidence, or what has been called evidence, that was before it, has been made by different Senators. It will be recollected by the Senate that there were two days to consider this entire bill in the Appropriations Committee. There were probably two hundred cases referred to it, and many of them were rejected. This one had perhaps two or three minutes devoted to it. A bill of items was read, in which I think just two or three items were specified, traveling expenses, board, and attorney fees, amounting to \$10,000. That was about the way, according to my recollection, it came before the committee. The case was not, as I understand, referred to the Committee on Appropriations by the Senator nor through the Senate. It was sent directly to the Appropriations Committee, as I understand it, and I shall be glad to be corrected if I am wrong. At least, since then the memorial was read from the desk, having been laid before the Senate by the Vice-President and referred to that committee.

As to the amount, this is not the full amount that was asked, it is true. As to the consideration given by the Committee on Appropriations, all the time that the committee had to give to it was very limited indeed. I will state further that the amendment does not come from that committee as a unanimous report. I do not want to take the time of the Senate, for I think we ought to get along a little faster with the bill.

Mr. BECK. Mr. President, I did not desire to say a word, but as allusion has been made to the amendment not being a unanimous report from the Committee on Appropriations I wish to say now that I voted for it in the committee, and I will state the ground upon which I supported it.

Mr. Corbin had come here with the certificate of his governor and Legislature. He presented a very able brief, which I have read. He had obtained the favorable report of a majority of the committee to which the election contests of this body are sent. He was a member of the dominant party here. I supposed that he had every reason to believe that he would be sworn in and admitted as a member; and that there was not an hour nor a day, being a member of the dominant majority here, with a report of a majority of the Committee on Privileges and Elections of this body in his favor, that he had not a right to believe that he ought to be in attendance on this contest. It has lasted two years lacking two or three days, and I supposed the whole time of the man was taken up here in attending to the contest, and being wholly unable to attend to anything else, and that if he was fit to be elected and sent to the Senate of the United States, having all those inducements with all those reports at his back and supported as strongly as he was, it seemed to me that he was entitled in one way or another to be paid this. I did not go into detail, and I do not know about the employment of lawyers, but knowing that he was in the same humiliated position that every contestant is placed in, hanging around the lobby and paying all the expenses necessarily incident to a man who is obliged to hang around Washington, I thought \$10,000 was not too much according to the rule adopted heretofore.

I may be wrong about it, but looking at it from that stand-point, this question coming to us as it did in the last days of the session, for I confess until the last moment I was not sure that the contestant would not be any day seated in the Senate in the place of the present sitting Senator from that State, the man through those two years being here under all those circumstances, watching this contest, pay-

ing lawyers, paying tavern and hotel bills, and all the other expenses of hanging around here all the time, I could not see that he could get along with less than the amount named.

Mr. HILL. I will only say in response to the Senator from Kentucky that if after half a dozen cases we set aside the rule adopted by the Committee on Privileges and Elections after great debate and open this subject again, it will justify any contestant hereafter in claiming a salary.

Mr. BECK. I was not aware of any rule about it. No account was presented to us.

Mr. HILL. That very reason shows conclusively that this matter ought not to have been referred to another committee, but that it ought to have been referred to the regular committee.

Mr. BECK. It was not referred to me. I should have been very glad to have got rid of it.

Mr. WITHERS. I wish to state in this connection that I oppose the placing of this amendment on this bill on the ground mentioned by the Senator from Georgia, that in the case of Mr. Segar, whose contest as a claimant for a seat had been before this body for many years, the Committee on Privileges and Elections fixed upon a certain sum which they thought was sufficient to reimburse him for the expenses of the contest, and it was declared in open Senate that their purpose was hereafter to adhere to that rule in estimating the amount to be paid to contestants. In consonance with that view, the Senate voting \$5,000 in his case, I thought the precedent then established should be applied to the case under consideration, and I favored, therefore, voting the same amount to Mr. Corbin.

Mr. HOAR. Mr. President, the Committee on Privileges and Elections recommended the Senate to establish the rule of paying contestants not a salary for services in the Senate, but their reasonable expenses for making contest. This gentleman's memorial was referred by the Senate to the Committee on Appropriations. It was referred in full Senate. The Senator from Ohio, on the other side of the Chamber, [Mr. THURMAN,] called the attention of the Senate to the fact that it was a memorial of a peculiar character, and thereupon in full Senate, the attention of the Senate being called to it, the Senate selected a particular committee to which to refer it. No member of the Committee on Privileges and Elections then objected.

Mr. SAULSBURY. The Senator will allow me to say—

Mr. HOAR. I ask not to be interrupted, because I have only two or three minutes. No member of the committee then objected. Some members of that committee knew of the reference at that time. I do not know how many; and it has remained under that reference for two or three days. Now the Committee on Appropriations come back to us and say that they have acted upon and carried out the rule, that they have investigated the question, what were this man's reasonable expenses; that they have reported a sum about \$1,500 less than he thought his reasonable expenses were; and that they are satisfied that sum is a very moderate allowance of those reasonable expenses. I never heard that in either branch it was the custom to go behind the finding of such a committee as to what was the reasonable expense of conducting a great lawsuit or a small lawsuit. We send to the Court of Claims questions of claims against the Government because the Senate itself cannot possibly inquire into those things, and yet, I suppose, it would not be disrespectful or unbecoming to say that the capacity of the Committee on Appropriations, the principal committee with one or two exceptions, and those exceptions certainly not superior in rank, is a tribunal of far higher character than the Court of Claims.

If the Senate proposes to go behind the finding of that committee and inquire how much Mr. Corbin paid for his washing, and how much he paid for his board, and how much he paid his printer, and how much he paid his lawyer, it is the duty of the Senate to do the same thing as to every one of the numerous claims of the same kind that come from the House. It is a question of jurisdiction, of duty. The Committee on Appropriations have said, without any minority report, on their responsibility, that they have examined this claim and applied the rule of the Senate to it; and it would be a very gross case indeed which would warrant me in denying my confidence to such a report.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. HILL] to strike out "ten," and insert "five" so as to read \$5,000.

The question being put, there were, on a division—ayes 22, noes 23.

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WADLEIGH. On the last division I forgot that I was paired with the Senator from Texas, [Mr. COKE,] who was called from the Chamber a few minutes ago, and I should not have voted.

Mr. BECK. The motion is now on fixing the amount at \$5,000?

The VICE-PRESIDENT. The question is on agreeing to that amendment.

Mr. BECK. I shall vote for that amendment, although I shall vote for giving Mr. Corbin \$10,000 if the amendment now pending is rejected.

The Secretary proceeded to call the roll.

Mr. WADLEIGH, (when Mr. COKE's name was called.) The Senator from Texas [Mr. COKE] is absent from the Chamber, and is paired with me. If present, he would vote for the amendment of the Senator from Georgia and I should vote against it.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 27, nays 31: as follows:

YEAS—27.			
Bailey.	Eustis.	Jones of Florida.	Morgan.
Bayard.	Garland.	Kernan.	Saulsbury.
Beck.	Gordon.	Lamar.	Voorhees.
Cockrell.	Grover.	McCreery.	Wallace.
Davis of W. Va.	Harria.	McPherson.	Whyte.
Dennis.	Hereford.	Maxey.	Withers.
Eaton.	Hill.	Merrinton.	
NAYS—31.			
Allison.	Conkling.	Kellogg.	Patterson.
Anthony.	Conover.	Kirkwood.	Rollins.
Blaine.	Dawes.	McMillan.	Sargent.
Booth.	Dorsey.	Matthews.	Saunders.
Burnside.	Ferry.	Mitchell.	Spencer.
Cameron of Wis.	Hamlin.	Morrill.	Teller.
Chaffee.	Hoar.	Oglesby.	Windom.
Chandler.	Jones of Nevada.	Paddock.	
ABSENT—18.			
Barnum.	Davis of Illinois.	McDonald.	Shields.
Bruce.	Edmonds.	Plumb.	Thurman.
Butler.	Howe.	Randolph.	Wadleigh.
Cameron of Pa.	Ingalls.	Ransom.	
Coke.	Johnston.	Sharon.	

So the amendment to the amendment was rejected.

Mr. HILL. Mr. President, I desire to make an inquiry. Upon reflection I think the Senate is laboring under a mistake. The statement has been made, reiterated, and great stress laid on it by the Senator from Massachusetts, that the memorial of Mr. Corbin was referred to the Committee on Appropriations. I am informed that it was never so referred, but was laid on the table, and that if it got before that committee at all it got there without being referred. I do not think the Senate should act without understanding that fact. I do not know about it myself; I was not here when the paper was presented.

Mr. BLAINE. I was not here either, but I knew the memorial was before us, and the general presumption was that it was sent there by the Senate. We do not pick up stray pieces of paper to consider; we take up that which is sent to us.

Mr. HILL. I hope the record will be looked up, for I understand it was not referred by the Senate. If a motion had been carried to refer it to the Committee on Appropriations, thus going over the head of the only committee that knew anything about it, I should have asked to be excused from further service upon the Committee on Privileges and Elections. If we are to have a Committee on Privileges and Elections it is to consider such matters. I understand this memorial, as it is called, was not so referred, but was laid on the table.

Mr. HOAR. The memorial was presented and a comment made on it by the Senator from Ohio—

Mr. HILL. And on his motion it was laid on the table.

Mr. HOAR. The statement was made in debate that it had been referred to the Committee on Appropriations. I understood it so from the debate.

Mr. HILL. It was laid on the table, and not referred.

The VICE-PRESIDENT. That is the fact. The Chair directed it to be laid on the table, if the Senator alludes to the communication that came in yesterday morning addressed to the Senate. It was laid upon the table by order of the Chair.

Mr. HILL. Yes, sir; that is what I referred to.

Mr. DAVIS, of West Virginia. May I be allowed one word? The Committee on Appropriations had acted upon it before it was laid before the Senate.

Mr. BLAINE. It was not the one presented here yesterday morning that we acted upon. This was decided in committee the day before.

Mr. DAVIS, of West Virginia. And it has been presented to the Senate since then.

Mr. HILL. I respectfully suggest that the Senate ought not to act on the proposition in this shape. I move to lay the amendment on the table.

Mr. DORSEY. I call for the yeas and nays.

Several Senators addressed the Chair.

The VICE-PRESIDENT. The proposition is not debatable. The yeas and nays are demanded.

Mr. LAMAR. I ask unanimous consent to withdraw a vote I gave which was cast inadvertently. I understand my colleague [Mr. BRUCE] is away. I was paired with him. So I should not have voted on the last call of the roll.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Mississippi, [Mr. LAMAR.]

The yeas and nays were ordered on the question of laying the amendment on the table, and the Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) On this matter I am paired with the Senator from New Jersey, [Mr. RANDOLPH.]

The call of the roll was concluded.

Mr. LAMAR. On this vote I am paired with my colleague, [Mr. BRUCE.]

Mr. BECK, (after having voted in the negative.) I change my vote, and vote "yea."

Mr. VOORHEES, (after having voted in the negative.) I was governed in the vote I gave a moment ago by the considerations suggested by the Senator from Kentucky, [Mr. BECK.] As he has changed his vote, I change mine. I vote "yea."

The result was announced—yeas 28, nays 32; as follows:

YEAS—28.

Barnum,	Eaton,	Hill,	Morgan,
Bayard,	Fustis,	Jones of Florida,	Ransom,
Beck,	Garland,	Kernan,	Saulsbury,
Cockrell,	Gordon,	McCreery,	Voorhees,
Coke,	Grover,	McPherson,	Wallace,
Davis of West Va.,	Harris,	Maxey,	Whyte,
Dennis,	Hereford,	Merrimon,	Withers.

NAYS—32.

Allison,	Conover,	Kellogg,	Patterson,
Anthony,	Dawes,	Kirkwood,	Rollins,
Blaine,	Dorsey,	McMillan,	Sargent,
Burnside,	Ferry,	Matthews,	Sanders,
Cameron of Wis.,	Hamlin,	Mitchell,	Spencer,
Chaffee,	Hoar,	Morrill,	Teller,
Chandler,	Ingalls,	Oglesby,	Wadleigh,
Conkling,	Jones of Nevada,	Paddock,	Windom,

ABSENT—16.

Bailey,	Cameron of Pa.,	Johnston,	Randolph,
Booth,	Davis of Illinois,	Lamar,	Sharon,
Bruce,	Edmunds,	McDonald,	Shields,
Butler,	Howe,	Plumb,	Thurman.

So the motion to lay on the table was not agreed to.

The VICE-PRESIDENT. The question is on the amendment.

Mr. SAULSBURY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. I want to put the facts right. It has been so often stated that this memorial was referred to the Committee on Appropriations and that they were therefore authorized by the Senate to examine it and had examined it by authority, that I want now to present the facts which I have before me. Yesterday this letter of Mr. Corbin was read to the Senate, and from the RECORD this morning, page 61, I will read what occurred. After the letter was read the following occurred:

Mr. THURMAN. To whom is that paper addressed?

The VICE-PRESIDENT. To the Senate of the United States.

Mr. THURMAN. It is a very singular paper, I must say. I am half disposed to move that it be returned to the man who sent it here; but I make no motion about it.

The VICE-PRESIDENT. The paper will lie upon the table.

Mr. BECK. When we considered this question about Mr. Corbin a day or two ago in the Committee on Appropriations, I supposed the whole matter had been referred to us regularly. I was not upon the subcommittee that considered this bill; but all these matters were laid before the full committee, and I supposed they were all before us regularly. If they were not, I shall vote against this amendment.

The VICE-PRESIDENT. The Chair stated the fact precisely as the Senator from Georgia has read it from the RECORD in relation to the communication that came in yesterday morning. He knows nothing of any other.

Mr. KERNAN. I simply want to call the attention of the Senate to the fact that in this memorial there is not a word said about expenses except that he has been at great expense, but there is no sum named. I read it just now in the RECORD.

Mr. MERRIMON. I want to say before the vote is taken that the Senate is about to set a precedent directly in the teeth of that set in the Segar case. I was one of the subcommittee that examined that case and joined in suggesting that an allowance be made to him under the rule established then that a contestant should be allowed his reasonable expenses and no more. That rule did not embrace arbitrary expenses on his part, whether they were expenses for counsel or expenses for staying at hotels or in any other respect. It meant what in the judgment of the Senate would be reasonable expenses for the contest made, all the circumstances considered.

I have the bill of expenses in Segar's case. They run up to the amount of \$15,000, and they were incurred in a period of time embracing five years. At one hotel, the Ebbitt House, his hotel bill was \$3,062. Here is his petition, here are the arguments of his counsel. He insisted that he was duly elected, and that he was entitled to be paid the salary of a Senator, but upon consideration the Committee on Privileges and Elections were of opinion that \$5,000 ought to pay his reasonable expenses, and recommended that sum. The Senator from Massachusetts [Mr. HOAR] was instructed by the Committee on Privileges and Elections to make a report of the action of the committee to the Senate. He made that report, and it was printed, and the rule agreed upon by the committee was suggested as a just and reasonable rule that ought to be accepted and acted upon by the Senate. The Senate accepted the report and made the allowance, thereby giving its express and direct sanction to the rule adopted by that committee.

It is proposed here now, without any inquiry as to the expenses, without it even being suggested that \$10,000 was a reasonable amount to pay the reasonable expenses of Mr. Corbin, that he may be allowed that sum arbitrarily.

Mr. CONKLING. Is not the Senator mistaken in his last statement? It has been stated here that an account was presented amount-

ing to more than twelve, I think thirteen thousand dollars, and the committee before which the matter was presented did fix \$10,000 as the sum the committee deemed reasonable. So I think it has been stated.

Mr. MERRIMON. The members of the committee around me here said there was no account, and this memorial does not state any account.

Mr. DORSEY. I am sure the members of the Committee on Appropriations around the Senator from North Carolina will not say there was not an account presented and read in the committee repeatedly.

Mr. DAVIS, of West Virginia. That calls for an explanation, as I am near the Senator from North Carolina. He misunderstood what I said to him. I said there was no account sent there through the Senate. My recollection is that among the items on that account were five or six thousand dollars for personal expenses; \$5,000 for counsel fees; and one or two other little items. However, why is not the account brought here if there is a question about it?

Mr. BLAINE. Why did the honorable Senator from North Carolina lay down the Segar case as the one rule of faith and practice for the Senate? Because it happens to be the last. Take Pinchback's case. You gave him \$15,000 or \$20,000. These cases have been settled as they came up by the merits of each when laid before the Senate; and when the honorable Senator from North Carolina attempts to quote the Segar case as a rule which the Senate has laid down to be applied to all cases, he is stretching it far beyond the intendment of the vote in that case.

Mr. MERRIMON. Ever since I have been in the Senate there has been a contest over every case that has come up as to what ought to be the rule adopted by the Senate; and in Segar's case, after much consideration and inquiry, the committee recommended to the Senate that rule, and it was regarded as a permanent precedent at the time. I so regarded it, and so did the committee, as has been stated by various Senators.

Mr. SARGENT. What is the rule?

Mr. MERRIMON. The reasonable expenses incurred by the contestant.

The VICE-PRESIDENT. The time of the Senator from North Carolina has expired.

Mr. MERRIMON. I beg to say just one other word. Suppose a bill of expenses was presented by the contestant, Mr. Corbin, for \$12,000, I put it to any reasonable man in the Senate whether it is not manifest that that amount is unreasonable? Every lawyer knows that it is a sum unnecessary by 50 per cent.

Mr. SARGENT. If any such rule was adopted by the committee, it did not come to the knowledge of the Senate.

Mr. MERRIMON. Certainly it was brought to the knowledge of the Senate in the report made by the Senator from Massachusetts, [Mr. HOAR.]

Mr. SARGENT. I remember participating in the debate in the case of Segar, and the debate turned entirely on the question whether he was ever elected to the Senate or not; and a great many Senators, a minority of the body it happened, did not believe he was. If there has been any rule at all, it has been expressed in resolutions heretofore adopted, and I refer to the case of Sykes, from Alabama, where the Senate expressly provided to pay him "compensation equal to that of a Senator from the 4th of March, 1873, to May 28, 1874," one year and eighty-six days, amounting to \$6,178.08; and if Sykes's contest had lasted longer and run two years it would have been \$10,000. The same thing was done in the case of Pinchback. He was given compensation not for actual expenses; and I believe both of these resolutions came from the Committee on Privileges and Elections. He was not given actual expenses, but "compensation equal to that of a Senator from the 4th of March, 1873, to May 8, 1876," amounting to \$15,068.50.

In other words, the Senate has provided by the terms of the resolutions it has adopted in times past, not that a man shall be paid his actual expenses, not that he shall be paid a round sum, but that his compensation shall be equal to that of a Senator; and I suppose the principle is that a person who comes here and contests a seat, being considered fit to be a Senator, (and the three persons named, Mr. Corbin, Mr. Sykes, and Mr. Pinchback, or some of them at least, had the report of a committee at their back,) his time being as valuable as that of a Senator of the body, his expenses would be as great, and, indeed, greater, because he may have to employ counsel, which Senators do not have to employ in order to procure or maintain their seats. That rule seems to have been well considered by the Senate and acted upon in these cases after debate, after full consideration, and it is a just rule in every sense.

I should like to make one further remark in this connection. Where two gentlemen come forward, claiming to be elected to this body from one State, and there is a great doubt in the minds of Senators whether either of them was elected, whether there was regularity in either case—and certainly it must be admitted that in the case of Mr. Corbin the regularity was as great and the quorum was as fair that elected him, the election was as sound and substantial as in the other case at least—then it seems to me extremely ungenerous on the part of the friends of the man who has prevailed that they shall reverse a well-considered rule like this I have mentioned to the Senate, and to the disadvantage of the other party, that they shall say that he shall not have at least the pittance which heretofore the

Senate in numberless cases has given to other persons occupying such a position.

I have no doubt, speaking for myself, that the judgment of the Senate was wrong in seating Mr. Butler and depriving Mr. Corbin of his place; and I believe that that is the intelligent opinion of a very large number of people in this country; and it does not come graciously to say that this man shall not have the amount which is ordinarily given to a contestant on the part of those who have succeeded in keeping him from his seat. I will not throw any reproaches, but I simply say that it would be very much more graceful and handsome on the part of my friends on the left if they would concede these expenses to Mr. Corbin.

Mr. BLAINE. One word. The Senator from North Carolina and several Senators on that side of the Chamber, have brought up the Segar case as the precedent by which all subsequent cases shall be settled. Now, so far from the Segar case being a precedent, it is one which perhaps never can have any parallel hereafter. Segar was not here contesting the right of any man who was sitting in a seat. Segar was not here opposing any other man's rights to be seated. Not only that, he was here during a period of time when, in the judgment of the Congress of the United States, Virginia was not entitled to representation in either branch of Congress. His contest was not against a man; his contest was against a condition of affairs at that time, growing out of the rebellion and out of the war; and in order to quote that for a precedent, you will have to have another rebellion and another war, and another disestablishment of Virginia, and another Joseph Segar election under those circumstances. You are applying, in other words, for a precedent a case that has no parallel, and that in the history of the country I hope will never be again repeated. There is no parallel in the cases at all.

Mr. MERRIMON. Mr. President—

The VICE-PRESIDENT. The Senator from North Carolina has spoken once. Is there unanimous consent that he may proceed?

Mr. MERRIMON. I do not know why I cannot speak twice if I wish.

Mr. President, I repeat what I said a moment ago, that in Segar's case the whole subject of what should be the rule was gone into, and after discussion by the committee the Senator from Massachusetts was instructed to prepare a report, and he prepared an able report, which was submitted to the Senate, suggesting this rule, and the allowance was based on that rule. The Senate accepted the report and made the allowance.

Reference has been made to Pinchback's case. I well remember the long and earnest debate over that case, and I believe it was almost uniformly conceded by every Senator who spoke on that subject that the right rule and the just rule was the payment of the reasonable expenses of the contestant, and I well remember a very able speech made by the Senator from New York, [Mr. CONKLING,] in which he contends that that was the reasonable and just rule. The extravagant allowance made to Pinchback was upon the ground mainly that he was a colored man and that it was not wise to make the first precedent in his case. The allowance made to Sykes was made by way of a set-off for the extravagant allowance given to Pinchback. The whole democratic side voted against those allowances, which were coupled together.

Mr. WINDOM. Mr. President, I rise for the purpose of appealing to Senators to vote on this question.

Mr. WITHERS. The Senator will permit me a word; he knows I do not occupy much time. I merely wish to say one word in reply to the Senator from Maine, who stated that Segar's case was peculiar, inasmuch as there was no State of Virginia entitled at that time to representation.

Mr. BLAINE. In the judgment of Congress.

Mr. WITHERS. He is inattentive to the fact that the same Legislature which elected Mr. Segar, and from which he presented his credentials, was the identical Legislature which gave its assent to the thirteenth amendment, without which it could not have passed.

Mr. WINDOM. I ask the Senator to indulge me for a single moment before I take my seat to say that there are twenty-four pages of this bill which, under the rule adopted for its consideration, need not be read; so that there are only some twenty-four or twenty-five pages left, and they do not involve many difficult questions. Now, if the Senate would only forego debate at length on this question, I am sure we could pass this bill and the legislative bill, unless the political debate shall extend some time, before we adjourn to-night; and if that can be done I think I can assure the Senate, upon consultation with other committees, that the business of the session can be completed. If that cannot be done, and if we are to indulge in lengthy debate upon such propositions as this, it will not be done, and a special session will be a necessity. Now, I want to appeal to Senators to consider that matter, and if possible to let us proceed with this bill, so as to complete both it and the legislative bill before we adjourn to-night. I am sure it can be done.

The VICE-PRESIDENT. The question is on the pending amendment from the Committee on Appropriations, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. LAMAR, (when his name was called.) I am paired with my colleague, [Mr. BRUCE.]

Mr. MORRILL, (when his name was called.) On this vote I am

paired with the Senator from Tennessee, [Mr. HARRIS.] If he were present, he would vote "nay" and I should vote "yea." I do not vote.

Mr. WADLEIGH, (when his name was called.) The Senator from Texas [Mr. COKE] was just now called to the other House on necessary business, and I am paired with him. If he were present, I should vote "yea" and he would vote "nay."

Mr. CONKLING, (after having voted in the affirmative.) The Senator from Indiana [Mr. VOORHEES] left the Senate for a short time and asked me if he did not return in season to pair with him. I do not see him; therefore I withdraw my vote.

The result was announced—yeas 28, nays 25; as follows:

YEAS—28.

Anthony,	Dawes,	Kellogg,	Patterson,
Blaine,	Dorsey,	Kirkwood,	Rollins,
Booth,	Ferry,	McMillan,	Sargent,
Burnside,	Hamlin,	Matthews,	Saunders,
Cameron of Wis.,	Hoar,	Mitchell,	Spencer,
Chadler,	Ingalls,	Oglesby,	Teller,
Chandler,	Jones of Nevada,	Paddock,	Windom.

NAYS—25.

Bailey,	Eaton,	Kernan,	Saulsbury,
Barnum,	Eustis,	McCreery,	Wallace,
Bayard,	Garland,	McPherson,	Whyte,
Beck,	Gordon,	Masey,	Withers.
Cockrell,	Grover,	Merrimon,	
Davis of W. Va.,	Hereford,	Morgan,	
Dennis,	Hill,	Ransom,	

ABSENT—23.

Allison,	Conover,	Jones of Florida,	Sharon,
Bruce,	Davis of Illinois,	Lamar,	Shields,
Butler,	Edmunds,	McDonald,	Thurman,
Cameron of Pa.,	Harris,	Morrill,	Voorhees,
Coke,	Howe,	Plumb,	Wadleigh.
Conkling,	Johnston,	Randolph,	

So the amendment was agreed to.

Mr. WINDOM. From the Committee on Appropriations I offer the following, to come in after line 1680. This amendment was omitted by mistake; it should have been printed in the bill:

To enable the Secretary of the Senate to pay Frederick Brackett for services as additional clerk to the Committee on Appropriations under resolution of the Senate, in addition to any other compensation he may be receiving, \$72.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out lines 1716 to 1727, in the following words:

That hereafter no contestant or contestant for a seat in the House of Representatives shall be paid exceeding \$1,000 for expenses in election contests; and before any sum whatever shall be paid to a contestant or contestee for expenses of election contests, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section 125, Revised Statutes of the United States.

The amendment was agreed to.

The next amendment was, after line 1799, to insert:

To pay to Albert Ordway for services performed in preparing the General Index of the Journals of Congress, from July 1, 1878, the date on which he entered on his duties, to July 16, 1878, the date on which he took an oath of office, the sum of \$101.90.

The amendment was agreed to.

The next amendment was, after line 1806, to insert:

To enable the Sergeant-at-Arms of the House to pay M. M. Herr for ninety-four days' services as messenger in Sergeant-at-Arms' office, \$470.

The amendment was agreed to.

The next amendment was, after line 1809, to insert:

That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund, to the clerks authorized to be employed by the resolution adopted by the House March 7, 1878, such compensation as may be fixed by the Committee of Accounts, upon proper certification by the chairman of the respective committees named in said resolution, whether said clerks were sworn or not at the time they were respectively employed.

The amendment was agreed to.

The next amendment was, after line 1818, to insert:

For making the necessary changes and alterations for the proper heating, lighting, and ventilation of the Hall of the House of Representatives, according to the plans and specifications made by the Architect of the Capitol Extension, to be expended under the direction of the commission appointed by resolution of the House, \$30,000.

The amendment was agreed to.

The next amendment was, after line 1824, to insert:

To enable the Clerk of the House of Representatives to pay to A. Erdman, for services rendered by him in indexing and analyzing the testimony taken by the Committee on Public Expenditures in relation to the public printing and binding, \$300.

The amendment was agreed to.

The next amendment was, in line 1835, after the word "Treasury," to strike out:

To be paid out of the permanent appropriation for the above service.

So as to make the clause read:

To meet the expenses of collecting the data upon which to prepare bulletins of health, to be issued from the office of the Surgeon-General of the United States Marine Hospital, \$5,000, under direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, after line 1836, to insert:

To enable the Secretary of the Treasury to comply with section 1 of "An act to promote economy and efficiency in the Marine Hospital Service," approved March 3, 1875, (Statutes, volume 18, part 3, page 485,) he is hereby authorized to expend \$4,000 out of the Marine Hospital fund, or so much thereof as may be necessary, to obtain the information from different vessels necessary to perfect the schedule required by said section.

The amendment was agreed to.

The next amendment was, after line 1851, to insert:

To reimburse A. D. Shaw, late consul at Toronto, the sum of \$633.37, that being the amount of Government funds deposited by him in the banking-house of H. J. Morris & Company, of Toronto, at the date of their failure in 1873, no part of which has been reimbursed to him.

The amendment was agreed to.

The next amendment was, after line 1858, to insert:

For payment to Catharine I. Gillis, of New York, administratrix of the estate of Thomas H. Gillis, deceased, out of the proceeds of captured and abandoned property, now in the Treasury of the United States, the sum of \$14,522.04, being the amount of a judgment of the Court of Claims rendered in favor of said Catharine I. Gillis, administratrix of the estate of Thomas H. Gillis, deceased, for the proceeds of cotton seized by the military authorities of the United States, now in the Treasury.

Mr. HOAR. I raise a point of order under that amendment. It is not in order under the thirtieth rule of the Senate.

The VICE-PRESIDENT. Being a private claim?

Mr. HOAR. Being a private claim.

The VICE-PRESIDENT. The Chair sustains the point of order.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to insert, after line 1868:

That the sum of \$75,000 is hereby appropriated to assist in the erection of an addition to the Corcoran Art Gallery, to be paid to, and expended by, the trustees of said art gallery.

The amendment was agreed to.

Mr. COCKRELL. I rise to inquire what point of order was raised by the Senator from Massachusetts, [Mr. HOAR.]

The VICE-PRESIDENT. The point of order was that the item to which objection was made embraced a private claim, which is not admissible under the rules.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 1872, to insert:

That the joint commission for the construction of the Washington Monument, created by the act of August 2, 1876, be, and is hereby, authorized to expend for the completion of the foundation of the monument, now in progress, so much of the appropriation made by the said act as may be necessary for that purpose, not exceeding \$64,000 above the sum now authorized.

Mr. DAWES. The question is on this amendment relative to the Washington Monument. I wish the Senate to be in possession of all the facts in connection with the proposition.

The Joint Committee on Public Buildings and Grounds have had a good many hearings of parties in reference to this matter, and they have been unable to recommend this expenditure of \$64,000 for this purpose, either the committee of the Senate or the committee of the House. It will be recollected that of the \$200,000 that heretofore have been appropriated for continuing the erection of this monument last year, \$36,000 the commission were authorized to use in strengthening the foundations of the monument. This authority was given them without any plan, without any particular method being prescribed. The Committee on Public Buildings and Grounds called the attention of the Senate at that time to the fact that there was some apprehension on the part of the friends of the monument that there was an intention to change the design of the monument, and Congress directed, without any plan at all, the use of \$36,000 of that money in general terms to strengthen the foundations. Now it is asked to add to that \$36,000 \$64,000 more, making \$100,000 of those \$200,000, for the purpose of digging out the bottom from under the monument and putting a new bottom under it. That is the purpose, to take out what is under the monument, upon which it rests, and put something else in the place of it.

It is the sincere belief, I have no doubt, of the accomplished engineer, Colonel Casey, that that can be done with safety; but in that opinion there is scarcely any other engineer who quite agrees with him.

Since the last session of Congress a change has come over the old Washington Monument Association so that they are desirous of adopting some new design. Colonel Casey is of opinion, however, that it is necessary to expend \$100,000 upon changing the bottom of this monument, whatever design may be adopted. In that the committees of both Houses disagreed with him. They are not satisfied that if the design of the monument shall be changed there would be any need of any such large expenditure; and therefore it was that they were unwilling to authorize the expenditure of this \$64,000 in addition to the \$36,000. However, the Committee on Appropriations—I do not know upon what evidence submitted to them, but without the Committee on Public Buildings and Grounds of either branch having any knowledge of it—recommended this amendment. The committees have no desire to antagonize it if Congress are disposed to expend \$100,000 in an experiment of that kind, taking out what this monument rests on and putting another bottom there. I do not know of any member of either committee who has the slightest faith in the success of that undertaking.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. DAWES. I trust the Senate will allow me to go on a few moments longer.

While their opinion is, as certainly they admit, of no such value as that of an engineer, yet they think that Congress would quite as well let the \$36,000, a large part of which remains unexpended now, be expended during the summer in this experiment, and by the next year there will be a demonstration of the success or the failure of the undertaking. They were not willing to have \$64,000 more put into this experiment until the effect of the \$36,000 shall be visible, for, in the opinion of very skillful engineers it will very soon be manifest upon the monument itself what will be the effect of digging out this bottom from under it and putting a new one under it.

This is all the committee have instructed me to say on the subject.

Mr. CONKLING. Mr. President, having been called from the Chamber momentarily, I wish to inquire what became of the amendment on page 76, line 1859, as to which I am told a point of order was raised?

The VICE-PRESIDENT. The point of order was made that it was a private claim and was not admissible under the thirtieth rule of the Senate.

Mr. CONKLING. Then I beg to call the attention of the Chair to the fact as I understand it to be. I have no knowledge of this claim except that several persons have written to me of its merits, and I speak of it only as I see it on the face of the papers. The thirtieth rule contains this qualification as to a private claim:

Unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited.

Now this amendment as I understand it is to appropriate a sum of money to pay a judgment rendered by the Court of Claims under an existing law, and I respectfully submit to the Chair, that the question arises at least whether that is not within the rules—

Being the amount of a judgment of the Court of Claims rendered in favor of said Catharine I. Gillis, administratrix of the estate of Thomas H. Gillis, deceased, for the proceeds of cotton seized by the military authorities of the United States, now in the Treasury.

Congress has passed a law under which law the appropriate tribunal has proceeded to adjudicate this claim, and I had supposed that that came within the rule, as I am quite sure it has been held to do in other cases. I venture to bring it to the attention of the Chair.

The VICE-PRESIDENT. The Chair thinks not. The Chair does not think a judgment of a court is a law within the meaning of the rule.

Mr. CONKLING. I understood last evening, when the present occupant of the chair I think was not presiding, the Senate either ruled or assumed in two cases that where Congress had by act directed a question to be submitted to a court and it had been submitted, that complied with the rule, and the Senator who made the point of order touching one of the paragraphs to which I now refer confined his point to such of the amendments as provided for the future, conceding that that which had been adjudicated was not offensive to the rule. The Chair will pardon me for asking attention to this, because I repeat again that I was called off only a moment from the Chamber, and on returning I heard of a point of order, which did not reach my ears, that had been made, and therefore I should like to do an act of kindness, if not a duty to these parties by directing attention to the fact that I suppose the distinction which I have pointed out exists, and rescue the amendment from the operation of the rule.

The VICE-PRESIDENT. The Senator from New York will remember that judgments of the Court of Claims are paid only upon warrant of law embraced in bills.

Mr. CONKLING. So I supposed under existing law, and therefore I had supposed—

The VICE-PRESIDENT. But they must be the subject of appropriations; and the rule simply is that upon a general appropriation bill you shall not ingraft one of this kind of appropriations.

Mr. CONKLING. If the Chair will bear with me one moment—

The VICE-PRESIDENT. Certainly.

Mr. CONKLING. I beg to turn back to page 43:

For the payment of arrears of Army transportation due such land-grant railroads as compensation was withheld from under the acts—

Stating them—

which have since been found entitled to compensation by judgment of the Supreme Court of the United States, to be adjusted by the proper accounting officers in accordance with such judgment, to be paid as other Army transportation, \$300,000, or so much thereof as may be necessary.

Now follow words to which I ask the attention of the Chair:

And the Army transportation hereafter performed by said companies shall be adjusted and paid in the same manner.

A point of order was leveled at these latter words because they did not fall within the rule, no adjudication having taken place. I submit the cases are on all fours. In each case, by direction of the legislative authority, a court proceeded to determine the amount, and that, I suppose, was in accordance, in the language of the rule, with existing law.

The VICE-PRESIDENT. The present incumbent was not in the chair at the time the clause cited was decided on. He doubts not that the action of the Senate was as stated by the Senator from New York.

Mr. KERNAN. I would ask the Chair to submit the question to

the Senate, particularly as my colleague was absent when the decision was made.

Mr. DAWES. Would it not be more convenient to let this pass until we settle the monument question?

The VICE-PRESIDENT. The Chair would first ask, is there unanimous consent that this amendment be admitted? The Chair hears no objection.

Mr. DAVIS, of West Virginia. The Senator has just come in who raised the point of order, the Senator from Massachusetts, [Mr. HOAR.] I call the attention of the Senator from Massachusetts to the point.

Mr. CONKLING. The unanimous consent will not be insisted on against the Senator from Massachusetts.

The VICE-PRESIDENT. The Chair supposed the Senator from Massachusetts was in the Chamber.

Mr. HOAR. I will state the reason why I made the point of order upon this claim. It is a claim for a large sum of money, a private claim, and of course it is liable to the point of order under the rule. It is recited as being the amount of a judgment of the Court of Claims rendered in favor of the claimant. That would ordinarily commend such a claim at once without question to the judgment of the Senate. It fails to recite, however, that that judgment of the Court of Claims was reversed on appeal. Now it may be, and I believe it is true, that the reason assigned for the reversal by the Supreme Court is a technical one; is one that it could not be properly prosecuted in the name of the assignee of the original claimant; but certainly that ought not to have been introduced into an appropriation bill in these words, leaving the Senate to suppose that they were simply providing for a judgment of the Court of Claims when there is no judgment of any court on earth binding the United States, and no auditing anywhere of this claim. That was the ground of my objection.

Mr. CONKLING. I wish to say that I did not know the fact which the Senator from Massachusetts has mentioned. Knowing it, however, I submit with great confidence that it does not go to the question of order. As the Senator says, the amendment on its face presents this as a claim adjudicated favorably in the Court of Claims. When you come to the merits of the question, if the appellate court has reversed that judgment on any consideration affecting the merits, that would be a good reason for voting down the amendment; but I respectfully submit that that, not patent but latent argument against it does not obtain on the question of order.

The VICE-PRESIDENT. The Chair gave that no consideration whatever as bearing upon the question of order.

Mr. CONKLING. I thought I was right about that, and the Chair agreeing with me I make no further remark about it except that, although I did not know the fact to which the Senator from Massachusetts directs attention, I have been assured by persons upon whom I thought I might rely, who had written in behalf of this claimant, that this came meritoriously considered, has been established in the courts, and is not challenged; but the technicality, except as far as the Senator has indicated it, I did not know of, because I did not know that any such thing had occurred.

Mr. HOAR. I did not understand that the point of order was strengthened by the consideration that I suggested, but I was asked in private by Senators why it was that I made this point to this one claim, while others in the same neighborhood were equally liable to it; and I thought it was proper to state. Now, it stands as a private claim, not in pursuance of any law, but as a naked claim. There is no judgment; there is nothing except the assertion of the claimant, or whoever has made the assertion to the Senator from New York, as to its merits. I therefore insist upon the point of order.

The VICE-PRESIDENT. The Chair at the time thought the point of order was well taken, and thinks so still. The question is on the amendment, from line 1873 to 1880, relative to the Washington Monument.

Mr. ALLISON. Before that vote is taken I desire to say, in answer to the Senator from Massachusetts, [Mr. DAWES,] that Colonel Casey appeared before the Committee on Appropriations in reference to this item and stated that the \$36,000 which is now in process of expenditure would not be enough to strengthen sufficiently these foundations, and that in order to carry on this work and make it effectual it would be necessary to expend an additional sum which he thought would not exceed \$64,000. He also stated that this was necessary, whatever the future plan might be with reference to the character of this monument or the design of it. One or two things ought to be done; either Colonel Casey ought to be made to quit expending the \$36,000, or he ought to have a sufficient sum to enable him to complete his present plan of strengthening the foundations. That is all there is to this proposition, as I understand.

Mr. SAULSBURY. I think there never has been any plan for the strengthening of the base of the monument that has commended itself fully to the Committee on Public Buildings and Grounds.

Mr. ALLISON. Allow me a moment. Is not Colonel Casey at work there at this monument expending the \$36,000?

Mr. SAULSBURY. That is true, but while the Committee on Public Buildings and Grounds—

Mr. DAWES. I will call the attention of the Senator from Delaware to the fact that the \$36,000 was appropriated for the purpose of hooping the foundation, if I may use that phrase, compressing it within a wall, and taking out what was under it and putting something else under it. That is the plan which has been adopted by the

engineer in charge since that \$36,000 was appropriated. It was the opinion of the committee that as much as he could expend during the summer would be that \$36,000.

Mr. CONKLING. What is he doing with that?

Mr. DAWES. He is digging the bottom out from under the monument and putting a new one in.

Mr. SAULSBURY. As a member of the Committee on Public Buildings and Grounds I consented that the experiment might be made with the amount of \$36,000 a year ago. I do not now remember precisely the character of the report which was submitted to us in reference to the feasibility of strengthening the foundation of the monument, and I confess the impression which I received from all the information I could get was that it was but an experiment; and the expenditure of \$36,000, while we continued the experiment to that extent, was as far as, in my judgment, we ought to go at that time.

Now, I do not undertake to say, as a member of the committee and from all the reports which have been made to that committee, that I have no confidence that it is practicable or possible ever to strengthen the foundations of the monument in a manner that will justify the extraordinary expenditure which will be required to complete it in the manner in which it is designed. But I think it is proper, before we vote this \$64,000 in addition to the \$36,000 already granted for the purpose of strengthening the foundations, that we should be satisfied that it is not only practicable but that it will prove successful. I believe that after we have expended the \$100,000 we shall find that the foundation there is too insecure to erect such a superstructure as is contemplated. No one, I am sure, can be more anxious than I myself to see the monument originally designed erected to the complete height proposed; but as a member of the committee, judging from all the information I can get from the reports which have been made as well as from some inspection, though I am not an expert about this matter, my impression is that we shall never be able to erect that monument in the manner it was originally designed and that much of the money we now expend will be wasted. If I believed it possible to erect the monument according to the plan that was originally proposed I should be in favor of completing it and carrying out the original design. Not believing that, I think we had better halt before we make the appropriation.

Mr. CONKLING. Mr. President, the mammoth chimney called the Washington Monument is a meaningless and unsightly thing; its foundations are insecure; and we have buried \$100,000 in the ground. Assuming that we succeed in founding or establishing the foot of the monument so that it will not give way, it will still remain as I have ventured to describe it.

Many plans have been suggested and shown to Senators; I might rather call them possibilities of what may or might be done in the future. I do not believe that burying sacks of concrete underneath and round about the foot of this structure, considering the nature of the ground there and the fact that it is already out of perpendicular, will succeed in making it a foundation on which can be built securely any of the proposed superstructures. If I did believe that, however, I would nevertheless vote against this appropriation because before so large an expenditure is made we should at least have some project, some expectation, some plan upon which a majority is likely to unite touching the ultimate destiny of this commenced structure.

So it seems to me there are two sufficient reasons against this. It is said that \$36,000 has already been interred, or is to be, near the Washington Monument. That is no reason why we should throw these sixty-four other thousand dollars in the same manner. If the amendment was one that would put a stop to the work which now proceeds until some result finally in this regard is reached, I would vote for that; but certainly I submit to the Senator from Iowa that it is very hard to find an argument in favor of voting \$64,000 more in the fact that \$36,000 has already been voted, which I judge that Senator agrees with me in supposing is being expended in a very precarious venture.

Let us find out what we want to do with the Washington Monument, and then if we want to attempt the task of strengthening the foundation, let us proceed to do that; but to attempt to strengthen the foundation with no adequate reason to believe that that will succeed, and then with a wholly indefinite purpose afterward as to whether we wish to do anything with the monument which would render it essential to strengthen its present foundation, seems to me to leap a long way before we come to the stile.

Mr. ALLISON. I know very little about this question, and certainly would not set up my judgment against the judgment of Colonel Casey upon this matter if I was quite familiar with it. I only know that he regards this as essential to the completion of what is now in process of construction.

Mr. VOORHEES. I join with the Senator from New York in thinking we ought to know what we are going to do. We have buried enough money there to stop unless we mean to continue it to the end. This seems to be an appropriation without any special purpose. In fact I will not vote for any more money to the Washington Monument standing where it does. There are people in and about Washington City who think the Washington Monument stands on high ground; they think it is a very high and elevated site. During the present session I was in consultation with some of the most intelligent gentlemen in Washington, who have been connected with the Washington Monument from the beginning; and when I spoke of its

undesirability as a site, they said to me that it was an ascertained fact that the site of the Washington Monument was within four feet as high as the brow of Capitol Hill, and they absolutely faced me down until I had to stop. They said it had been ascertained, and they knew what they were talking about and that I did not. The next day, however, I invaded a topographical engineer's office, and I got him to make a survey, and it was ascertained that the site of the Washington Monument is about sixty-seven feet below where we are sitting now.

There has been a wonderful want of intelligence of purpose and of common sense connected with this Washington Monument from the beginning, and we should render ourselves more respectable in the eyes of the country and of the world if we would abandon it entirely and build a monument to the father of his country in some conspicuous and beautiful place about this city. I do not believe the present one will ever be finished if we go halting and limping along with dripping appropriations toward a monument whose very foundations are matter of doubt; whose very foundations are not regarded as secure, concerning which a man would feel insecure if he had to go in there and live. I have heard so much from engineers and non-engineers on the subject of the insecurity of the foundations there that this hour I do not know but that there is a bed of quicksand under it, and I would not build a house on it.

Mr. CONKLING. Does the Senator know that the monument is already out of the true line? It has leaned.

Mr. VOORHEES. I have been told so, and there is not a Senator who would build a house for himself and family to live in on such a foundation as that; yet we are asked to appropriate money from year to year to be expended on a site that a prudent and sensible man would not occupy for any purpose of domestic life. I hope every dollar of this appropriation will be stricken out, and I hope the next move may be a commission, if we can get a commission who will act, to report to the next Congress or some future Congress, not merely to ascertain whether that foundation is secure or not, for if there is doubt about it, it ought to be abandoned; a doubt vitiates the whole plan there; but to select some other spot, to utilize the material there if we can, and if not to knock it down and let it go.

Mr. THURMAN. Mr. President, my friend from Indiana forgets that nearly all the expenditure upon the Washington Monument has been provided for by individual subscription and not by the Government of the United States.

Mr. VOORHEES. No, I do not forget that, and that makes it all the worse. There has been a system of colporteurage to solicit private benefactions by appeals to the patriotic sentiments of the country. There is a feeling in the American heart for General Washington that is appealed to in order to raise money which is worse than thrown away.

Mr. THURMAN. That is a very generous sentiment, but the point I was making is that we could not go very well to knocking this monument down if we did not build it; that a monument built by the voluntary contributions of the people of the United States in honor of the memory of him who was called the father of his country cannot very well be knocked down by an act of Congress.

Mr. VOORHEES. I take back the suggestion about knocking it down; but one thing we can do, we can run away from it and let it fall there. [Laughter.]

Mr. THURMAN. I do not think it will fall. There was a report some time ago that that monument was four or five or six inches out of perpendicular. It turned out that that report made by an engineer resulted entirely from his mistaking the bench-marks and that there is no such deflection of that monument. That there may be some little is true, about an inch or something of that kind it is suggested; perhaps less than there is to be found in any structure of that height in the world. There is a certain leaning tower in this world that has stood for centuries, that is a great many degrees out of perpendicular, and I for one am inclined to think that there is not much danger of this monument falling down.

I do not pretend to say that I think it will be the most beautiful structure in the world, and yet I am not prepared to say that all the criticisms about it are exactly right. I read of late some remarks upon it by a critic who said that it is nothing but a big chimney. This may be a proper criticism; but if so, the ancients, who were thought to have some knowledge of architecture and with whom the obelisk was a favorite erection, were sadly in fault; the people who built the Bunker Hill Monument were sadly in fault. It does seem to me, without undertaking to decide on its merits, for I have no competency to decide them, that there has been a little too much cheap criticism of the Washington Monument.

But no more about that. Mr. President, there is a necessity for a short executive session. I think it need not last more than half an hour at the outside. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

Mr. WINDOM. I hope not until about time for the recess. I think it may be better done then. I am going to suggest to the Senate at about half past five o'clock to take a recess until eight if it will meet their approval.

Mr. THURMAN. On that suggestion I withdraw the motion.

Mr. DAVIS, of West Virginia. I dislike very much to say a word,

for I think we ought to go on with the bill and vote and not talk; but I want to say a word for the Committee on Appropriations. Colonel Casey came before the committee and made this statement in substance, that the \$36,000 spoken of by the Senator from Massachusetts had been expended, and about one-third of the work done. With the balance, \$64,000, he thought and believed and indeed knew that a good and perfect foundation could be made, and without it the work would have to stop just where it was. One of the two things, he said, must be done, and we all know who Colonel Casey is.

Mr. DAWES. I only want to say that neither of the committees have the slightest desire to do otherwise than carry out as far as they can the wishes of the Monument Association. They have no disposition to change the form of the monument unless that meets the approval of the Monument Association, and they are carrying out their views as well as they can. They are not, therefore, doing anything that will trench upon the sensibilities of the Senator from Ohio. They agree with the Senator from Ohio in reference to the treatment of that monument. They say, however, after a patient examination and on the hearing not only of Colonel Casey but of other engineers and the examination of different forms which have been presented and different methods of strengthening this foundation, that they are unwilling to see \$100,000 put into this particular method in which Colonel Casey has the utmost confidence and in which he is singular among engineers. They would say let the \$36,000 go, though we never understood until this moment that the \$36,000 had been expended. A good deal of money has been expended not in this experiment of taking out one bottom and putting another under, but in getting ready for the great work. A good deal of this \$36,000 has been expended in that way, and properly, and will be useful in carrying on the work, whatever form may be adopted or whatever method of strengthening the foundation may be decided on. If Congress is ready to put \$100,000 into this place they must be prepared to put another \$100,000 next year if they find that the effect of taking out this earth has been as other engineers are so apprehensive will be the result, that the monument will lean more than one inch before next December.

I now move to lay this amendment on the table, and that will determine whether the Senate desires to go on with this expenditure.

The question being put, there were on a division—ayes 5, noes 25; no quorum voting.

Mr. COCKRELL. I call for the yeas and nays.

Mr. DAVIS, of West Virginia. Another division will do. Let us all vote.

Mr. DAWES. I withdraw the motion. Evidently a majority desire to have the appropriation continued.

The VICE-PRESIDENT. The question is on the amendment.

Mr. EDMUNDS. Is there a quorum present?

The VICE-PRESIDENT. It was not disclosed on the vote.

Mr. EDMUNDS. I ask the Chair to count the Senate.

The VICE-PRESIDENT. There is evidently a quorum here, [counting.] Forty-four Senators are present by the count. The question is on the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 20, noes 18; no quorum voting.

Mr. CONKLING. I venture to ask for the yeas and nays, Mr. President.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 22; as follows:

YEAS—23.

Allison,	Cameron of Pa.,	Jones of Florida,	Sargent,
Anthony,	Davis of W. Va.,	Kellogg,	Thurman,
Barnum,	Edmunds,	Kernan,	Wadleigh,
Beck,	Hereford,	McCreery,	Windom,
Bruce,	Howe,	Merrimon,	Withers.
Burnside,	Ingalls,	Mitchell,	

NAYS—22.

Bailey,	Garland,	Kirkwood,	Spencer,
Bayard,	Gordon,	McMillan,	Teller,
Cameron of Wis.,	Grover,	Maxey,	Voorhees,
Coke,	Hamlin,	Morrill,	Whyte.
Conkling,	Harris,	Rollins,	
Dawes,	Hoar,	Saulsbury,	

ABSENT—31.

Blaine,	Dennis,	Lamar,	Plumb,
Booth,	Dorsey,	McDonald,	Randolph,
Butler,	Eaton,	McPherson,	Ransom,
Chaffee,	Eustis,	Matthews,	Saunders,
Chandler,	Ferry,	Morgan,	Sharon,
Cockrell,	Hill,	Oglesby,	Shields,
Conover,	Johnston,	Paddock,	Wallace.
Davis of Ill.,	Jones of Nevada,	Patterson,	

So the amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1880, to insert:

To pay David L. Smith, late captain and assistant quartermaster in the United States Army, \$869.47, on account of subsistence of the Army, 1871 and prior years, as per Comptroller's report No. 1597, January 16, 1879.

The amendment was agreed to.

The next amendment was, after line 1887, to insert:

To reimburse William Beantor, of Oregon, for moneys taken from him under the rules of the military prison at Fort Alcatraz, California, in 1877, by First Lieutenant William W. Fleming, Twelfth Infantry, and then treasurer of said prison, and which amount was subsequently embezzled by said Fleming, the sum of \$992.57.

The amendment was agreed to.

The next amendment was, after line 1895, to insert:

That the act of Congress approved March 3, 1873, for the relief of William Sel-den, late United States marshal for the District of Columbia, authorizing the readjustment of his official accounts, be, and the same is hereby, amended so as to include the period of his official term, as shall be determined by the accounting officers of the Treasury: *Provided*, That no further sum of money is hereby appropriated or payable than that specified in said act; and said appropriation is hereby revived.

The amendment was agreed to.

The next amendment was, after line 1905, to insert:

That the appropriation made by the act approved February 28, 1867, entitled "An act for the relief of certain drafted men," be, and the same is hereby, extended and made available for the fiscal year ending June 30, 1880.

Mr. EDMUNDS. I should like to hear that explained.

Mr. WINDOM. I have not time to read the statute, but I can show it to the Senator.

Mr. EDMUNDS. As nobody knows anything about it, it must be right; I will not say anything.

Mr. WINDOM. I hardly am willing to let it stand on that basis. I have not time to refer to the statute now, but I will show it to the Senator and recur to this matter again if he desires.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 1911, to insert:

To pay George S. Wright, administrator of the estate of J. T. Wright, deceased, for the value of the steamship Peerless, as adjusted under the provisions of the act of March 3, 1849, (section 3483 of the Revised Statutes,) as per estimate made by the Secretary of War, and transmitted by the Secretary of the Treasury to Congress for appropriation, the sum of \$35,000.

Mr. EDMUNDS. I should like to hear that explained on the same principles as the last one.

Mr. HOAR. I make the same point of order on that as on the previous claim. There is no time to discuss it.

Mr. WINDOM. That is an account audited and adjusted by the Third Auditor and Second Comptroller. I will read the papers if it is desired.

Mr. EDMUNDS. I should like to hear the statement.

The VICE-PRESIDENT. The Chair thinks the amendment is liable to the point of order.

Mr. HOAR. I waive the point of order to hear an explanation.

The VICE-PRESIDENT. The point of order is waived.

Mr. DAVIS, of West Virginia. Several Senators are anxious to interrupt this bill to interpose other business. I feel it my duty to say that I shall object to anything interfering with this regular appropriation bill while it is under discussion. If we are to pass these bills at all, we must go on with them or have an extra session. I hope gentlemen will let the bills go right on without interfering.

Mr. WINDOM. I will read a very brief statement from the Third Auditor with reference to this account:

This is to certify that there has been adjusted in this office an account in favor of the estate of J. T. Wright, deceased, payable to George S. Wright, administrator of said estate, for the value of his steamship Peerless, under the provisions of section 3483, Revised Statutes, and an allowance made of \$35,000, which adjustment has been confirmed by the honorable Second Comptroller of the Treasury.

This was sent to the committee by the Secretary of the Treasury. This is what we acted on.

Mr. EDMUNDS. I should like to know what the circumstances of this thing are.

The VICE-PRESIDENT. The Chair desires to know first whether the Senator from Massachusetts insists on the point of order?

Mr. HOAR. I think I shall insist on the point of order.

The VICE-PRESIDENT. The Chair rules the amendment out on the point of order that it is a private claim.

Mr. EDMUNDS. It plainly is, but I wish the Chair would allow me to add that I have not a very positive recollection, but I think I remember that this Peerless business is an old customer, a vessel destroyed during the war under circumstances not altogether unquestionable.

The VICE-PRESIDENT. It is ruled out.

Mr. KERNAN. What is the point of order? We could not hear it over here.

The VICE-PRESIDENT. It is that it is a private claim, and that its payment is not directed by any existing law, as required by the thirtieth rule of the Senate.

Mr. KERNAN. Allow me to suggest that I think the section of the Revised Statutes referred to provides for its payment.

The VICE-PRESIDENT. The Secretary will read the section referred to.

Mr. KERNAN. I will state what I know about it after the section is read. Perhaps I had better read it. The section is as follows:

SEC. 3483. Every person who sustains damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, sleigh, harness, steamboat or other vessel, railroad-engine or railroad-car, while such property is in the military service, either by impressment or contract; or who sustains damage by the death or abandonment and loss of any horse, mule, or ox, while in the service, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, or whose horse, mule, ox, wagon, cart, boat, sleigh, harness, vessel, railroad engine, or railroad-car is lost or destroyed by unavoidable accident while such property is in the service, shall be allowed and paid the value thereof at the time when such property was taken into the service, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner: *Provided*, It appears that such loss, capture, abandon-

ment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while the property was actually employed in the service of the United States.

I have here a note from the party interested, I suppose. He says the papers showing what he states in the note are in the hands of the committee. He states that the account for this vessel—

Was adjusted and certified by the accounting officers under existing law and estimated for to Congress by the Secretary of War through the Secretary of the Treasury.

He says further:

The official papers with the committee show these facts. The vessel was lost while in the military service as a part of the Port Royal expedition under circumstances which rendered the United States liable for her value under section 3483 of the Revised Statutes.

Being a vessel in the service of the Government, as this party states, I call attention to the point that the official papers showing these facts are in the hands of the committee. I hope the committee will present them. It would seem from the statement that it comes clearly within the section, and the law provides for paying the value, and the account has been adjusted.

Mr. WINDOM. If the Chair rules the amendment out of order, I insist on going on with the bill.

The VICE-PRESIDENT. The Chair does not rule upon the justice of the claim at all, but simply that being a private claim it is not in order upon a general appropriation bill.

Mr. KERNAN. Is it because there is no law providing for its payment?

The VICE-PRESIDENT. It is because there is no law providing for the payment of this claim. It should go like other claims reported by the southern claims commission or the Court of Claims; it should not come as an amendment into a general appropriation bill.

Mr. KERNAN. If the Government should have a vessel in time of war belonging to a party, and that should be destroyed, the law provides that it is to be paid for. I do not mean to argue it, but simply state the fact.

The VICE-PRESIDENT. The Chair thinks the point of order is well taken. Is there an appeal? The reading will continue.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1919, to insert:

To provide for a building for the use of the city post-office, Washington, District of Columbia, there shall be appropriated, for the purchase by the Postmaster-General of lots lettered C, D, and E, of square 322, improved by a seven-story fire-proof building, the sum of \$325,000; and this appropriation shall be available as soon as the owner of said lots and building shall, by good and sufficient deed, in due form of law, and approved by the Attorney-General of the United States, fully release and convey the said property to the United States.

Mr. KERNAN. I hope we shall have some explanation of this somewhat extraordinary amendment to buy a block at \$325,000 here. I hope the Senate is not going to pay now for a city post-office in this way \$325,000.

Mr. HOAR. I think the question whether the Senate will enter upon the consideration of the proper site for a Washington post-office and a proper plan at this late hour of the session can as well be decided without debate as not, and therefore I move to lay the amendment on the table to test that question.

Mr. KERNAN. I hope that motion will be agreed to to save time.

The VICE-PRESIDENT. The Senator from Massachusetts moves that this amendment lie on the table.

The motion was agreed to.

The SECRETARY. The committee propose to amend, at page 79, by striking out all after line 1 to and including line 16 on page 102.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment is agreed to.

The lines stricken out are sections 2, 3, and 4, in the following words:

SEC. 2. That all sums due upon certificates issued, or which may be issued, by the accounting officers of the Treasury in settlement of claims for pay, bounty, prize-money, or other moneys due to colored soldiers, sailors, or marines, or their legal representatives, shall be paid by the officers of the Pay department of the Army, under the direction of the Paymaster-General, who is already charged with the payment of like dues to white soldiers: *Provided*, first, That no such certificate shall be issued until it shall have been ascertained that the application is made by the original claimant, or, if he be dead, by his true living legal representative, nor until the identity of such claimant or representative, as the case may be, shall have been duly established: *Provided*, That if an agent or attorney be employed, the allowance for his services shall not in any case exceed that contemplated in the scale of fees and allowances fixed by the second section of a joint resolution approved July 26, 1866, entitled "Joint resolution amendatory of a joint resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs," approved June 15, 1866, and such allowance shall be stated in a separate certificate in favor of the agent or attorney simultaneously with the issue of a certificate for the amount due the claimant: *Provided further*, That the amount due the claimant, or his living representative, or the balance due after deducting the attorney's fee, if any, shall be paid only to the party named in the certificate, and in current funds or by post-office money-order, and not by checks or drafts; and no power of attorney, transfer, or assignment of the amount of such claims, or any part thereof, shall in any case be recognized; and the sum of \$4,000, or so much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1879, and \$10,000 for the fiscal year ending June 30, 1880, to meet the expenses incurred on account of payment of these claims, for salaries of agents and clerks, rent of offices, fuel and lights, stationery and printing, office furniture, mileage and transportation of officers and agents, telegraphing, postage, and post-office money-orders; and the sum of \$50,000 is hereby appropriated, under the title "Pay of two and three years' volunteers reapportioned," for the payment of such of the claims in question as may be covered by Treasury certificates issued after the passage of this act, and previous to July 1, 1880: *And provided further*, That the

sum or sums now held by the Treasurer of the United States, turned over to him, under the Attorney-General's decision of December 30, 1878, by the chief disbursing officer of the freedmen's branch of the Adjutant-General's Office, as the balance in said officer's hands of moneys due and unpaid on account of adjusted claims of the class contemplated in the first clause of this section, shall be turned over to the paymaster who may be charged by the Paymaster-General with the payment of such claims, to be by him paid to the proper claimants under the restrictions imposed in said section.

Sec. 3. That the sum of \$1,583,361.56 be, and is hereby, appropriated for the purpose of paying one half of the estimated expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1880, namely:

For improvements and repairs, as follows: Work on Boundary street auxiliary sewer, \$100,000; lateral sewers, \$15,000; work upon sundry avenues and streets, \$100,000; replacement of pavements, at not to exceed \$2.25 per square yard, \$250,000; repairs to concrete pavements, \$100,000; material issued for permit work, \$15,000; in all, \$500,000.

For constructing, repairing, and maintaining bridges, as follows: Ordinary care of Benning's, Anacostia, and Chain bridges, including fuel, oil, lamps, matches, &c., \$1,200; replanking and painting Chain bridge, \$2,500; repairing Benning's bridge and its carriage-ways, \$2,500; raising embankments of Anacostia bridge and repairing piers and abutments, \$3,000; repairs of Rock Creek bridges, \$1,000; in all, \$10,200.

For maintaining institutions of charity, reformatories, and prisons, as follows: Washington Asylum: One commissioner, \$200; one intendant, \$800; one matron, \$800; one visiting physician, \$1,200; one resident physician, \$480; one resident physician, \$360; one clerk, \$480; one baker, \$120; six overseers, at \$600 each, \$3,600; one watchman, \$300; three watchmen, at \$180 each, \$540; one driver, \$120; one hostler, \$60; one cook, \$120; two cooks, at \$60 each, \$120; five nurses, at \$60 each, \$300; contingent expenses, including provisions, fuel, forage, lumber, hardware, shoes, dry goods, medicines, and miscellaneous items, \$35,300; total Washington Asylum, \$45,000.

Georgetown Almshouse: Support of inmates, \$1,800;

Hospital for the Insane: Board and clothing of inmates, \$17,000;

Transportation of paupers and conveying prisoners to workhouse, \$2,500;

Reform School, District of Columbia: Support of inmates, \$20,000: *Provided*, That all and singular the powers conferred and duties enjoined by existing laws upon the Department of Justice or the board of trustees relating to the Reform School in the District of Columbia be, and the same are hereby, transferred to the commissioners of the District of Columbia;

For the support and maintenance of the Columbia Hospital for Women and Lying-in Asylum, \$12,000;

For the support and maintenance of the Children's Hospital, \$5,000;

For Saint Ann's Infant Asylum, \$5,000;

For the Industrial Home School, \$5,000;

For the National Association for Colored Women and Children, \$5,000;

For the Women's Christian Association, \$5,000: *Provided*, That the above specified amounts shall be paid to said institutions, by the commissioners of the District of Columbia, quarterly only, upon the presentation of a detailed report, accompanied by the proper vouchers, showing the receipts and disbursements for the preceding quarter: *And provided*, That hereafter no appropriation shall be made for any charities within the District of Columbia unless the same be included in the annual estimates of the commissioners, whose duty it is hereby made to include in said estimates such charities as they may think proper objects of public aid and support;

Relief of the poor, \$15,000; in all, \$138,300.

For the Washington Aqueduct as follows: Engineering, maintenance, and general repairs, \$20,000.

General expenses:

For salaries and contingent expenses as follows:

Executive office proper: Two commissioners, at \$5,000 each, \$10,000; one secretary, \$2,160; one clerk, \$1,500; one clerk, \$1,440; two temporary clerks, arranging, classifying, and preserving records of former governments, at \$3 per day each, \$1,776; one temporary clerk, arranging, classifying, and preserving records of former governments, at \$1.50 per day, \$469.50; one messenger, \$840; contingent expenses, including books, stationery, printing, and miscellaneous items, \$2,712.50; in all, \$21,000.

Auditor and comptroller's office: Auditor and comptroller, \$3,000; one book-keeper, \$1,800; one clerk, \$1,500; three clerks, at \$1,400, \$4,200; one clerk, \$1,200; contingent expenses, including furniture, books, stationery, and miscellaneous items, \$860; one clerk, in charge of special-assessment branch, \$2,160; two clerks, at \$1,200 each, \$2,400; one clerk, at \$3 per day, \$940; two clerks, at \$1.50 per day each, \$940; in all, \$19,000.

Sinking-fund office: Two clerks, at \$1,200, \$2,400; contingent expenses, \$300; in all, \$2,700.

Coroner's office: One coroner, \$1,800; contingent expenses, including books, stationery, and jury and witness fees, \$700; in all, \$2,500.

Collector's office: Collector, \$3,000; one clerk, \$1,500; one clerk, \$1,200; one clerk, \$1,000; one clerk, \$960; one clerk, at \$3 per day, \$940; one messenger, \$480; contingent expenses, including books, stationery, printing, and miscellaneous items, \$4,720; in all, \$13,800.

Attorney's office: One attorney, \$4,000; one assistant attorney, \$1,900; one special assistant attorney, \$960; one clerk, \$1,500; three clerks, at \$1,192, contingent expenses, including books, stationery, and miscellaneous items, \$988; in all, \$9,000.

Treasurer's office: Treasurer and assessor, \$2,400; one clerk, \$1,200; contingent expenses, including books, stationery, car fare, &c., \$260; in all, \$3,860.

Inspector of buildings' office: One inspector, \$2,400; one assistant inspector and draughtsman, \$1,700; one assistant inspector, \$1,000; one messenger, \$480; contingent expenses, including books, stationery, and miscellaneous items, \$300; in all, \$5,880.

Superintendent of assessments and taxes' office: One superintendent, \$2,400; two clerks, at \$1,200, \$2,400; one messenger, \$720; contingent expenses, books, stationery, and miscellaneous items, \$2,280; in all, \$7,800.

Inspector of gas and meters' office: One inspector, \$2,000; one assistant inspector, \$1,000; in all, \$3,000: *Provided*, That from and after the passage of this act the said officers shall be appointed by, and be under the control of, the commissioners of the District of Columbia.

Assessor's office: Two clerks, at \$1,200 each, \$2,400; one messenger, at \$1.50 per day, \$469.50; contingent expenses, including books, stationery, printing, temporary clerks, &c., \$4,380.50; in all, \$7,250.

Harbor-master of Georgetown, \$80; scaler of weights and measures, \$80; in all, \$160.

Engineer's office: One chief clerk, \$1,760; one clerk, \$1,440; five clerks, at \$1,200 each, \$6,000; one clerk, \$960; one clerk, \$900; one clerk, \$720; one clerk, at \$3.20 per day, \$1,001.60; one clerk, at \$3 per day, \$936; one computing engineer, \$2,400; one draughtsman, \$1,000; one leveler, \$1,600; two levelers, at \$4 per day each, \$2,560; two rodmen, at \$780 each, \$1,560; one axman, at \$2 per day, \$626; one axman, \$600; one inspector of asphalt pavements, \$2,400; one inspector, \$1,440; one inspector, at \$2.50 per day, \$822.50; eleven inspectors, at \$4 per day each, (employed for six months,) \$6,880; two overseers, at \$1,200 each, \$2,400; one overseer, \$960; one overseer, at \$4 per day, \$1,252; one superintendent of property, \$1,800; one watchman at property-yard, \$720; two watchmen at property-yard, at \$1.50 per day each, \$1,095; one inspector of fuel, at \$2 per day, \$626; one janitor of public buildings, \$720; two watchmen of public buildings, at \$600 each, \$1,200; one laborer,

\$600; one laborer, \$480; one laborer, at \$1.25 per day, \$391.25; one laborer, at \$1.50 per day, \$469.50; one superintendent of permits, \$1,400; one sewer-tapper, \$1,000; two messengers, at \$600 each, \$1,200; one messenger, \$540; one driver, \$600; contingent expenses, books, stationery, &c., \$4,927.15; in all, \$58,000.

Fuel, ice, repairs, general miscellaneous expenses, and so forth, for District offices, \$3,000: *Provided*, That all the officers and employes hereinbefore mentioned shall devote their entire time and attention to the duties of the office they may fill, and shall not be allowed to engage in any other business.

For the public schools of the District of Columbia, as follows: One superintendent, \$2,700; one superintendent, \$2,250; one secretary, \$150; one clerk to committee of accounts, board of trustees, \$150; one clerk, \$900; one clerk, \$800; five teachers, at \$1,650 each, \$8,250; one teacher, \$1,600; two teachers, at \$1,350 each, \$2,700; one teacher, \$1,300; one teacher, \$1,200; one teacher, \$1,100; fifteen teachers, at \$1,000 each, \$15,000; one teacher, \$960; two teachers, at \$950 each, \$1,900; twelve teachers, at \$900 each, \$10,800; ten teachers, at \$850 each, \$8,500; twenty teachers, at \$800 each, \$16,000; thirty-one teachers, at \$750 each, \$23,250; fifty-one teachers, at \$700 each, \$35,700; fifty-seven teachers, at \$650 each, \$37,050; eighty-three teachers, at \$600 each, \$49,800; twenty-five teachers, at \$550 each, \$13,750; ten teachers, at \$500 each, \$5,000; five teachers, at \$450 each, \$2,250; twelve teachers, at \$425 each, \$5,100; fifty teachers, at \$400 each, \$20,000; one temporary teacher, \$350; six teachers, at \$250 each, \$1,500; one janitor, \$1,140; one janitor, \$1,102; one janitor, \$1,067; one janitor, \$922; one janitor, \$914; one janitor, \$900; one janitor, \$880; one janitor, \$850; one janitor, \$822; one janitor, \$822; one janitor, \$809; one janitor, \$888; one janitor, \$884; one janitor, \$882; one janitor, \$850; one janitor, \$430; two janitors, at \$384 each, \$768; two janitors, at \$288 each, \$576; one janitor, \$250; one janitor, \$230; one janitor, \$225; one janitor, \$216; one janitor, \$192; three janitors, at \$172 each, \$516; one janitor, \$180; one janitor, \$150; two janitors, at \$160 each, \$320; one janitor, \$140; one janitor, \$92.23; six janitors, at \$8.40 each, \$504; twelve janitors, at \$8.00 each, \$960; three janitors, at \$120 each, \$360; four janitors, at \$60 each, \$240; eleven janitors, at \$54 each, \$594; nine janitors, at \$50 each, \$450; additional teachers and increase of pay by continuous service, \$22,000; rent of school buildings, \$30,000; fuel, \$12,000; repairs to school buildings, \$25,000; contingent expenses, including books, stationery, printing, insurance, and miscellaneous items, \$21,587.37; for the construction of two new school buildings, purchase of lots, and furniture, complete and ready for occupancy, at \$37,500 each, \$75,000: *Provided*, That two lots on square 158, south side of Massachusetts avenue and west of Seventeenth street, belonging to the United States, may be used by the commissioners of the District for school purposes, and they may erect one of said school-houses thereon: *And provided*, That the inspector of buildings of the District shall have authority and control over and supervision of the construction and repairs of all school buildings if the commissioners deem best to delegate the same to him; in all, \$475,000.

For the Metropolitan police, as follows: One major and superintendent, \$2,500; one captain, \$1,600; one clerk, \$1,500; one clerk, \$1,200; three surgeons, at \$450 each, \$1,350; four detectives, at \$1,200 each, \$4,800; ten lieutenants, at \$1,200 each, \$12,000; twenty sergeants, at \$1,000 each, \$20,000; twenty-five privates, class 5, at \$900 each, \$22,500; forty privates, class 4, at \$940 each, \$37,600; fifty privates, class 3, at \$900 each, \$45,000; fifty privates, class 2, at \$860 each, \$43,000; forty-two privates, class 1, at \$825 each, \$34,650; sixteen station-keepers, at \$450 each, \$7,200; eight laborers, at \$420 each, \$3,360; two telegraph operators, at \$780 each, \$1,560; one messenger, \$700; one messenger, \$360; one major and superintendent, mounted service, \$360; one captain, mounted service, \$240; forty lieutenants, sergeants, and privates, mounted, at \$240 each, \$9,600; rent of police station-houses and police headquarters, \$6,200; fuel, \$1,543; repairs to station-houses, \$1,200; miscellaneous expenses, including stationery, gas, telegraphing, ice, washing, printing, meals to prisoners, repairs to van, &c., \$10,000; in all, \$272,579. And the pay of the members of the Metropolitan police is fixed at the above rates, the commissioners of the District to make such regulations as to classification as they may deem proper: *Provided*, That all new appointments shall be made to class 1: *And provided*, That the number in any class shall not at any time exceed the number herein designated.

For the fire department and fire-alarm as follows: One chief engineer, \$1,800; one assistant engineer, \$1,400; one superintendent of fire-alarm telegraph, \$1,500; two telegraph operators, at \$1,000 each, \$2,000; eight firemen, at \$900 each, \$7,200; six engineers, at \$900 each, \$5,400; six firemen, at \$800 each, \$4,800; two tillermen, at \$800 each, \$1,600; eight hostlers, at \$600 each, \$4,800; forty-eight privates, at \$720 each, \$34,560; six privates, at \$720 each, temporarily employed, \$4,320; repairs to engine-houses, \$1,000; fuel, \$500; purchase of horses, \$2,000; repairs to apparatus, \$5,000; contingent expenses, including horse, forage, stationery, horseshoeing, washing, and miscellaneous items, \$25,420; in all, \$103,300.

For the courts, as follows: Police court: One judge, \$3,000; one clerk, \$2,000; one deputy clerk, \$1,000; two bailiffs, at \$3 per day each, \$1,878; one messenger, \$900; one doorkeeper, \$540; one justice of the peace, acting as judge in judge's absence, \$600; United States marshal's fees, \$2,316; rent of building for police court, \$1,700; contingent expenses, including books, stationery, fuel, ice, gas, witness fees, and miscellaneous items, \$2,046; judicial expenses, \$2,500; in all, \$18,500.

For the streets, as follows: Removal of garbage, \$10,355; street-lamps, lighting, extinguishing, and gas, \$122,630: *Provided*, That all and singular the powers conferred and duties enjoined by the act approved June 23, 1874, entitled "An act regulating gas-works," be, and the same are hereby, transferred to the commissioners of the District of Columbia, and they shall also have the power to fix the size of the burner to be used upon the street-lamps; but the illuminating power shall not be reduced from that produced by the burners now in use; repairs to street-lamps, \$1,000; erection of street-lamps, \$1,500; matches for use of lamp-lighters, \$30; one superintendent, \$800; four lamp-lighters, at \$450 each, \$1,920; one lamp-lighter, \$120. Parking commission. One superintendent, \$900; one assistant superintendent, \$700; contingent expenses, including laborers, cart-hire, trees, tree-boxes, tree-straps, tree-stakes, planting and care of trees, whitewashing, care of parks, and miscellaneous items, \$13,400; Current work of repairs of streets, alleys, county roads, &c.: One overseer of repairs, \$2,000; one clerk, \$1,900; four supervisors of roads, at \$900 each, \$3,600; labor, cart-hire, materials, and miscellaneous items, \$75,500; sweeping, cleaning, and sprinkling streets and avenues, \$35,100; cleaning alleys, \$7,500; repairs to pumps, \$2,500; cleaning Tiber sewer, \$10,000; in all, \$303,455.

For miscellaneous expenses, as follows: Markets: One market-master, \$1,650; one market-master, \$1,500; two market-masters, \$1,800; contingent expenses, including gas, repairs, and miscellaneous items, \$4,550; rent of market site and property yards, \$1,175; hay scales, \$300; rent of District offices, \$6,000; general advertising, \$7,000; miscellaneous items, books to register of wills, printing checks, damages, &c., \$6,500; in all, \$30,375.

For the health department, as follows: One health officer, \$3,000; six sanitary inspectors, at \$1,200, \$7,200; two food inspectors, at \$1,200 each, \$2,400; clerks, \$7,000; one poundmaster, \$1,000; contingent expenses, including books, stationery, fuel, rent, disinfectants, and miscellaneous items, \$3,500; in all, \$24,400: *Provided*, That no officer of the District of Columbia shall receive any compensation other than the salary herein provided, and no officer or employé of the District shall draw more than one salary or fill more than one office.

For the interest on funded debt, \$1,016,124.12.

For general contingent expenses of the government of the District of Columbia, \$20,000.

All moneys appropriated under this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited, to the credit of the Treasurer of the United States, in the Treasury, as required by the provisions of section 4 of an act approved June 11, 1878, and shall be drawn therefrom upon requisition of the commissioners of the District of Columbia, such requisitions specifying the appropriation upon which the same is drawn; and in no case shall

such appropriations be exceeded, either in requisition or expenditure; and the accounts for all disbursements shall be made quarterly to the accounting officers of the Treasury by the auditor of the District of Columbia, upon vouchers certified by the commissioners of the District of Columbia, as now required by law. And section 2 of an act approved March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," be, and the same is hereby, repealed.

SEC. 4. That the fifth paragraph of that portion of the act of June 20, 1878, making appropriations for sundry civil expenses of the Government for the fiscal year 1879, and for other purposes, relating to the District of Columbia, be, and the same is hereby, amended so that the sum of money therein appropriated to pay the workmen of said District may be paid to those whose claims are due and unpaid from contractors whose accounts against the government of said District had been paid in part or in full prior or subsequently to the passage of the act of June 23, 1874; and that no such claims shall be received, filed, or audited subsequently to the 1st of May, 1879: *Provided*, That the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workmen.

The next amendment was to insert in lieu of section 2 the following:

That the sum of \$1,000,821.78 be, and is hereby, appropriated for the purpose of paying one-half of the estimated expenses of the government of the District of Columbia for the fiscal year ending June 30, 1880, namely:

For improvements and repairs, as follows: Work on Boundary street auxiliary sewers, \$100,000; lateral sewers, \$15,000; work upon sundry avenues and streets, \$100,000; replacement of pavements, at not to exceed \$2.25 per square yard, \$250,000; repairs to concrete pavements, \$100,000; material issued for permit work, \$15,000; in all, \$580,000.

For constructing, repairing, and maintaining bridges, as follows: Ordinary care of Benning's, Anacostia, and Chain bridges, including fuel, oil, lamps, matches, &c., \$1,200; replanking and painting Chain bridge, \$2,500; repairing Benning's bridge and its carriage-ways, \$2,500; raising embankments of Anacostia bridge and repairing piers and abutments, \$3,000; repairs of Rock Creek bridges, \$1,000; in all, \$10,200.

Mr. CONKLING. Let me interrupt the reading. Is it proposed to read all these provisions and vote upon them in block, or is it in order to make as we proceed any suggestion a Senator wishes to make?

The VICE-PRESIDENT. It is in order to make suggestions or amendments as paragraphs are read.

Mr. CONKLING. I venture to call attention to a paragraph which occurs at the top of page 103.

Ordinary care of Benning's, Anacostia, and Chain bridges,

which I understand to include the bridge over the East Branch at the Navy Yard.

Mr. President, I do not think the bridge which I refer to, having been built by the public money, should be maintained by the public money as it is now used. That bridge is twenty-one feet in the clear. Fourteen feet of the twenty-one are occupied by a horse-railroad injuriously and unnecessarily; running on a track the gauge of which is four feet eight inches—their cars are seven feet wide; so that they occupy fourteen of the twenty-one feet of this bridge. Their cars run eighteen minutes apart, and they occupy four minutes in traversing this bridge, and in order to do that they need not arrange their timetable so as not to have cars meet on the bridge. They are suffered to maintain two tracks, so that no vehicle, double or single, can cross that bridge with comfort and scarcely with safety.

I remember when they obtained permission to cross the bridge and the restrictions which we sought to put upon them. I call the attention of the Senate, and especially of the committee, to this, in the hope that they will see that an expensive bridge having been built by public money, and having thus far been maintained by public money, which is virtually monopolized by a street-railway company, should not be maintained at the public cost, and certainly not wholly at the public cost.

I hope the committee will consent either to omit this particular bridge, or introduce some amendment which will in some sort assert the rights not only of the Government, but of the public.

I ought in this connection not to forget to say, that assurances having been recently given that one of these tracks would be taken out, which assurances have been going for months and have resulted in nothing, a large number of persons resident across the river came to me, knowing my attention had been called to this matter, with a petition numerously signed, which they were circulating; and unwisely, as it seems now, I said to them that assurances had reached the committee and others which I thought indicated that there was to be relief by this railway company taking up one of these tracks, the remaining track being, as I think after reading their statement, just as useful to them practically as both the tracks are. In consequence of this assurance they forbore further to circulate their petition, but still the complaints go on, and everybody who has crossed the bridge must know how just those complaints are.

I insist upon it that we ought not to go on maintaining and policing a bridge for the benefit of this company from which the public is not excluded, yet is so far inconvenienced in using that practically it is no bridge at all.

Mr. MORRILL. I hope the chairman of the Committee on Appropriations will consent to an amendment providing that there shall be but one track across this bridge. At least two years ago attention was called to it, and I was given to understand that the matter would be remedied at once.

Mr. ROLLINS. Will the Senator allow me a moment? This matter was before the Committee on the District of Columbia. The doors of the committee-room were open and a hearing was given to the people who have occasion to cross this bridge often; and they all with one voice protested against the change, very much to my surprise and to that of the other members of the committee. They said to have

but one track across the bridge would discommode the travel very much more than to have two tracks, because in passing they could follow a car over in one direction and another back.

Mr. CONKLING. May I be allowed one moment to understand this? Shall I understand the Senator to say that people came before the committee and said that unless there were iron tracks on the bridge they could not drive conveniently in that place?

Mr. ROLLINS. No, Mr. President—

Mr. CONKLING. In other words, if the Senator will pardon me, the bridge is twenty-one feet in the clear; these two tracks with the cars on them occupy fourteen feet, when the cars are abreast of each other. Shall I understand the Senator to say that people came and maintained that with fourteen feet in the clear to drive, to pass and repass, they could not do it as well as they could with seven feet?

Mr. ROLLINS. I merely wish to state that such were the representations made by people living on the other side of the bridge, that they would be very much better accommodated in the present condition of the bridge than they would if the change was made. That is what I mean to say. I did not make a personal examination of the case.

Mr. DORSEY. The parties who appeared before the Committee on the District of Columbia in regard to this railway track failed to state the width that would be left on the bridge if one track was taken up, which makes a very great deal of difference in the propriety of removal. They stated that the carriages could not pass if one track was taken up and the other was left down, which was ascertained not to be true. Carriages can pass without trouble over the track if one is taken up. I hope the amendment the Senator from New York suggests, if he has it prepared, will be agreed to.

Mr. CONKLING. Mr. President, I wish to say that one man came to me with another one to witness it, who made, or intended to make, the statement the Senator from New Hampshire has reported to the Senate. I took my pencil and drew upon a piece of paper this bridge and the tracks roughly, and then I invited this man to look at me, if he would, so that he saw me and at the same time allowed me to see him while he repeated that statement, to wit, that a carriage crossing a bridge fourteen feet wide could not go as comfortably as if the bridge was only seven feet wide; and the second time he failed to make the statement. I then inquired what his connection with this matter was, and I found that he was one of the employes or officers of this horse-railway company. Now I undertake to say that a proposition more essentially false and ridiculous was never stated or invented than this, that with one track occupying seven feet of a bridge leaving fourteen feet unoccupied and unencumbered, foot-passengers and vehicles cannot proceed in the fourteen feet as well as they could if they were confined to seven feet.

I venture to make one other remark upon this subject. Anybody who has seen single vehicles cross this bridge, as I have a good many times and been asked to stop and look at it, knows that there is no mode of driving across it with ease, unless a horse were specially educated to the purpose so that he does not sway enough to drag the wheels and to scrape the wheels along these tracks first one way and then the other. A team of double horses may straddle one of these tracks and thus get across, but for single vehicles it would be difficult to imagine an arrangement rendering it more impossible with ease to cross this bridge than it is now.

I move, Mr. President, at the end of line 27 to add these words:

Provided, That one of the two railroad tracks now on said Anacostia bridge shall at once be removed.

Does the chairman of the Committee on the District of Columbia see any objection to that?

Mr. DORSEY. None at all, Mr. President.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York, to the amendment of the Committee on Appropriations.

Mr. EDMUNDS. Some very astute District of Columbia lawyer may say that this proviso is a mere limitation upon an expenditure of the money, and that if the tracks are not removed the money shall not be spent. I would suggest instead of saying "provided" to say "and," as a positive command.

Mr. CONKLING. "And one." I think the Senator is quite right. I change it, Mr. President, so as to read, "and one of the two railroad tracks," &c.

The VICE-PRESIDENT. As thus modified will the Senate agree to the amendment to the amendment of the committee?

The amendment to the amendment was agreed to.

The reading of the amendment proposed as section 2 was continued, as follows:

For maintaining institutions of charity, reformatories, and prisons, as follows. Washington Asylum: One commissioner, \$200; one intendant, \$960; one matron, \$600; one visiting physician, \$1,200; one resident physician, \$480; one resident physician, \$300; one clerk, \$180; one baker, \$420; six overseers, at \$600 each, \$3,600; one watchman, \$300; three watchmen, at \$180 each, \$540; one driver, \$120; one hostler, \$60; one cook, \$120; two cooks, at \$60 each, \$120; five nurses, at \$60 each, \$300; contingent expenses, including provisions, fuel, forage, lumber, hardware, shoes, dry goods, medicines, and miscellaneous items, \$35,300; total Washington Asylum, \$45,160.

Georgetown Almshouse: Support of inmates, \$1,800.

Hospital for the Insane: Board and clothing of inmates, \$17,000.

Transportation of paupers and conveying prisoners to workhouse, \$2,500.

Reform School, District of Columbia: Salaries, fuel and incidentals, repairs and improvements, \$20,000; and section 13 of the act entitled "An act revising and

amending the various acts establishing and relating to the Reform School of the District of Columbia, approved May 3, 1876," is hereby continued in full force.

For the support and maintenance of the Columbia Hospital for Women and Lying-in Asylum, \$12,000.

Mr. HARRIS. I should like to inquire if that amendment will be subject to amendment hereafter if it is agreed to now?

The VICE-PRESIDENT. It will be subject to amendment in the Senate.

Mr. HARRIS. I doubt whether the clause ought to be agreed to in its present form. That appropriation is one of the expenditures of the government of the District of Columbia. That hospital is one over which the authorities of the District of Columbia have no control; they have no voice in its management; and so long as that is the case I do not think they ought to be taxed for its support. Under this clause the District of Columbia will have to raise by taxation \$6,000 as its proportion of the appropriation. Unless the hospital can be subjected to the control of the authorities of the District, for one I am opposed to agreeing to an amendment that makes such an appropriation.

Mr. EDMUNDS. This institution is not under the control of the three gentlemen who manage the District of Columbia, neither is the Children's Hospital named in the next clause that follows it; neither is the St. Ann's Infant Asylum in the next clause that follows that; neither is the Industrial Home School, if I am correctly informed; neither is the National Association for Colored Women and Children named in the next clause; neither is the Women's Christian Association. These are all private and religious charities of various denominations that devote themselves by large private contributions, and have done so for years, long before Congress aided them at all, in trying to take care in their respective ways of the unhappy and sorrowful and sick, of whom so many are in this District.

Congress some years ago undertook to make small contributions to these simple charities, because they did so much public good. They are all I believe at present most thoroughly well administered on all sides, in all these denominations and in all these ways. It is simply, therefore, a contribution to fill a need for aid to the poor and the sick and the distressed in these respects, for which there is no public provision by general hospital.

That being the state of the case, I hope my honorable friend will not undertake to cut off these four or five religious charities that cover all denominations by any interference of control on the part of any of the authorities of the District. When we discover that any abuse exists, then, certainly, let us stop the appropriation; but as long as we all believe that they are all doing the very best they can in the best way, let us contribute this small pittance for their aid.

Mr. HARRIS. In justice to myself, I desire to state to the Senator from Vermont and to the Senate that my suggestion was prompted in some measure by information (how reliable I cannot tell and I do not know, hence I cannot state upon my own responsibility the facts) that has left an impression on my mind that this particular institution, at least, is not managed with that degree of economy and prudence with which a public charity might be, and possibly ought to be, managed. If I am not right in the facts, I hope the Senator will correct me, for I do not desire to make a false impression upon the mind of any one or to labor under an incorrect impression myself in regard to it; but I understand that the treasurer of this institution is paid a salary of ten or twelve hundred dollars for disbursing the charities that are given by Congress and by others for the support of this institution. I understand that there is a salaried surgeon in the institution who receives a salary of \$1,800 or \$2,000 a year, in addition to which he has his quarters, he has his board, he has his horse and buggy furnished, and has all the means furnished him as an outside practicing physician, in the face of the fact, if I am correct in my information, that if needed the most prominent, the most respectable and able physicians of this city have time and again tendered their services gratuitously to this charity to take in turn all the duties professionally that devolve upon it.

Now, if it be true that two or three or five thousand dollars can be saved to this charity, it seems to me it ought to be saved. The people of the District of Columbia are to be taxed, it seems, to the extent of six or ten or twelve thousand dollars for the support of this charity, a very proper charity and one that ought to be supported; but I think if it is supported by the contributions of Congress and of the taxpayers of the District of Columbia it ought to be managed with a proper respect for economy and prudence, and the funds ought not to be wasted in unnecessary salaries. If it is subjected to the control of the commissioners of the District of Columbia, I should hope that if there be abuses those abuses would be corrected.

Mr. EDMUNDS. Mr. President, I entirely agree with the Senator from Tennessee that if the little contribution which we make annually to this private corporation is being squandered in excessive payments to anybody, we ought to stop the contribution; but I know of no authority for turning this private charity, controlled by people quite as respectable as the commissioners of the District of Columbia, all and singular, over to their authority. I should be glad to know what principle of justice and of law would justify that?

There is a natural desire on the part of a good many people besides Senators to increase their jurisdiction and grasp for power, and they sometimes attend in the lobbies and sometimes in this very Hall pressing legislation that shall increase their functions and enlarge their jurisdiction. They may sometimes take an enlarged view of

what are economical expenses and fill the ears of Senators with complaints.

I do not know how much the treasurer of this institution receives. If the Senator will do me the honor to go up during the recess to the institution or to the Surgeon-General of the Army of the United States, who I believe is at the head of it, we can readily ascertain what the truth is.

I am informed that this hospital, which has done so much good, thinks it necessary, and I believe rightly, to have a resident physician of special skill in respect of the objects for which this institution is founded, and that he shall reside there and be there all the time, and that he does, and that he is paid for it. If you can take up the itinerancy notion and carry on a hospital of that kind with safety to human life and benefit to the suffering, I hope the public will try the experiment and not force it upon this people.

I know very well that my honorable friend from Tennessee, in respect of the objects that he has in view, does not differ from me a single atom or I from him; but I feel very confident that there is no occasion for interference, knowing as I do the gentlemen who for a year or two have had control and charge of that institution. A few years ago they had some directors who were not altogether to my taste, but it has been all reformed. Being now under the control of the Surgeon-General of the Army, the Adjutant-General of the Army, the rector of one of the leading parishes in this town, I do not believe there is any wrong in respect of squandering this little sum that they try to expend for the benefit of suffering people.

The VICE-PRESIDENT. Does the Senator from Tennessee submit a motion?

Mr. HARRIS. My motion is to subject the institution to the control of the commissioners of the District of Columbia.

The VICE-PRESIDENT. Will the Senator please reduce his amendment to form.

Mr. HARRIS. I will prepare a proviso to this amendment.

The VICE-PRESIDENT. Pending its preparation the Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 791) to establish a land district in the Black Hills, in the Territory of Dakota;

A bill (H. R. No. 5103) to extend the time for payment of pre-emptors on certain public lands in the State of Minnesota;

A bill (H. R. No. 1051) for the protection of settlers on the public lands of the United States;

A bill (H. R. No. 1160) to extend the provisions of an act approved June 22, 1874, entitled "An act for the relief of settlers on railroad lands;" and

A bill (H. R. No. 1737) to authorize and direct the Secretary of War to convey by deed to the board of education of the district of Harper's Ferry, West Virginia, a lot of ground, (No. 2, in block B,) with the buildings thereon, for the use of the common schools.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Twenty-fourth Regiment Indiana Volunteers;

A bill (H. R. No. 529) granting a pension to Daniel Middough;

A bill (H. R. No. 1959) granting a pension to John Haley;

A bill (H. R. No. 2172) granting a pension to De Forest Doty, of Tinmouth, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry;

An act (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;

An act (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee;

A bill (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry;

A bill (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general, United States Army;

A bill (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment;

A bill (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl;

A bill (H. R. No. 2769) granting an increase of pension to Catherine H. Gallagher, widow of Captain John Gallagher, late of United States Army;

A bill (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio;

A bill (H. R. No. 2975) granting a pension to William Reynolds, late a private Company G, Thirteenth Regiment Indiana Volunteers;

A bill (H. R. No. 3108) granting a pension to Hugh B. Makin, late a private of Company A, Eighth Regiment United States Volunteers;

A bill (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased;

A bill (H. R. No. 3150) granting a pension to Joseph Ward;
 A bill (H. R. No. 3196) granting a pension to William H. Garrett, late private Company B, Fifty-sixth Regiment Illinois Infantry Volunteers;
 A bill (H. R. No. 3362) granting a pension to Nathan A. Winters;
 A bill (H. R. No. 3408) granting a pension to Samuel V. Adams;
 A bill (H. R. No. 3676) for the relief of Benjamin Sanders;
 A bill (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris;
 A bill (H. R. No. 4368) granting a pension to Johanna Kuhlman;
 A bill (H. R. No. 4371) granting a pension to Ludwig Ueber;
 A bill (H. R. No. 4379) granting a pension to Mary Brady Cross;
 A bill (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifty-first Infantry, United States Army;
 A bill (H. R. No. 4391) granting a pension to Susan Humes; and
 A bill (H. R. No. 4494) granting a pension to John Grubbins.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The VICE-PRESIDENT. The Senator from Tennessee [Mr. HARRIS] proposes an amendment to the pending paragraph; which will be reported.

The SECRETARY. It is proposed at the end of line 64 of section 2, proposed as an amendment, to add:

Provided, That said hospital shall be subject to the government and control of the commissioners of the District of Columbia.

So as to read:

For the support and maintenance of the Columbia Hospital for Women and Lying-in Asylum, \$12,000: *Provided*, That said hospital shall be subject to the government and control of the commissioners of the District of Columbia.

Mr. SARGENT. I raise the point of order on the amendment that it is new legislation.

The VICE-PRESIDENT. The Chair thinks the point of order is well taken.

Mr. DORSEY. I should like to say a word before the Chair decides the question.

The VICE-PRESIDENT. The Chair has decided the point of order, that the amendment embraces new legislation. He, however, will hear the Senator from Arkansas.

Mr. DORSEY. I believe it was the understanding of the committee that the clause should go out. I am quite willing it should go out, but not on the ground of legislation.

Mr. EDMUNDS. Not this provision appropriating money. The Senator refers to a paragraph on the next page.

The VICE-PRESIDENT. The Chair rules on the point of order on the amendment proposed by the Senator from Tennessee.

The Secretary resumed the reading of the amendment proposed as section 2, as follows:

For the support and maintenance of the Children's Hospital, \$5,000.
 For Saint Ann's Infant Asylum, \$5,000.
 For the Industrial Home School, \$5,000.
 For the National Association for Colored Women and Children, \$6,500.
 For the Women's Christian Association, \$5,000: *Provided*, That the above-specified amounts shall be paid to said institutions, by the commissioners of the District of Columbia, quarterly only, upon the presentation of a detailed report, accompanied by the proper vouchers, showing the receipts and disbursements for the preceding quarter; and if the commissioners shall at any time become satisfied that said institution is not being conducted in the most economical manner possible, or in a way not calculated to best serve the ends of charity, they shall withhold all further payments; *And provided*, That hereafter no appropriation shall be made for any charities within the District of Columbia unless the same be included in the annual estimates of the commissioners, whose duty it is hereby made to include in said estimates such charities as they may think proper objects of public aid and support; and shall also appoint two trustees for every other charitable organization receiving aid under the provisions of this act, and shall include in their annual report a statement, made by the trustees and visitors so appointed, as to the respective institutions so aided by the public funds: *Provided*, That said board of visitors and trustees shall serve without compensation.

Mr. DORSEY. I ask that the proviso be stricken out, all after the word "dollars" in line 72 to and including line 93, so as to read simply:

For the Women's Christian Association, \$5,000.

Mr. SARGENT. That is right.

Mr. EDMUNDS. That is right, but I make the point of order that every word of it is legislation.

The VICE-PRESIDENT. The Chair has not examined it yet. [A pause.] It is clearly new legislation.

Mr. EDMUNDS. I make the point of order against it.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. DORSEY. I ask that it be stricken out, but not on the point of order.

Mr. EDMUNDS. It has gone out on the point of order.

Mr. DORSEY. If there is any special reason why this proviso should be stricken out on the point of order in preference to striking it out on motion of the committee, I should be glad to know what it is.

Mr. EDMUNDS. If the Senator will pardon me, my reason is that a motion to strike out would be subject to debate; the point of order cannot be debated.

The VICE-PRESIDENT. The Chair is of opinion that it is not in order. The entire proviso goes out.

The reading of the amendment proposed as section 2 was continued, as follows:

Relief of the poor, \$15,000; in all, \$138,300.
 Howard University: For maintenance, \$10,000; one-half thereof to be paid by the District of Columbia.

Mr. BAYARD. I should like to ask why one-half of this appropriation for Howard University is to be paid by the District? What has the District of Columbia more to do with that university than any other similar number of people in any one town? Unless it is explained otherwise than I think it can be, I shall move to strike out the last line which provides that one-half of this appropriation for the Howard University shall be paid by the District of Columbia.

Mr. WINDOM. The Committee on Appropriations were of opinion that the colored population of the District was very largely interested in it, and therefore thought it advisable to make that provision. If the Senate think not, I for one will yield very readily to their judgment.

Mr. BAYARD. I do not propose to interfere with the wisdom of the appropriation to this university. I take it for granted that the committee who reported it had good and sufficient grounds for inserting the provision; but I do not know any reason why the people of this District should be saddled with one-half this expense when they have no more to do with it than any similar number of inhabitants anywhere else in the country.

Mr. DORSEY. There is no objection to dropping the words "one-half thereof to be paid by the District of Columbia," but the District of Columbia supplies greatly more than its proportion of indigent persons who are supported and receive education at that institution. The VICE-PRESIDENT. Does the Senator from Delaware move to amend the amendment of the committee?

Mr. BAYARD. I move that the amendment be amended by striking out after the word "dollars" the words:

One-half thereof to be paid by the District of Columbia.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Delaware to the amendment of the committee.

The amendment to the amendment was agreed to.

The reading of the amendment proposed as section 2 was continued, as follows:

For the Washington Aqueduct, as follows: Engineering, maintenance, and general repairs, \$20,000.

General expenses:

For salaries and contingent expenses, as follows:
 Executive office proper: Two commissioners, at \$5,000 each, \$10,000; one secretary, \$2,160; one clerk, \$1,500; one clerk, \$1,440; two temporary clerks, arranging, classifying, and preserving records of former governments, at \$3 per day each, \$1,872; one temporary clerk, arranging, classifying, and preserving records of former governments, at \$1.50 per day, \$469.50; one messenger, \$840; contingent expenses, including books, stationery, printing, and miscellaneous items, \$2,712.50 in all, \$21,000.

Auditor and comptroller's office: Auditor and comptroller, \$1,000; one book-keeper, \$1,800; one clerk, \$1,500; three clerks, at \$1,400, \$4,200; one clerk, \$1,200; contingent expenses, including furniture, books, stationery, and miscellaneous items, \$860; one clerk, in charge of special-assessment branch, \$2,160; two clerks, at \$1,200 each, \$2,400; one clerk, at \$3 per day, \$940; two clerks, at \$1.50 per day each, \$940; in all, \$19,000.

Sinking fund office: Two clerks, at \$1,200, \$2,400; contingent expenses, \$300; in all, \$2,700.

Coroner's office: One coroner, \$1,800; contingent expenses, including books, stationery, and jury and witness fees, \$700; in all, \$2,500.

Collector's office: Collector, \$3,000; one clerk, \$1,500; one clerk, \$1,200; one clerk, \$1,000; one clerk, \$960; one clerk, at \$3 per day, \$940; one messenger, \$180; contingent expenses, including books, stationery, printing, and miscellaneous items, \$4,720; in all, \$13,800.

Attorney's office: One attorney, \$4,000; one assistant attorney, \$1,900; one special assistant attorney, \$960; one clerk, \$960; one clerk, \$192; contingent expenses, including books, stationery, and miscellaneous items, \$988; in all, \$9,000. And for the expenses of a revision of the laws of the District of Columbia, \$5,000.

Treasurer's office: Treasurer and assessor, \$3,000; one clerk, \$1,200; one messenger, \$900; contingent expenses, including books, stationery, car fare, &c., \$200; in all, \$5,300.

Inspector of buildings' office: One inspector, \$2,400; one assistant inspector and draughtsman, \$1,700; one assistant inspector, \$1,000; one messenger, \$480; contingent expenses, including books, stationery, and miscellaneous items, \$300; in all, \$5,880.

Superintendent of assessments and taxes' office: One superintendent, \$2,400; two clerks, at \$1,200, \$2,400; one messenger, \$720; contingent expenses, books, stationery, and miscellaneous items, \$2,280; in all, \$7,800.

Inspector of gas and meters' office: One inspector, \$2,000; one assistant inspector, \$1,000; in all, \$3,000.

Assessor's office: Two clerks, at \$1,200 each, \$2,400; one messenger, at \$1.50 per day, \$469.50; contingent expenses, including books, stationery, printing, temporary clerks, &c., \$4,380.50; in all, \$7,250.

Harbor-master of Georgetown, \$80; scaler of weights and measures, \$50; in all, \$130.

Engineer's office: One clerk, \$1,440; five clerks, at \$1,200 each, \$6,000; one clerk, \$960; one clerk, \$900; one clerk, \$720; one clerk, at \$3.20 per day, \$1,001.60; one clerk at \$3 per day, \$936; one computing engineer, \$2,400; one draughtsman, \$1,000; one leveler, \$1,600; two levelers, at \$4 per day each, \$2,560; two rodmen, at \$780 each, \$1,560; one axman, at \$2 per day, \$624; one axman, \$600; one inspector, \$1,440; one inspector, at \$2.50 per day, \$825.50; eleven inspectors, at \$4 per day each, (employed for six months,) \$6,840; two overseers, at \$1,200 each, \$2,400; one overseer, \$960; one overseer, at \$4 per day, \$1,224; one superintendent of property, \$1,800; one watchman at property yard, \$720; two watchmen at property yard, \$1,500 per day each, \$1,095; one inspector of fuel, at \$2 per day, \$624; one janitor of public buildings, \$720; two watchmen of public buildings, at \$600 each, \$1,200; one laborer, \$600; one laborer, \$480; one laborer, at \$1.25 per day, \$391.25; one sewer-tapper, \$1,000; two messengers, at \$600 each, \$1,200; one messenger, \$540; one driver, \$600; contingent expenses, books, stationery, &c., \$4,927.15; in all, \$53,840.

Fuel, ice, repairs, general miscellaneous expenses, &c., for District offices, \$3,000. For the public schools of the District of Columbia, as follows: One superintendent, \$2,700; one superintendent, \$2,250; one secretary, \$150; one clerk to commit-

tee of accounts, board of trustees, \$150; one clerk, \$900; one clerk, \$800; five teachers, at \$1,650 each, \$8,250; one teacher, \$1,600; two teachers, at \$1,350 each, \$2,700; one teacher, \$1,300; one teacher, \$1,200; one teacher, \$1,100; fifteen teachers, at \$1,000 each, \$15,000; one teacher, \$960; two teachers, at \$950 each, \$1,900; twelve teachers, at \$900 each, \$10,800; ten teachers, at \$850 each, \$8,500; twenty teachers, at \$800 each, \$16,000; thirty-one teachers, at \$23,250; fifty-one teachers, at \$700 each, \$35,700; fifty-seven teachers, at \$650 each, \$37,050; eighty-three teachers, at \$600 each, \$49,800; twenty-five teachers, at \$550 each, \$13,750; ten teachers, at \$500 each, \$5,000; five teachers, at \$450 each, \$2,250; twelve teachers, at \$425 each, \$5,100; fifty teachers, at \$400 each, \$20,000; one temporary teacher, \$350; six teachers, at \$250 each, \$1,500; one janitor, \$1,140; one janitor, \$1,102; one janitor, \$1,057; one janitor, \$922; one janitor, \$914; one janitor, \$900; one janitor, \$880; one janitor, \$850; one janitor, \$662; one janitor, \$622; one janitor, \$602; one janitor, \$588; one janitor, \$584; one janitor, \$522; one janitor, \$540; one janitor, \$430; two janitors, at \$344 each, \$768; two janitors, at \$288 each, \$576; one janitor, \$250; one janitor, \$230; one janitor, \$225; one janitor, \$216; one janitor, \$192; three janitors, at \$172 each, \$516; one janitor, \$180; one janitor, \$150; two janitors, at \$160 each, \$320; one janitor, \$140; one janitor, \$92.22; six janitors, at \$8.40 each, \$51.40; twelve janitors, at \$8.00 each, \$96.00; three janitors, at \$120 each, \$360; four janitors, at \$60 each, \$240; eleven janitors, at \$54 each, \$594; nine janitors, at \$50 each, \$450; additional teachers and increase of pay by continuous service, \$22,000; rent of school-buildings, \$30,000; fuel, \$12,000; repairs to school-buildings, \$25,000; contingent expenses, including books, stationery, printing, insurance, and miscellaneous items, \$21,567.37; for the construction of two new school-buildings, purchase of lots, and furniture, complete and ready for occupancy, at \$37,500 each, \$75,000; *Provided*, That two lots on square 158, south side of Massachusetts avenue and west of Seventh street, belonging to the United States, may be used by the commissioners of the District for school purposes, and they may erect one of said school-houses thereon; *And provided*, That the inspector of buildings of the District shall have authority and control over and supervision of the construction and repairs of all school-buildings if the commissioners deem best to delegate the same to him; in all, \$475,000.

Mr. ANTHONY. I suggest that the Secretary omit the enumeration of these items and announce the total appropriation at the end of each paragraph.

Mr. DORSEY. I will say to the Senator that this enumeration is exactly in accordance with the estimates.

Mr. ANTHONY. I suggest to omit the reading of the enumeration.

Mr. DORSEY. And I say the reading may be omitted, because it is exactly in accordance with the estimates and there is no use in reading it.

The VICE-PRESIDENT. The Senator from Rhode Island suggests that the aggregate amount only be reported at the end of each clause, to which the Chair hears no objection.

The Secretary resumed the reading of the amendment proposed to section 2, omitting the details in each paragraph and reading only the footing of each. The remainder of the amendment is as follows:

For the Metropolitan police, as follows: One major and superintendent, \$2,600; one captain, \$1,600; one property clerk, \$1,800; one clerk, \$1,200; three surgeons, \$450 each, \$1,350; six detectives, at \$1,320 each, \$7,920; ten lieutenants, \$1,200 each, \$12,000; twenty sergeants, at \$1,140 each, \$22,800; seven acting sergeants, at \$1,080 each, \$7,560; seventy-three privates, class 1, at \$900 each, \$65,700; one hundred and twenty privates, class 2, at \$1,080 each, \$129,600; sixteen station-keepers, at \$516 dollars each, \$82,536; eight laborers, at \$120 each, \$960; two telegraph operators, at \$70 each, \$140; one messenger, \$900; one messenger, \$300; one major and superintendent, mounted service, \$360; one captain, mounted service, \$240; fifty lieutenants, sergeants, and privates, mounted, at \$240 each, \$12,000; increase of pay by continuous service, \$3,187; rent of police station-houses and police headquarters, \$6,200; fuel, \$1,543; repairs to station-houses, \$1,200; miscellaneous expenses, including stationery, gas, telegraphing, ice, washing, printing, meals to prisoners, repairs to van, &c., \$12,184; in all, \$305,210; *Provided*, That all new appointments shall be made to class 1; *And provided*, That the number in any class shall not at any time exceed the number herein designated.

For the fire department and fire-alarm as follows: Two commissioners (one of whom shall be appointed by the Secretary of the Interior to represent the interests of the General Government on said board of commissioners) at \$200 each, \$400; one commissioner and secretary, \$400; one chief engineer, \$1,800; one assistant engineer, \$1,400; one superintendent of fire-alarm telegraph, \$1,500; two telegraph operators, at \$1,000 each, \$2,000; eight foremen, at \$900 each, \$7,200; six engineers, at \$900 each, \$5,400; six firemen, at \$800 each, \$4,800; two tillermen, at \$800 each, \$1,600; eight hostlers, at \$800 each, \$6,400; forty-eight privates, at \$720 each, \$34,560; six privates, at \$720 each, temporarily employed, \$4,320; repairs to engine houses, \$1,000; fuel, \$500; purchase of horses, \$2,000; repairs to apparatus, \$5,000; contingent expenses, including hose, forage, stationery, horseshoeing, washing, and miscellaneous items, \$25,420; in all, \$165,700.

For the courts, as follows: Police court, one judge, \$3,000; one clerk, \$2,000; one deputy clerk, \$1,000; two bailiffs, at \$3 per day each, \$1,878; one messenger, \$900; one doorkeeper, \$540; one justice of the peace, acting as judge in judge's absence, \$620; United States marshal's fees, \$2,316; rent of building for police court, \$1,700; contingent expenses, including books, stationery, fuel, ice, gas, witness fees, and miscellaneous items, \$2,046; judicial expenses, \$2,500; in all, \$18,500.

For the streets, as follows: Removal of garbage, \$10,355; street-lamps, lighting, extinguishing, and gas, \$130,630; repairs to street-lamps, \$1,000; erection of street-lamps, \$1,500; matches for use of lamp-lighters, \$30; one superintendent, \$800; four lamp-lighters, at \$480 each, \$1,920; one lamp-lighter, \$120; parking commission, one superintendent, \$1,200; one assistant superintendent, \$700; contingent expenses, including laborers, cart hire, trees, tree-boxes, tree-straps, tree-stakes, planting and care of trees, whitewashing, care of parks, and miscellaneous items, \$13,400; current work of repairs of streets, alleys, county roads, &c., one overseer of repairs, \$2,000; one clerk, \$1,900; four supervisors of roads, at \$900 each, \$3,600; labor, cart hire, materials, and miscellaneous items, \$90,500; sweeping, cleaning, and sprinkling streets and avenues, \$35,100; cleaning alleys, \$7,500; repairs to pumps, \$2,500; cleaning Tiber sewer, \$10,000; in all, \$326,455.

Mr. EATON. If I am not mistaken, I should like to move an amendment to that paragraph.

Mr. DORSEY. The question will be on concurring in this amendment in a moment, if the Senator will withhold his amendment until the bill is reported to the Senate.

Mr. EATON. Very well.

The reading of the amendment proposed as section 2 was continued, as follows:

For miscellaneous expenses, as follows: Markets, one market-master, \$1,650; one market-master, \$1,500; two market-masters, \$1,800; contingent expenses, including gas, repairs, and miscellaneous items, \$4,550; rent of market site and property yards, \$1,175; hay-scales, \$200; rent of District offices, \$6,000; general advertising, \$7,000; miscellaneous items, books to register of wills, printing checks, damages, &c., \$6,500; in all, \$30,375.

For the health department, as follows: One health officer, \$3,000; six sanitary inspectors, at \$1,200, \$7,200; two food-inspectors, at \$1,200 each, \$2,400; clerks, \$7,000; one poundmaster, \$1,000; contingent expenses, including books, stationery, fuel, rent, disinfectants, and miscellaneous items, \$3,800; in all, \$24,400.

For the interest and sinking fund on the funded debt, \$1,155,535.55. And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon at the rate of 3.65 per cent. per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia, issued under the act of Congress approved June 30, 1874, at maturity; which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest, and shall be canceled and destroyed in the same manner that United States bonds are canceled and destroyed.

For general contingent expenses of the government of the District of Columbia, \$20,000.

All moneys appropriated under this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited to the credit of the Treasurer of the United States, in the Treasury, as required by the provisions of section 4 of an act approved June 11, 1878, and shall be drawn therefrom upon requisition of the commissioners of the District of Columbia, such requisitions specifying the appropriation upon which the same is drawn; and in no case shall such appropriations be exceeded, either in requisition or expenditure; and the accounts for all disbursements shall be made monthly to the accounting officers of the Treasury by the auditor of the District of Columbia, upon vouchers certified by the commissioners of the District of Columbia as now required by law. And section 2 of an act approved March 3, 1877, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, to insert, as an additional section, the following:

SEC. 3. That the fifth paragraph of that portion of the act of June 30, 1878, making appropriations for sundry civil expenses of the Government for the fiscal year 1879, and for other purposes, relating to the District of Columbia, be, and the same is hereby, amended so that the sum of money therein appropriated to pay the workmen employed in the public improvements under the late board of public works of said District may be paid to those workmen whose claims for work and labor are due and unpaid from contractors under said board, whose accounts against the government of said District had been paid in part or in full prior or subsequently to the passage of the act of June 23, 1874; and that no such claims shall be received or filed subsequently to the 1st of May, 1879; *Provided*, That the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workmen.

Mr. DORSEY. I move that section 3 be all stricken out.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Arkansas.

Mr. DAVIS, of West Virginia. Will the Senator explain why he makes that motion?

Mr. DORSEY. I feel convinced that the re-enactment of the law alluded to in that section will prevent the workmen that we intended to pay from getting any money for many months to come. I think it is going to operate as a very great hardship. The accounting officers of the Treasury say if that clause is re-enacted they will not be able to pass upon these accounts until some time late in the coming summer. If that \$75,000 was given for any purpose at all, it was given to do some good; and to do any good, the poor people need it most in the winter when they are out of work and out of fuel and food. I think it is a very unwise and a very unnecessary provision. I hope my colleague on the committee will agree with me.

Mr. DAVIS, of West Virginia. I am not opposing the Senator; I am only asking for information. This comes from the District Committee. This whole paragraph, in fact all relating to the District of Columbia, was adopted by the Committee on Appropriations without examining it very carefully themselves. The chairman of the Committee on the District of Columbia knows so much better than I do what ought to be done that I submit to anything he may suggest in this connection. His explanation will be satisfactory.

I rose more especially to say to the Senate that all the provisions here relating to the District of Columbia came from the Committee on the District of Columbia. They were examined only casually by reading them over in the Committee on Appropriations. My friend from Arkansas being the chairman of the Committee on the District of Columbia, in a great measure the Appropriation Committee relied upon him.

Mr. DORSEY. The Committee on the District of Columbia of this body did not originate this section; it came from another place to us; but after the Committee on the District reported it to the Senate, and had it referred to the Committee on Appropriations, the accounting officers of the Treasury explained to that committee that its passage would prevent the payment of these workmen for a great many months to come. The workmen and the Government alike protest against it, and I hope it will be stricken out without objection.

Mr. McMILLAN. I ask that two bills on the Secretary's table be referred.

Mr. DORSEY. Let us dispose of this question first.

Mr. DAVIS, of West Virginia. I gave notice a short time ago that I would object to anything interfering with the progress of this bill.

The PRESIDING OFFICER. (Mr. CAMERON, of Wisconsin, in the chair.) The question is on agreeing to the amendment to insert an additional section, as section 3, which the Senator from Arkansas asks be stricken from the bill.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will report the next amendment of the Committee on Appropriations, which is to insert an additional section as section 4 of the bill.

Mr. SARGENT. Section 4 and the matter following it provides

for turning over to certain parties named in it—Gibson Brothers—possession of the Government Printing Office, and the material and property pertaining thereto, property worth half a million of dollars, at an annual rent of \$5,000, a most improvident arrangement for the Government of the United States. As the shortest way to dispose of a proposition of that character I raise the point of order that it is new legislation changing existing law, and has no place on an appropriation bill.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken and will sustain it.

Mr. SARGENT. That applies to section 4, section 5, section 6, section 7, section 8, section 9, and section 10; it applies in fact to every one of the remaining sections of the bill proposed to be inserted by the committee.

Mr. DORSEY. Do I understand the Chair to rule that the point of order is well taken?

The PRESIDING OFFICER. The Chair has ruled all the remaining sections reported as amendments to the bill to be out of order.

The sections referred to are as follows:

SEC. 4. That the President of the Senate and the present Speaker of the House of Representatives are hereby authorized and required, in lieu of existing provisions and requirements of law, to enter into a contract for all of the public printing and binding, including the CONGRESSIONAL RECORD, in the following manner: that is to say: That whenever Gibson Brothers, printers, of Washington, District of Columbia, shall, on or before the first Monday in June next, present to the said President of the Senate and the present Speaker of the House of Representatives a good and sufficient bond in the sum of \$300,000, which bond shall be payable to the United States, and shall remain in the custody of the Secretary of the Senate, conditioned that the said contractors will pay \$5,000 per annum for the rent of the Government Printing Office, and the use of the material and property belonging thereto, wherever the same may be deposited; that they will maintain the said material and property at its present state of efficiency, ordinary use and wear and tear and extraordinary casualty alone excepted; that they will faithfully execute all the printing, lithographing, map-printing, engraving, and binding now, or that may hereafter be, required by law, and for which appropriations shall be made, in a manner fully equal as to workmanship and promptness of execution to the present grade of such work, at a rate 10 per cent. less than the average rate paid by the Government for the same class or classes of such work respectively; the said rate or rates to be ascertained in each case by taking the average of the prices actually allowed and paid by the Government for each of said classes of work for the year ending December 31, 1878; that upon the execution of said bond, the said President of the Senate and Speaker of the House of Representatives are directed to place the said Gibson Brothers in full possession of the said Government Printing Office, and the material and property pertaining thereto, taking therefor a receipt, by special inventory, in duplicate, setting opposite each article therein described the estimated cash value thereof at the time of taking the same, to be signed by the Sergeants-at-Arms of the Senate and of the House of Representatives, respectively, and by said contractors. And in case of material on hand, such as paper, ink, gold-leaf, and binding and printing materials of any nature, in regular use, the cost of the same to the Government shall be ascertained by the said Sergeants-at-Arms, and shall be accounted for as used by said contractors at the price so ascertained, and the value thereof, as used, shall be paid into the Treasury of the United States by said contractors on the 1st and 15th of each month, upon the certificate of the custodian of said property as hereinafter provided for.

SEC. 5. That all printing, binding, mapping, lithographing, or engraving, or work of a like character, hereafter to be done, for which appropriations are or may be made by Congress, except printing of a confidential nature which is paid for out of the contingent fund of either of the departments or Houses of Congress, shall be procured and executed of and by the said contractors.

SEC. 6. That the Joint Committee on Printing of the House and Senate shall, on or before the first Tuesday in March next, or as soon as said contractors shall take possession of the said Government Printing Office and property, designate the present Public Printer to act as the custodian for the Government of all of the said property, real and personal, and material belonging to the Government Printing Office, the use of which, for the purposes hereinbefore named, is granted to the said contractors, and shall guard the same from waste or disposal; that in case of the material on hand in regular use, such as paper, ink, gold-leaf, binding material, and the like, he shall certify on the 1st and 15th of each month the amount used by said contractors, together with the cost thereof as fixed by the said Sergeants-at-Arms, which certificate shall accompany the payments to be made by the said contractors as hereinbefore directed; and the person designated and appointed as custodian of the property aforesaid shall receive the same salary, and shall be required to execute a good and sufficient bond in the manner and for the amount as now required by law of the present Public Printer, for the faithful performance of his duties as aforesaid.

SEC. 7. All bills for printing and binding herein provided for shall be paid by the proper accounting officers of the Treasury Department on the 1st and 15th of each month, upon vouchers to be approved by the said Sergeants-at-Arms, upon a certificate by the custodian that the work charged for has been duly performed in a manner and quality as to workmanship and material as hereinbefore required.

SEC. 8. In the event that any class of work is required to be done of a different kind or character from that executed at the said Government Printing Office during the year ending December 31, 1878, the rates for the same shall be fixed by the said Sergeants-at-Arms at a price or prices corresponding as nearly as possible to similar classes of work executed at said office during said period.

SEC. 9. In the event of the failure for any reason of the said contractors to fully comply with the requirements of this act, then the law as at present existing shall remain in full force and effect.

SEC. 10. All laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. McMILLAN. I now renew the request I made to have two bills taken from the table and referred.

Mr. DAVIS, of West Virginia. I renew my objection. That I cannot consent to. I have said that I would object to everything that interfered with the progress of this bill. My friend from Minnesota knows that I am as sorry to interpose against him as any other Senator, but if we are to be interfered with every few minutes when we are on the appropriation bills, we had as well say that we are going to have an extra session, and that I do not want.

Mr. DORSEY. Turning back, I ask, on page 116, line 339, that the word "six" be stricken out and "eight" inserted; so as to read:

One captain, \$1,800.

That is the present pay of the captain of police, and by some error it was reduced in preparing the bill.

Mr. HARRIS. I desire to ask the chairman of the Committee on the District if that has been the salary heretofore paid to that officer?

Mr. DORSEY. That officer has occupied his present place, I believe, for eighteen years, and he has always had that salary.

Mr. DAVIS, of West Virginia. At what sum?

Mr. DORSEY. Eighteen hundred dollars. He is the captain of the police.

The amendment was agreed to.

Mr. DORSEY. On the line below, line 341 of section 2, I move to strike out "two" and insert "five;" so as to read:

One clerk, \$1,500.

Mr. DAVIS, of West Virginia. I should like to ask the Senator from Arkansas a question. This is a general advance of salaries. Now, I understood from the Senator that the District Committee had considered and thoroughly considered this portion of the bill which relates to District affairs and reported it at the salaries fixed here. They are even higher than the salaries fixed in the bill as it came to us from the House. I do not want to interfere with the Senator in the changes of these provisions in regard to the District of Columbia. I said a moment ago that the Committee on Appropriations had submitted to him as chairman of the Committee on the District of Columbia almost everything connected with the District. I understood him to say—and he will correct me if I am wrong—that the amendment as offered by him and incorporated in the bill by the Committee on Appropriations was what the Committee on the District of Columbia had agreed upon. Now I understand that he is going back to different lines and moving to strike out "six" and insert "eight," and proposing to strike out "five" and insert something else, and each time I notice it is an advance of so many hundred dollars in somebody's salary.

Mr. HARRIS. If the Senator will allow me, the bill as reported from the House reduced the salaries of all the officers of the Metropolitan police. The Committee on the District of Columbia, if I am permitted to state it, by a very decided majority were averse to that reduction, against my view. Hence, all I desire to know from the chairman of the Committee on the District of Columbia is what has been the former salary of these officers because the action of the Committee on the District of Columbia recommended that they should be paid the same salary that they have been heretofore paid.

Mr. DORSEY. I am obliged to the Senator for his reminder. The District Committee directed its clerk to restore these salaries to what had been paid heretofore. The clerk in writing the proposition failed in the two or three instances I have alluded to and left the salaries at the reduced price the House fixed.

Mr. HARRIS. Then the amendment proposed by the Senator from Arkansas simply restores the salary heretofore fixed by law and heretofore paid?

Mr. DORSEY. Certainly, that is all.

Mr. HARRIS. That is in accordance with the action of the Committee on the District of Columbia.

Mr. DORSEY. That is exactly it.

Mr. THURMAN. Are the amendments of the committee through with?

Mr. DORSEY. No. The Senator will allow me a moment. In line 341 of section 2 I ask to change "two" to "five," so as to read "\$1,500" instead of "\$1,200." That restoration is on the same principle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. DORSEY. In making up the list, on page 110, after the word "dollars" in line 209, "one inspector of asphalt pavement, \$2,000," should have been inserted. That was omitted in the House bill and omitted by the committee. I move to insert those words. The officer is now employed and has been.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Arkansas? The Chair hears none, and it is agreed to.

Mr. DORSEY. On the same page, in line 193, after the word "office," I move to insert "one chief clerk, \$1,700." That is also omitted. It is the chief clerk of the engineer's office.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Arkansas? The Chair hears none, and it is agreed to.

Mr. DORSEY. On line 178, page 109, after the word "dollars," I offer the following amendment:

That from and after the passage of this act a certain piece of property situated about two and a half miles north of the Capitol, being the property known as "Edgewood," of the estate of the late Chief-Justice of the United States, Salmon P. Chase, and all the buildings, grounds, and property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes and assessments, national, municipal, or county: *Provided*, That such exemption shall continue only so long as the title to said property shall continue in the possession of any child of the late Salmon P. Chase and shall be used by such as a residence; and all taxes, together with the interests and penalties now due and unpaid upon said property, shall be, and they hereby are, remitted.

Mr. SAULSBURY. I raise the point of order. Is not that new legislation?

The PRESIDING OFFICER. If the Senator will allow, the Chair will state the question. The question is upon the amendment offered by the Senator from Arkansas. Upon this question the Senator from Delaware raises the point of order that it is new legislation under Rule 29. The Chair will submit the question to the Senate. Those who are of opinion that it is in order under Rule 29—

Mr. HARRIS. Will the Senator from Delaware allow me to ask him to withdraw the point of order?

Mr. SAULSBURY. I cannot do it.

Mr. HARRIS. I desire him to do so because there were peculiar circumstances presented to the Committee on the District of Columbia which induced it to assent to this proposition.

Mr. SAULSBURY. I withdraw the point, to hear the Senator if he wishes to make a statement.

Mr. HARRIS. I simply desire to say this: the property referred to belonged to the daughter of Chief-Justice Chase. During her absence in Europe a considerable amount of taxes, and not only taxes but penalties and charges, have accumulated under the general law.

The Committee on the District of Columbia sometime ago reported a bill, releasing all those penalties, interest, and charges, but it has not passed the other House. Under the peculiar circumstances surrounding the case and the fact that it amounts almost to confiscation, if not quite to confiscation, of the home of the late Chief-Justice, the Committee on the District were inclined, perhaps not from any principle that can be very well sustained, to make an exception to all general rules in this case, and release the property from the incumbrances that hang over it and restore it to the child of the late Chief-Justice free from those incumbrances. It is a measure suggested and advocated for the benefit of that family, to which we at least owe a very high degree of respect if not this pecuniary benefit. But if the taxes, the penalties, the interests, and the charges that have accumulated upon that property are held upon it as a lien, it amounts to almost, if not quite, confiscation of the property. Hence I hope without question it may be exempted.

Mr. EATON. I should like to ask the Senator from Tennessee if the Committee on the District of Columbia were not unanimous in the proposition?

Mr. HARRIS. My recollection is that the Committee on the District of Columbia were unanimous in desiring that in this particular case the taxes should be released.

Mr. DORSEY. I hope no point of order will be made, and that we can have a vote.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on the amendment of the Senator from Arkansas.

Mr. SAULSBURY. I shall leave it to the Senate to pass upon the question, but I shall not vote to release this particular property. There are properties of the mass of the people here who can scarcely live that are burdened by the accumulation of taxes, and I should like to see the same rule of justice extended to everybody that is proposed to be extended to this very worthy lady and her property. There are, I suppose, thousands of people in the District who can scarcely raise the means to pay their taxes, and I should like to have the same measure of justice meted out to the poorest and humblest individual that it is proposed to extend to the owner of this particular property. If the committee will include everybody who is unable to pay his taxes, I do not know but that I would vote for a proposition of that kind; but to select out one individual and exempt the property of that individual while the burdens rest upon others equally as indigent, I am not prepared to vote for such a proposition.

Mr. HARRIS. While I am not prepared to assert that, according to the strict rules of logic, the argument of the Senator from Delaware is not sound, I am prepared to say that in the case of a man who has devoted the greater part, if not all, of his life to the public service, who unfortunately died poor, (which is the highest guarantee of his integrity,) who was for a long number of years a distinguished and influential member of this body, for other years the Chief-Justice of the Supreme Court of the United States, who left this little estate to his heirs, I do not know but that a sufficient excuse may be found why we may exempt this property and not confiscate it upon the accumulated taxes.

I do not propose to detain the Senate at this late hour of its session.

Mr. WINDOM. If the friends of this amendment propose to debate it, I shall move to lay it on the table.

Mr. CONKLING. Let us vote.

Mr. WINDOM. I have no objection to a vote.

Mr. DAVIS, of West Virginia. I am inclined to oppose this measure, but I should like to have the latter part of it read again to know how far this relief extends, whether it goes beyond the present owners, the immediate heirs of the late Chief-Justice.

Mr. HARRIS. It does not.

Mr. DAVIS, of West Virginia. I am assured by my friends all around me, and I shall not call for the reading.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

Mr. THURMAN. Let it be read.

The amendment was read.

Mr. THURMAN. Mr. President, if I am correctly informed, that

property was overvalued, and owing to the absence of the owner that overvaluation was not corrected. I should be very glad to correct it; but I cannot vote for this proposition. I cannot vote to make a class of people in this country exempt from taxation.

The PRESIDING OFFICER. The question is on the amendment.

Mr. SAULSBURY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EATON. One word. It is not, as my friend from Ohio has said, class legislation—in any sense. It is a simple act for one individual in the world. That is all; it is not class legislation. Every day we legislate in favor of a particular individual because he was a distinguished officer in the Army; we legislate for his representatives; and now I am perfectly willing to legislate in favor of the representative of a distinguished civilian.

Mr. HARRIS. I will simply say that the statement of the distinguished Senator from Ohio a few minutes since is true; that is, that there was evidence before the Committee on the District of Columbia that this property was largely overestimated in value; was assessed very far beyond its reasonable value, and the bills that stand against it to-day are two or three times as large as in justice they ought to be under a faithful administration of the law. But the amendment of the Senator from Arkansas looks beyond correcting that error, and exempts the property from taxation while it remains in the possession of the family of the deceased Chief-Justice.

Mr. THURMAN. It is the most painful duty I ever felt in my life to oppose this amendment, for I knew the late Chief-Justice many more years than any man in this Senate, and I have known the estimable lady who now owns this property longer perhaps than any person in this Senate; and there is not one here who would feel more disposed, following the impulses of his heart, to do an act of kindness to that family than I. But, Mr. President, this amendment goes upon a wrong principle. We have never in this country agreed to have a civil pension list. We have provided, from the very necessity of the case, in order to get rid of them, to speak in plain, blunt language, that judges who had served ten years on the bench and had attained the age of seventy years might retire and receive their full salaries afterward, because there was no other way of getting rid of them; but never in this Government has there been a civil pension list. If there had been, certainly there would be some of us who would not have left the daughters of Roger B. Taney serve in the poorest and humblest clerkships in this city and scarcely eke out a living by very hard labor. There are others who have distinguished themselves in the civil history of this country and whose children are in poverty that we would provide for if it was the policy of this country to establish a civil pension list; but it has never been so, and of all the forms of establishing a civil pension list, or what is equivalent to it, the form of exempting property from taxation is, in my judgment, the worst.

There is a great complaint already that hundreds of millions of dollars of property are exempt from taxation in the United States. Shall we go further? Shall we say that the property of every distinguished man in this country after his death shall be exempt from taxation? Why, Mr. President, one of the greatest causes of the French revolution was that the property of the nobility of France was not subject to taxation at all. One of the greatest grievances of that country was that all the taxation fell upon the mercantile, the manufacturing, the mechanical, the trading, and the laboring portions of the kingdom.

I am compelled most reluctantly to vote against this. I would cheerfully vote to rectify the overvaluation of that property and to cut down the taxes accordingly.

Mr. SAULSBURY. I will vote for any measure which will refund to the owner of this property any excess of taxation which has been imposed upon it. I should be glad, if I could, to extend relief to every person that has been oppressed; but I cannot consent to single out one individual, though it may be a very distinguished party, and exempt him or her from taxation while there are other people for whom no relief is proposed. I do not know anything about the amount of taxes imposed upon this property; but the Congress of the United States can give a remedy for all excessive taxation, and for that I will vote. But to exempt this property absolutely from taxation while the property of the humblest citizen of this District is burdened with taxes, I cannot consent.

The homes of hundreds of people have been sold, as I understand, for taxes; they have not been exempted, and even churches where the people assemble to worship Almighty God have been taxed; and it is now proposed to exempt the private property of the daughter of a distinguished citizen simply because of the great respect that is entertained for her father. I honored Judge Chase; I admired his noble character; and I would be willing to extend to his family as much relief as I would to the family of any other citizen; but I cannot consent to single them out and make them an exception while I know there are hundreds and thousands of people in this District who can scarcely get the means of subsistence and who are burdened with taxes to whom no relief whatever is proposed.

Mr. HOWE. Mr. President, I will not prolong this debate, but I wish to state a single fact. We do not want to make an exception of this case any more than Senators on the other side. We are not in favor of class legislation. In some sense a rival of the late Chief-

Justice of the United States was President when he died. To the representatives of that rival we voted and we paid \$3,000. A former President of the United States left no representatives, and we voted \$5,000 to decorate only a year ago the grave of Mr. Jefferson. Mr. President, this Chief-Justice died poor, in spite of numerous opportunities, and he left two representatives. It is proposed to remit assessments which will actually confiscate the little property he left to his representatives. This is a mere tribute to his memory. It does not strike me as a novel and unprecedented case. I shall vote for it with cheerfulness.

The question being taken by yeas and nays, resulted—yeas 32, nays 20, as follows:

YEAS—32.			
Allison,	Conkling,	Howe,	Paddock,
Anthony,	Conover,	Ingalls,	Patterson,
Barnum,	Dennis,	Jones of Florida,	Plumb,
Beck,	Dorsey,	Jones of Nevada,	Randolph,
Bruce,	Eaton,	Kellogg,	Spencer,
Burnside,	Garland,	Matthews,	Voorhees,
Cameron of Wis.,	Hamlin,	Mitchell,	Whyte,
Cameron of Pa.,	Harris,	Oglesby,	Withers.
NAYS—20.			
Booth,	Eustis,	Maxey,	Saunders,
Butler,	Hereford,	Merrimon,	Teller,
Coke,	McCreery,	Morgan,	Thurman,
Davis of W. Va.,	McMillan,	Sargent,	Wallace,
Dawes,	McPherson,	Saulsbury,	Windom.
ABSENT—24.			
Bailey,	Davis of Illinois,	Hoar,	Morrill,
Bayard,	Edmunds,	Johnston,	Randolph,
Blaine,	Ferry,	Kernan,	Rollins,
Chaffee,	Gordon,	Kirkwood,	Sharon,
Chandler,	Grover,	Lamar,	Shields,
Cockrell,	Hill,	McDonald,	Wadleigh.

So the amendment was agreed to.

Mr. MORRILL. I desire to here call attention to an amendment on page 29 between lines 682 and 686. I think now it had better be stricken out as a bill has come over from the House, although I have not yet seen it, on the same subject. It was left over for future consideration and I move to strike it out.

Mr. CONKLING. Is that about the notice for bonds?

The PRESIDING OFFICER. The amendment will be read.

The Secretary read as follows:

That the public notice to be given for called bonds required by the acts authorizing the refunding of the public debt shall hereafter be not less than ten days nor more than three months, at the discretion of the Secretary of the Treasury.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. MORRILL. No, I wish to strike it out.

Mr. KIRKWOOD. What is to be done?

Mr. MORRILL. A bill has come over from the House on the same subject.

Mr. KIRKWOOD. It may not pass.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to strike out.

The motion was agreed to.

Mr. WINDOM. I have one or two amendments from the Committee on Appropriations. On page 37, lines 888 to 891 inclusive, an amendment was proposed by the Committee on Appropriations, and agreed to. I desire to have it stricken out, for the reason that I have since been informed from the Adjutant-General that the clerk is not necessary. I have a letter in my hand to that effect. I move to strike out these lines:

For salary for one person, to be appointed by the Secretary of War, to assist in editing and compiling for publication the official records of the rebellion, \$2,000; to be available immediately.

The PRESIDING OFFICER. The question is on striking out the words just read.

The amendment was agreed to.

Mr. WINDOM. On page 56, after line 1370—

Mr. BECK. We do not know what has become of the last amendment. We do not know over here what was the result announced.

The PRESIDING OFFICER. The Chair stated that the ayes had it.

Mr. BECK. Yes; that was upon the motion of the Senator from Vermont.

The PRESIDING OFFICER. That was to strike out a clause.

Mr. SARGENT. On the ground, as I understood the Senator from Vermont, that the provision had come over from the House in another bill.

Mr. WITHERS. Is it provided for in another bill?

Mr. SARGENT. It is so provided for.

Mr. BECK. There is so much confusion that I could not understand it. What was the last motion?

The PRESIDING OFFICER. The last motion was to strike out lines 888 to 891, on page 37. The Chair announced that the motion prevailed.

Mr. WITHERS. Upon what ground did the chairman state he desired it stricken out? I could not hear.

Mr. WINDOM. On the ground that since the action of the committee I have received the following note:

The Secretary of War authorizes me to say that there is no need of the provision embraced in lines 888, 889, 890, and 891, page 37 of the sundry civil bill, reported to Senate February 27. That work is now in good hands, and the provisions of the bill are ample for the purpose.

E. D. TOWNSEND,
Adjutant-General.

Mr. WITHERS. That is satisfactory. We could not hear it before, though.

Mr. WINDOM. One other amendment. I offer an amendment on the recommendation and earnest request of the Secretary of State, and I submit it to the Senate without any further remark.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. After line 1370 it is proposed to insert:

For the use of the diplomatic and consular service, to be expended at the discretion of the President, \$20,000.

Mr. WINDOM. I submit that upon the request of the Secretary of State.

Mr. CONKLING. What is it for?

Mr. WINDOM. Miscellaneous purposes connected with the diplomatic service.

Mr. DAVIS, of West Virginia. I ask if there is not already a provision giving a certain discretionary sum to the Secretary of State?

Mr. WINDOM. The Senate will recollect that there were \$20,000 appropriated for this purpose as the bill came from the House for the diplomatic and consular bill, and it was stricken out. That is my recollection.

Mr. WITHERS. Was it stricken out in conference?

Mr. WINDOM. That is my recollection.

Mr. WITHERS. I believe that is correct.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. WINDOM. I have but one other amendment. On page 39 I move to strike out, on line 935, the words "four thousand seven hundred and fifty" and insert "seven thousand nine hundred and thirty-four dollars and sixty cents;" so as to make the appropriation read "for the United States Artillery School at Fortress Monroe" \$7,934.60, instead of \$4,750.

In support of that motion I have a letter from the Secretary of War, stating that this amount is made up of small items and that it is absolutely necessary in order to meet the necessities of the case that it should be increased. I will not take time to read the letter unless the Senate desire it. The amendment was agreed to by the Committee on Appropriations, but was omitted in the report of the bill with the printed amendments. It was agreed to by the subcommittee after the committee had adjourned, I will state.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. INGALLS. I offer the following amendment to the bill:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, namely: For the arrears of pensions due on claims in which the pensions were allowed prior to January 25, 1879, \$25,000,000; the amounts paid out respectively for Army and Navy pensions to be accounted for separately to the proper accounting officers of the Treasury Department. For pensions for Army and Navy invalids, widows, minors, and dependent relatives, for the fiscal year ending June 30, 1879, \$1,800,000, in addition to the amounts heretofore appropriated for those purposes; the amounts paid out on account of Army and Navy pensions respectively to be accounted for separately to the proper accounting officers of the Treasury Department. For temporary clerks in the Pension Office, and for furniture, rent of additional rooms, and other contingencies, \$52,200, in addition to the appropriations which have been or shall be made under other acts; the same to be available until June 30, 1880: *Provided*, That no more than \$3,500 shall be used for furniture, contingencies and rent.

That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been, or shall hereafter be, allowed shall be graded according to the degree of the pensioner's disability, from time to time, and the provisions of the pension laws in force over the period for which the arrears shall be computed.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas.

Mr. COKE. I move that the Senate now take a recess until eight o'clock.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate do now take a recess until eight o'clock this evening. The question is on that motion.

Mr. SARGENT. We want to finish this bill.

Mr. WINDOM. If the Senate is to take either a recess or an adjournment, I am informed by the journal clerk that it would be much better for the sake of the record to take an adjournment until eight o'clock. It seems to me the Senate might pass this bill in a very short time, however.

Mr. ANTHONY. I think we can get through the bill before we take a recess. I think the Senate is pretty much talked out about this bill.

The PRESIDING OFFICER. It is moved that the Senate now take a recess until eight o'clock.

The motion was not agreed to.

Mr. DAVIS, of West Virginia. Now, on the amendment just read I raise the question of order and submit it to the Chair. It is certainly, beyond question, legislation, and of course it has not been referred to the Appropriations Committee. That of itself would prevent its being in order.

Mr. INGALLS. I know this question is not debatable, and I ask permission to say a single word. This is the identical proposition that passed the House of Representatives upon this subject, that was reported favorably by the Committee on Appropriations, and also has been acted upon by the Committee on Pensions.

Mr. VOORHEES. May I ask the Senator from Kansas whether this measure is not offered here for the purpose of getting rid of the amend-

ments attached last night to the other bill granting arrears to the survivors of the Mexican war?

Mr. INGALLS. It is merely for the purpose of securing arrears of pension to those entitled to it under the act of January 25, 1879.

Mr. VOORHEES. It is the same bill that passed last night leaving off the amendment which pensioned the survivors of the Mexican war. That is what I want to get distinctly before the Senate.

Mr. INGALLS. It strikes out all the amendments that were adopted in the Senate.

Mr. VOORHEES. Very well.

Mr. INGALLS. Both administrative and substantive.

The PRESIDING OFFICER. The Chair reminds Senators that the question before the Senate is not debatable.

Mr. HOAR. What is the question before the Senate?

Mr. DAVIS, of West Virginia. The question of order. I raise the point of order.

Mr. HOAR. What is the point of order?

Mr. DAVIS, of West Virginia. It is a double one, either of which is good, in my judgment; first, that the amendment has not under the rules been referred to the Committee on Appropriations.

Mr. INGALLS. It is reported by the committee.

Mr. DAVIS, of West Virginia. I beg the Senator's pardon. What was reported was a different thing. It was not, as the rule requires, referred to the Committee on Appropriations as an amendment to this bill. It was referred as an individual bill, and before this bill was before the committee it was reported back.

The PRESIDING OFFICER. The Chair is of opinion that the point of order raised by the Senator from West Virginia is well taken.

Mr. INGALLS. I ask that it be submitted to the Senate.

Mr. BAILEY. I ask that the amendment be reported. We could not hear it here.

The PRESIDING OFFICER. The Chair has endeavored to preserve order.

Mr. BAILEY. I should really like to know what is going on in the Senate.

The PRESIDING OFFICER. The amendment of the Senator from Kansas will be again reported. Senators will be in order and cease conversation.

Mr. BAILEY. I do not care to hear it, as I understand it is pronounced out of order.

Mr. INGALLS. I ask that the question may be submitted to the Senate.

The PRESIDING OFFICER. The Chair will submit it.

Mr. DAVIS, of West Virginia. I submit this is not a question to be submitted to the Senate. I did not raise the question at this time that it is legislation; for as it had not been referred, of course there is no question about it.

The PRESIDING OFFICER. The Chair has decided the point of order raised. The Senator from Kansas can appeal from the decision if he chooses.

Mr. HARRIS. If the question upon the amendment of the Senator from Kansas is disposed of, as I suppose it to be—

Mr. INGALLS. I have taken an appeal from the decision of the Chair on that question.

Mr. HARRIS. Of course the Senator has a right to appeal; but he did not ask that. He asked it to be submitted.

Mr. INGALLS. I may have made the request informally, but my purpose was to get the sense of the Senate on this question.

The PRESIDING OFFICER. The Senator from West Virginia made a point of order on the amendment offered by the Senator from Kansas that it was general legislation under Rule 29. The Chair sustained the point of order. The Senator from Kansas appeals from that decision. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DAVIS, of West Virginia. I submit to the Chair that that was one of the points; but the principal one and the first one was this, that—

The PRESIDING OFFICER. The other one was that it had not been referred to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. One word further. An appeal to the Senate of course is in order on that; but the other is a question of fact only, that it has not been referred, as the rule requires, to the Committee on Appropriations one day before it is submitted. It never has been referred. That is a question of fact; and of course no appeal can be allowed on that.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The question was decided in the affirmative.

Mr. HARRIS. Immediately after line 1142 I move to insert:

For the purchase of dynamo-electric machines to take the place of the batteries now used to ignite the gas in the Rotunda, Dome, Tholus, and House of Representatives, \$2,400.

I ask that the letter from the electrician of the House with the indorsement of the Architect of the Capitol be read.

Mr. HOAR. I reserve the point of order. I will hear the letter and reserve the right to make the point of order.

Mr. HARRIS. I will state to the Senator from Massachusetts that this amendment was offered in the Senate and referred to the Committee on Appropriations, but the indorsement of the Architect of the Capitol failed to reach them.

Mr. EDMUNDS. This I understand not to be a provision that we shall purchase the invention of some particular man, but a dynamo-electric machine. We have had such bad luck in directing people to purchase the inventions of particular gentlemen, that it led me to inquire.

Mr. HARRIS. I ask that the letter of the electrician of the House, with the indorsement of the Architect of the Capitol, be read.

Mr. EDMUNDS. I will vote with you without that.

Mr. ANTHONY. There is no need of reading it. We will all vote for it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. COCKRELL. At the end of line 1851, on page 76, I offer the following amendment, which was submitted by me in the Senate and referred to the Committee on Appropriations, and in support of it I ask that a letter be read which I send to the Chair. On page 76, after line 1851, I move to insert:

That the Secretary of State be, and he is hereby, authorized and directed to examine and settle the claims of the late Captain Sam C. Reid, commander, and the owners, officers, and crew of the American private armed brig General Armstrong, belonging to the port of New York, destroyed by a British fleet in the neutral port of Fayal, in September, 1814, as proved before and audited and adjusted by the Court of Claims in its report submitted to Congress, amounting to the total sum of \$70,739; and that he be, and is hereby, further authorized and directed to pay to the said claimants, their heirs, executors, administrators, or assigns, the amount which shall be thus ascertained to be due them respectively, not to exceed said sum adjudicated by said Court of Claims, which is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. DAVIS, of West Virginia. I raise a question of order, and I have the floor.

Mr. COCKRELL. I insist that the amendment be reported.

The PRESIDING OFFICER. The Senator from West Virginia will state his point of order.

Mr. DAVIS, of West Virginia. I make the point of order that the amendment does not come from a committee.

Mr. SARGENT. It is a private claim.

Mr. DAVIS, of West Virginia. That is an additional point.

The PRESIDING OFFICER. The Chair is of opinion—

Mr. COCKRELL. I desire to state that the amendment I think comes within the purview of the rule. It was offered and referred to the Appropriations Committee, and it is the estimate of the head of a Department, and I propose to show that just as soon as the amendment is read. The estimate of the head of the Department can be submitted to the Senate.

Mr. WINDOM. I think it is quite apparent now that we shall not get through this bill within a half hour as I had hoped; and I wish to submit for the decision of the Senate the question as to an adjournment for two hours.

Several SENATORS. A recess.

Mr. WINDOM. I am informed an adjournment will be much better so as to conclude the record of to-day.

Mr. EDMUNDS. The adjournment will give an hour and a half of a morning hour when we reassemble, which will be devoted to all sorts of things except those for the benefit of the public.

Mr. WINDOM. May we not have unanimous consent that this bill be taken up immediately after the Senate shall reconvene?

Mr. EDMUNDS. That there shall be no morning hour or Anthony rule?

Mr. WINDOM. That the morning-hour business and the Calendar shall be dispensed with.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate do now adjourn until eight o'clock this evening.

Mr. EDMUNDS. We ought to know whether there is a unanimous understanding that this bill begins immediately after the reading of the Journal and the other appropriation bills to follow, and that the morning hour and the Anthony rule shall be set aside.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate do now adjourn until eight o'clock this evening, and he desires to know whether there can be unanimous consent that the bill now under consideration shall be proceeded with immediately on the arrival of that hour.

Mr. CONKLING. An adjournment as distinguished from a recess would assist in journalizing the proceedings of the Senate provided that adjournment be to another day; but I inquire of the Chair whether it would make any difference in that regard if we should adjourn for two hours on this same day. If it would not—

Mr. SARGENT. To-day is yesterday. [Laughter.]

Mr. HOAR. To-day is Friday, legislatively.

Mr. CONKLING. You then count this the parliamentary day of Friday.

Mr. HOAR and others. Certainly.

Mr. CONKLING. That may do then.

Mr. WINDOM. I move to adjourn until eight o'clock Saturday evening, March 1; but I desire first to know whether unanimous consent has been given to take up this bill immediately on reconvening the Senate and to exclude morning-hour business and the Calendar under the Anthony rule.

The PRESIDING OFFICER. Is there unanimous consent that upon the reassembling of the Senate at eight o'clock this bill shall be proceeded with? ["Yes!" "Yes!"]

Mr. HOAR. I do not understand the Chair to have stated the re-

quest as it was made by the chairman of the Committee on Appropriations, and as I desire for one to assent to it—

The PRESIDING OFFICER. The Chair will hear the motion of the Senator.

Mr. HOAR. I understood the request to be that this bill should be proceeded with and that the morning hour and the business under the Anthony rule should be dispensed with.

Mr. EDMUNDS. That is what we want to understand about.

The PRESIDING OFFICER. Is there unanimous consent that this bill be proceeded with, and that the morning hour and the Anthony rule be dispensed with? [A pause.] Such assent is given.

Mr. WINDOM. I move then that the Senate adjourn until eight o'clock p. m., Saturday, March 1.

H. K. BELDING.

Mr. McMILLAN. I wish first to have recommitted to the Committee on Post-Offices and Post-Roads a bill reported adversely from that committee, being the bill (H. R. No. 737) for the relief of H. K. Belding. The Senator from Tennessee [Mr. BAILEY] who reported the bill consents to this.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Minnesota, [Mr. McMILLAN?]. The Chair hears none. The bill is recommitted.

ORDER OF BUSINESS.

Mr. McMILLAN. I also ask that House bill No. 5103, on the Secretary's table, be read and referred to the Committee on Public Lands.

Mr. EDMUNDS. What is that?

Mr. McMILLAN. A bill to extend the time for payment of pre-emptors on certain public lands in the State of Minnesota.

Mr. EDMUNDS. Did that bill come from the House yesterday?

Mr. McMILLAN. It came to-day.

Mr. EDMUNDS. I object to that. I ask leave to make a report from the Committee on the Judiciary.

Mr. WINDOM. I yield for that purpose.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 6524) to remove the political disabilities of H. B. Littlepage, of King William County, Virginia, to report the same favorably.

PORTRAITS OF DECEASED MEMBERS.

Mr. ANTHONY. I ask leave to make a report. The Committee on Printing, to whom was referred the bill authorizing the engraving of certain portraits of Representatives, instruct me to report it back without amendment, and recommend its passage and ask its present consideration.

By unanimous consent, the bill (H. R. No. 6523) providing for the engraving and printing of portraits to accompany the memorial addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE MR. QUINN.

Mr. ANTHONY. I have another report of the same character. I am directed by the Committee on Printing, to whom was referred a House concurrent resolution, to report it without amendment, and to ask its present consideration.

The resolution was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of the late Terrence J. Quinn, late a Representative from the State of New York, of which 9,000 shall be for the use of the House and 3,000 for the use of the Senate.

TRANSIT OF VENUS.

Mr. ANTHONY, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the report on the observations of the transit of Venus under the direction of the Navy Department in 1874 be printed.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 3,500 additional copies of the report on the observations of the transit of Venus, under the direction of the Navy Department, in December, 1874, of which 1,000 shall be for the use of the Senate, 2,000 shall be for the use of the House of Representatives, and 500 copies for the use of the Navy Department.

PRINTING OF ELECTION TESTIMONY.

Mr. EATON. I call for the adjournment.

Mr. TELLER. I ask the Senator to yield for a resolution.

Mr. WINDOM. I yield for the resolution and no more. I shall insist on my motion after that.

Mr. EDMUNDS. Let us hear the resolution.

The resolution of Mr. TELLER was read, as follows:

Resolved. That 2,000 copies of the report of the select committee to inquire into the alleged frauds in the late elections, with the accompanying testimony, be printed for the use of said committee.

Mr. EATON and Mr. GORDON. Let that go over.

The PRESIDING OFFICER. Objection being made, the resolution goes over.

Mr. WINDOM. Now I move that the Senate adjourn until eight o'clock p. m., Saturday, March 1.

The motion was agreed to; and (at six o'clock and five minutes p. m., Saturday, March 1) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 28, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. DURHAM. When I presented yesterday the report from the Committee on Expenditures in the Department of Justice, to accompany the House bill No. 5996, leave was given to the minority of the committee to print their views. That fact does not appear in the Journal. The RECORD, which I hold in my hand, is correct.

The SPEAKER. Who represented the minority of the committee? Mr. DURHAM. The gentleman from Massachusetts, [Mr. ROBINSON.] Leave was given to the minority of the committee to have their views printed; but the Journal does not so state.

The SPEAKER. Such authority was given.

Mr. DURHAM. I so understand. I ask that the Journal be corrected in that particular.

The SPEAKER. The correction will be made.

The Journal, as corrected, was approved.

LUCINDA C. DILLAHENTY.

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring.) That the Clerk of the House of Representatives be authorized to correct an error in the spelling of a name in enrolled bill (H. R. No. 4392) for the relief of Lucinda C. Dillahenty.

INVESTIGATION OF CHARGES AGAINST THE SPEAKER.

Mr. FRYE. The select committee appointed yesterday on motion of the Speaker have instructed me to ask that the committee have leave to sit during the sessions of the House.

There being no objection, leave was granted.

FRANKING PRIVILEGE OF MEMBERS-ELECT.

The SPEAKER. The Chair desires to submit for the information of the House a letter on a subject of public interest which he has received from the Post-Office Department.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, February 27, 1879.

Sir: I am directed by the Postmaster-General to inform you that the Attorney-General has reversed the opinion of the Assistant Attorney-General in regard to the right of members of Congress elect to exercise the franking privilege, and advises that in his opinion such right exists from the beginning of the term for which such members were elected.

A full copy of the opinion will be furnished you as soon as it can be made.

Very respectfully,

W. A. KNAPP,
Chief Clerk.

HON. SAMUEL J. RANDALL,
Speaker House of Representatives.

PORTRAITS OF DECEASED MEMBERS.

Mr. GIDDINGS, by unanimous consent, introduced a bill (H. R. No. 6523) to provide for the engraving and printing of portraits to accompany addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher; which was read a first and second time.

Mr. GIDDINGS. I ask that the bill be put upon its passage now.

The bill was read. It directs the Secretary of the Treasury to cause to be engraved and printed portraits of the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher, to accompany the memorial addresses delivered in the Senate and House of Representatives in honor of the deceased Representatives; and to defray the expenses thereof the necessary sum is appropriated, to be immediately available.

There being no objection, the bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

EXPENDITURES IN TREASURY DEPARTMENT.

The SPEAKER. The gentleman from Missouri, [Mr. GLOVER,] from the Committee on Expenditures in the Treasury Department, asks leave that reports and testimony be printed and recommitted, not to be brought back on a motion to reconsider.

Mr. SOUTHARD. Is this the report of a full committee?

The SPEAKER. The Chair is not advised.

Mr. SOUTHARD. I must object.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. DIBRELL. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved. That all documents ordered by the present Congress to be published, and which are actually printed prior to the first Monday of December next, shall be allotted as heretofore to members of the present Congress, and transmitted

to their residences as fast as printed, unless otherwise ordered by the members themselves.

Mr. RANDOLPH. I would like to know whether members will have a right to transmit these documents after they receive them.

The SPEAKER. The law, as the Chair understands, provides that the franking privilege may be exercised by retiring members until the 1st day of December next.

Mr. RANDOLPH. I find that members differ on this subject.

Mr. WADDELL. There is some doubt about that question.

The SPEAKER. It has always been so held.

Mr. WADDELL. It is a matter of construction.

The SPEAKER. The Chair has had read this morning a letter from the Post-Office Department, (the result of sundry communications between the Postmaster-General and himself,) in which it is stated that the Attorney-General of the United States has given an opinion that members-elect have the right under the law to exercise the franking privilege from the 4th of March next, the time of their being liable to be called upon to serve as members. Under the law they receive their pay monthly from that date; and it seems to be consistent that they should exercise from the same date this privilege with reference to transmitting documents. The statement of the Chair as to the right of retiring members to exercise the franking privilege after the end of their official term is questioned. If there be any doubt about that, the Chair thinks there ought to be legislation on the subject.

Mr. FORT. They ought to have it.

Mr. HALE. If anything of this kind is got through, it had better be put on in the way of a carefully prepared amendment on the Post-Office appropriation bill in charge of some one who will look after it, for then it will go through with the appropriation bill. That is the better way to dispose of it than to trust it to any floating resolution put in here.

The SPEAKER. The Chair thinks so too.

Mr. BURCHARD. The resolution does not refer to that question.

The SPEAKER. This is the usual resolution giving books to retiring members.

There was no objection, and Mr. DIBRELL's resolution was adopted.

Mr. DIBRELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I move that the rules be suspended, and there be an evening session on Saturday next at half past seven o'clock for the consideration of business on the Speaker's table, under the order of procedure as regulated by Rule 54.

The SPEAKER. This will have to be considered by unanimous consent.

Mr. CLYMER. I object.

Mr. HALE. I want to say one word on the order of business.

The SPEAKER. The Chair is under obligation to recognize the gentleman from Rhode Island [Mr. BALLOU] to make reports from the Committee on Public Printing. The Chair thinks the resolution of the gentleman from Virginia had better be waived until the business from the Committee on Public Printing relating to the printing of documents for the use of members has been disposed of.

Mr. HARRIS, of Virginia. Very well; let my resolution pass over for the present.

PUBLIC PRINTING.

On motion of Mr. BALLOU, by unanimous consent, the following joint and concurrent resolutions were taken from the Speaker's table and referred to the Committee on Public Printing:

Joint resolution to provide for the publication and distribution of a supplement of the Revised Statutes;

Joint resolution authorizing the printing of a portrait of the late Joseph Henry to accompany the memorial volume heretofore ordered;

Resolution to print 10,000 copies of the special report from the Department of Agriculture on the insects affecting the cotton plant;

Resolution for printing 10,500 copies of the report of the Smithsonian Institution for the year 1878;

Resolution relative to encouraging agricultural interests;

Resolution providing for printing 1,500 copies of the report of the Superintendent of the Coast Survey;

Resolution to print 700 copies of Senate Miscellaneous Documents Nos. 13, 17, 19, and 25, relating to the improvement of the sewerage and sanitary condition of the District of Columbia, &c.;

Resolution for printing 5,000 copies of the second report of the United States entomological commission, and a resolution providing for the printing of 5,000 additional copies of the report of William Gouverneur Morris, special agent of the Treasury Department, on the resources and condition of affairs in Alaska; and

Resolution providing for the printing of 5,000 additional copies of the Narrative of Hall's Second Arctic Expedition.

METRIC SYSTEM.

Mr. BALLOU, from the Committee on Printing, reported back the amendment of the Senate to joint resolution (H. R. No. 224) authorizing the Public Printer to print 20,000 copies of House Report No. 53, on the adoption of the metric system of weights and measures, with the recommendation that it be concurred in.

The joint resolution, which was read, authorizes the Public Printer

to print 20,000 extra copies of House Report No. 53, on the adoption of the metric system of weights and measures.

The amendment of the Senate is as follows:

In line 4, strike out the word "twenty" and insert "ten," and at the end of the resolution add "7,500 thereof for the use of the House, and 2,500 for the use of the Senate."

The amendment was concurred in.

Mr. BALLOU moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. HARRIS, of Virginia. I now ask for the consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the rules be suspended and that there be an evening session on Saturday next at seven and a half o'clock for the consideration of business upon the Speaker's table under the order of procedure as regulated by Rule 54.

Mr. GARFIELD. Let that rule be read.

Mr. EDEN. I wish to inquire whether in any proceeding under that resolution it will be in order to move to suspend the rules and put any bill taken from the Speaker's table upon its passage?

The SPEAKER. This is a motion to suspend the rules only so far as to make the business upon the Speaker's table in order to-morrow evening at seven and a half o'clock, that business when taken up to be governed in every respect by the rules of the House. In other words, the business upon the Speaker's table taken up under this resolution will be subject to all points of order as though bills came up in their usual course.

Mr. EDEN. Would it be in order to move to suspend the rules and pass any one of the bills coming up under this order?

The SPEAKER. The Chair thinks not.

Mr. CLYMER. Then I withdraw my objection.

Mr. THOMPSON. I reserve all points of order.

Mr. HALE. I understand the proposition is that the House on Saturday evening shall go to the business upon the Speaker's table without any morning hour and proceed to take up that business under Rule 54.

Now, I wish to say a word about the condition of the business at the present time, because investigation and finding out the present status of the general appropriation bills will demonstrate the great danger the House is in unless it shall proceed to put through those appropriation bills of not being able to finish them before the expiration of the session under the constitutional limitation.

It is an actual fact, Mr. Speaker, that at this time there are eight appropriation bills which have not got into or out of conference, and there remain only four days between now and Tuesday next, when the Speaker's gavel will fall and the session be ended.

Now, the physical impossibility of the enrollment—to speak of nothing else—of the appropriation bills raises a very serious question. The bills are long, very many of them. And in addition to them there are other bills, the post-route bill and one or two others that must necessarily be passed, which will tax the efforts of the Clerk's office, with all the additional force that has been given by the House. Now, there are the general appropriation bills; the bill for legislative, executive and judicial purposes, with all the contest upon that; the sundry civil bill, with all the amendments the Senate puts on; the Army bill, with the contests upon that; the Post-Office bill, which is now ready to be put before the House; the fortifications bill in conference; the deficiency bill, just come from the Senate; the river and harbor bill still there; and, I believe, the bill for arrearages of pensions. This House at one stage or another, or at different stages, has got to grapple with every one of these appropriation bills, pass upon amendments, put them in conference, pass conference reports, get them to the enrolling committee, and get them to the President; and all to be done between this and Tuesday noon.

Mr. HOOKER. I rise to a question of order. I wish to know to what bill or resolution the gentleman from Maine is addressing his remarks.

The SPEAKER. To the resolution offered by the gentleman from Virginia, [Mr. HARRIS.]

Mr. HOOKER. In reference to the order of business?

The SPEAKER. Yes; in reference to the priority of business.

Mr. HALE. I only wish to place these points before the sober minds of members. I do not object to this resolution offered by the gentleman from Virginia. It will carry us to the Speaker's table on Saturday night, and we can dispose then of the business that is there. But aside from that, every man here ought to be willing and anxious to take up these appropriation bills at every stage and to vote them through early and late, and to keep every other business except what is on the Speaker's table out, so that we may get through. If we do not do that, we will have an extra session.

Mr. GARFIELD. I hope the gentleman from Virginia will modify his resolution so that appropriation bills may be considered that evening, if found necessary; because if the resolution is adopted in its present form it might be ruled out of order to introduce a conference report.

Mr. HARRIS, of Virginia. I have no objection to that, and will modify my resolution in accordance with the gentleman's suggestion.

Mr. WHITTHORNE. I wish to make this inquiry in connection with a question addressed to the Chair by the gentleman from Maine, whether this order if made excludes the right of any gentleman to demand a morning hour to-morrow?

The SPEAKER. It would not in the morning, but it would at the evening session.

ORDER OF BUSINESS.

Mr. ELLSWORTH. I ask to be recognized for one minute. I have a petition in my hand, several yards in length, on the subject of temperance.

The SPEAKER. If the gentleman will shorten his speech—

Mr. ELLSWORTH. I do not desire to make a speech. I desire to present the petition that it may be put on record and printed, and I desire to print some remarks on it.

The SPEAKER. The gentleman can put the petition in the box, and the Chair will ask consent for the gentleman to print.

Several members called for the regular order.

BUSINESS ON SPEAKER'S TABLE.

Mr. HOOKER. Let the resolution of the gentleman from Virginia be again read.

The resolution was again read.

Mr. THOMPSON. Does that require unanimous consent?

The SPEAKER. It does at this time because it is a motion to suspend the rules while the House is acting under a suspension of the rules. But the Chair will feel bound, in the interests of public business, to recognize the gentleman from Virginia for that motion at the first opportunity when the House is not acting under a suspension of the rules.

Mr. THOMPSON. I have no objection to that, but I object to the resolution being adopted now.

Mr. GARFIELD. I think it ought to pass.

Mr. THOMPSON. If the House at the proper time will suspend the rules to adopt the resolution, that will be all right, but I object now.

Mr. BURCHARD. The consideration of the resolution was not objected to. I think the gentleman's objection comes too late.

The SPEAKER. The gentleman from Pennsylvania [Mr. THOMPSON] reserved the right to object.

Mr. THOMPSON. I did. I think no special order should be made for Saturday night.

Mr. HARRIS, of Virginia. The objection to the consideration of the resolution was withdrawn and it came before the House for consideration.

The SPEAKER. The gentleman from Pennsylvania states, and the Chair confirms his statement, that he reserved the right to object.

LEAVE TO PRINT.

Mr. GARFIELD. I ask unanimous consent to have printed an amendment to be offered on behalf of the minority of the Committee of Ways and Means to the sugar bill.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Several members called for the regular order.

Mr. YOUNG, of Tennessee. I wish to know if the demand for the regular order would cut off a privileged report. Under a resolution of the House the question to which I have reference was made a privileged one.

The SPEAKER. The Chair will examine that matter during the morning.

Mr. YOUNG, of Tennessee. I am instructed by the committee having the matter in charge to make the report this morning. It is very important.

The SPEAKER. The Chair will recognize the gentleman at the first opportunity.

Mr. COVERT. I rise to present a privileged report. I am instructed by the select committee on ventilation to present the report and accompanying resolutions which I send to the desk.

The SPEAKER. Does the gentleman ask for action on the resolutions?

Mr. COVERT. Yes, sir. I do not ask for the reading of the report unless it is called for.

The SPEAKER. The Chair will recognize the gentleman later. The regular order is demanded; and this being Friday is devoted to the consideration of private bills.

Mr. BURCHARD. I raise the question of consideration upon private business.

Mr. BLOUNT. I desire to report back from the Committee on Appropriations the Post-Office appropriation bill, and to make a motion that the House non-concur in all the amendments of the Senate in gross except those in relation to the Brazilian subsidy and the classification of mail matter. I shall move to non-concur in all the other amendments; and I desire that the bill shall be taken up now.

Mr. BRIGHT. I insist upon my motion.

Mr. BURCHARD. I raised the question of consideration of private business because, after the statement of the gentleman from Maine, [Mr. HALE,] I think it is important that the public business be proceeded with. The bill from the Committee of Ways and Means, of which the gentleman from North Carolina [Mr. ROBBINS] has charge, and

on which I have the floor, is the pending order; but it is not the desire of the friends of that bill that it should antagonize the appropriation bills, nor have they the right to antagonize the appropriation bills.

The SPEAKER. The Chair desires to suggest that the House probably understands the subject, and he will submit the question whether the House shall proceed with private business or not. That will be the quickest way of reaching a conclusion.

Mr. BLOUNT. I trust the chairman of the Committee on Appropriations will be allowed to make a statement before the vote is taken.

Mr. ATKINS. The gentleman from Georgia requests me to make a statement in regard to the situation of public business. I do not know that it is necessary for me to do so, since the gentleman from Maine [Mr. HALE] has been recognized by the Chair and has made the statement very fully to the House. I can only confirm the statement of the gentleman from Maine, [Mr. HALE,] who is a member of the Committee on Appropriations, in regard to the public business.

I think it is important that we address ourselves to the appropriation bills assiduously and constantly if we expect to get through with them.

There are to-day only five appropriation bills passed into laws. The remaining seven of the regular appropriation bills are yet unpassed. The last bill passed the House on last Monday. They are now in the Senate with the exception of the fortification bill and the Army appropriation bill, which are in conference. The Post-Office appropriation bill is in the hands of the Committee on Appropriations.

In addition to the seven regular appropriation bills yet undisposed of, there is the bill called the arrears of pensions bill, the southern claims bill, and the river and harbor bill, all voluminous bills, and yet to be passed into laws, and I will state that I am informed by the Clerk of the House that it will take to engross any of these bills one clerk from twenty-five to thirty hours, and it will require the Committee on Enrolled Bills seven or eight hours' work to compare them. Hence it is important that the House address itself to the business of passing these appropriation bills, if they intend to do it before the 4th of March, so that it shall be done before Sunday in order that the clerks may have Sunday and Monday to enroll the bills and the Committee on Enrolled Bills have time to compare them.

Mr. BRIGHT. I ask the privilege of making a statement in regard to the business of the House. There are a number of cases on the Private Calendar, probably three or four hundred, the result of many hours of hard labor, endeavoring to settle questions of right between the Government and private individuals, claims which the committee believe to be just, and their payment has been long deferred. This being objection day, and the last we will have this session, we think it eminently right and just that those claims should be considered. As to the large amount of business that has been enumerated here, it is now in the hands of the Senate and cannot be possibly reached by the House in the few hours which are to be devoted to the consideration of the Private Calendar. The consideration of the claims of private individuals will not prevent the public bills being perfected on subsequent days, and therefore I think that the House should devote this day to private business.

Mr. CONGER. When the public business is disposed of, it will then be in order to go on with private business, will it not?

The SPEAKER. It will.

Mr. YOUNG, of Tennessee. I desire to know if I can antagonize the motion of my colleague [Mr. BRIGHT] with a privileged question?

The SPEAKER. The Chair gives the gentleman from Tennessee the assurance that whenever he can under the rules recognize him to make his report he will do so. It is not a question of privilege, but the committee is privileged to report whenever they can get an opportunity, and the Chair will recognize the gentleman at some point in the day when there is not a prevailing order.

Mr. YOUNG, of Tennessee. I can only ascertain that fact by making inquiry of the Speaker.

The SPEAKER. The gentleman has a right to inquire, and the subject upon which he desires to report is a very important one, which should be acted upon by this Congress, to wit, the yellow-fever epidemic.

The question was taken on Mr. BRIGHT's motion; and on a division there were ayes 15, noes not counted.

So the motion was not agreed to.

Mr. BRIGHT. I yield gracefully.

Mr. BURCHARD. I am entitled to the floor upon the bill reported by the Committee of Ways and Means, but after the statements made by the gentleman from Maine [Mr. HALE] and the gentleman from Tennessee [Mr. ATKINS] in regard to the appropriation bills, I will yield for the consideration of the appropriation bill.

Mr. HARRIS, of Virginia. Will the gentleman yield long enough to allow a vote to be taken on the resolution I have offered in regard to proceeding to business on the Speaker's table to-morrow night?

Mr. BLOUNT. Not now.

Mr. BURCHARD. Before the gentleman from Georgia [Mr. BLOUNT] proceeds I would like to have him state how long his committee will need the floor for the consideration of the bill which he proposes to report?

Mr. BLOUNT. I cannot tell at this time.

The SPEAKER. The Chair desires to make a suggestion in regard

to business to be transacted during the session of this evening. Gentlemen who are interested in pension bills had better look them up during this morning so as to be ready to present them or ask for action on them at the session this evening. And gentlemen who are interested in the passage of disability bills had better be prepared for them to-night, because under the order for the session to-night such bills are allowed to be introduced by individual members to be acted upon without reference to a committee.

Mr. GARFIELD. Is the session of this evening restricted to the consideration of those two classes of bills alone?

The SPEAKER. It is.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. I desire to inquire how long the business of the House will be under the control of the gentleman from Illinois, [Mr. BURCHARD?]

The SPEAKER. The Chair does not know that the business of the House is under the control of the gentleman from Illinois at all; it is controlled by its own rules.

Mr. PAGE. The gentleman appears to have the management of matters just now, and yields to the Committee on Appropriations.

The SPEAKER. Oh, that is only a matter of courtesy shown by one committee to another.

Mr. BURCHARD. Under the order of the House the subject upon which I have the floor to address the House is set for consideration, under a suspension of the rules, immediately after the reading of the Journal and from day to day until disposed of, not to antagonize the appropriation bills. Under a fair construction of that order, I think I am bound to yield to the Committee on Appropriations whenever they desire the floor for the consideration of appropriation bills. When they are through I shall then claim the floor upon the special order, which will run until the subject is disposed of.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I am directed by the Committee on Appropriations to report back the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, which has been returned to the House by the Senate with sundry amendments. The committee instruct me to report a recommendation to the House to non-concur in all the amendments of the Senate in gross except the one relative to the Brazilian mail subsidy and the one providing for a reclassification of mail matter. In reference to the two latter amendments I have been instructed by the committee to ask separate votes and to recommend that in regard to the Brazilian subsidy amendment a debate of two hours be allowed, one hour on either side of the proposition; and in regard to the amendment for the classification of mail matter that debate be allowed for one hour under the five-minute rule.

Mr. CARLISLE. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. CARLISLE. Do I understand the gentleman from Georgia [Mr. BLOUNT] to say that the Committee on Appropriations make no recommendation at all in regard to the Brazilian mail subsidy amendment and the amendment for the classification of mail matter?

Mr. BLOUNT. Not at all. The Committee on Appropriations recommend non-concurrence in all the amendments of the Senate. But the Brazilian mail subsidy and the classification of mail matter are not regarded as proper subjects for the Committee on Appropriations; they are not such as we are in the habit of considering. We therefore deem it proper to allow the House an opportunity to express its sense upon those two propositions.

Mr. CANNON, of Illinois. I ask the gentleman from Georgia to change his proposition so as to allow four hours' discussion upon the Brazilian subsidy amendment and two hours on the amendment in relation to the classification of mail matter.

Mr. BLOUNT. I would be gratified to accommodate the gentleman from Illinois, [Mr. CANNON,] but if he could understand the multitude of questions that are before the Committee on Appropriations, the time required for committees of conference to act, and the time which will be required for the enrollment of the various appropriation bills, I am sure he would not ask any longer time for discussion on this subject. The subcommittee on appropriations having charge of this bill has also charge of the deficiency appropriation bill.

I now move that the House non-concur in all the Senate amendments to the appropriation bill, except the one relating to the Brazilian mail subsidy and the one relating to the classification of mail matter; and upon that motion I call the previous question.

Mr. HOOKER. I hope the House will not agree to the proposition of the gentleman from Georgia [Mr. BLOUNT] to vote upon these amendments in bulk. We do not know what they are; and if we had an opportunity to examine them we might find that some of them would be acceptable to the House.

Mr. BLOUNT. Allow me to say this: this bill, with all the Senate amendments thereto, has been printed for several days, and members have had an opportunity to examine it. I am only asking what this House has often done, a non-concurrence in all the Senate amendments, in order that the subject may be referred to a committee of conference. There are subjects here which we might want to debate

for two or three days, and I would prefer it if we had the time; but it is a physical impossibility for us to consider and debate all the amendments to the appropriation bills at this stage of the session.

The SPEAKER *pro tempore*. (Mr. DURHAM.) Does the gentleman from Georgia [Mr. BLOUNT] insist on his motion for the previous question?

Mr. BLOUNT. I do.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question is upon non-concurring in all the amendments of the Senate to the Post-Office appropriation bill, except the two amendments indicated by the gentleman from Georgia.

The question was taken; and the amendments of the Senate, except the two indicated, were non-concurred in.

Mr. BLOUNT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. I move that on the Brazilian subsidy amendment two hours of general debate be allowed, to be divided equally between the friends and the opponents of the measure.

Mr. WADDELL. I move to amend so as to allow three hours for debate. I think the discussion ought to be a little longer than two hours.

Mr. CANNON, of Illinois. I hope the gentleman from Georgia [Mr. BLOUNT] will accede to this amendment fixing three hours. This is a very important question and has never been discussed in this House one minute.

Mr. BLOUNT. I think there is a general feeling that two hours will be ample time. I am willing that the House shall determine the question.

Mr. WADDELL. If we are going to have any debate at all let us have a full one.

The question being taken on the motion of Mr. WADDELL to allow three hours debate, it was not agreed to; there being—ayes 31, noes 122.

The question then recurred upon the motion of Mr. BLOUNT to limit debate to two hours.

Mr. PAGE. I move to amend so as to allow only one hour.

The SPEAKER *pro tempore*. The proposition will be taken first upon the longest time. If the motion of the gentleman from Georgia to fix two hours as the limit be voted down, the question will then be upon the motion of the gentleman from California [Mr. PAGE] to fix one hour.

Mr. CONGER. I move to amend the motion of the gentleman from Georgia [Mr. BLOUNT] so as to provide that there shall be one hour of general debate and one hour of debate under the five-minute rule.

Mr. BLOUNT. I hope this amendment will be voted down.

Mr. BURCHARD. I desire to know whether the gentleman from Georgia proposes that the time be divided equally between the friends and opponents of the amendment.

Mr. BLOUNT. That was my proposition.

Mr. FINLEY, of Ohio. I rise to a parliamentary inquiry. If the amendment of the gentleman from Georgia is voted down, will not the proposition of the gentleman from California to limit debate to one hour be then voted on?

The SPEAKER *pro tempore*. It will.

The question being taken on the amendment of Mr. CONGER to the motion of Mr. BLOUNT, there were—ayes 71, noes 77.

Mr. CONGER. I call for tellers.

Tellers were ordered; and Mr. BLOUNT and Mr. CONGER were appointed.

The House divided; and the tellers reported—ayes 75, noes 78.

So the amendment of Mr. CONGER was not agreed to.

The question then recurring on the motion of Mr. BLOUNT to limit debate on the amendments to two hours, it was agreed to; there being—ayes 76, noes 20.

Mr. BLOUNT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BLOUNT. I now ask that debate upon the amendment relating to the classification of mail matter be limited to one hour under the five-minute rule.

Mr. CANNON, of Illinois. I ask that the amendment in regard to the classification of mail matter be considered in the House as in Committee of the Whole under the five-minute rule.

Mr. BLOUNT. That is substantially my motion; it is only stated differently.

Mr. CANNON, of Illinois. I move to amend the motion of the gentleman from Georgia by inserting two hours instead of one hour. The proposition to be discussed is a very important one.

Mr. BLOUNT. I hope the amendment will not be adopted. I would be glad to gratify gentlemen by allowing longer time for discussion, but it is absolutely impossible at this stage of the session to expend so much time in debate.

The SPEAKER *pro tempore*. Does the gentleman from Illinois insist on his amendment?

Mr. CANNON, of Illinois. No, sir; I withdraw it.

The motion of Mr. BLOUNT was agreed to.

Mr. BLOUNT. I agree with the gentleman from North Carolina,

[Mr. WADDELL,] on the part of the committee representing the friends of the subsidy, to yield to him in the first place.

Mr. WADDELL. I understand the arrangement is that those who are in favor of the amendment are to have the first hour, while the other side are to have the second hour.

The SPEAKER. The Chair understands the gentleman from Georgia proposes to control the second hour and leave the control of the first hour to the gentleman from North Carolina.

Mr. BLOUNT. I do not care whether the gentleman from Pennsylvania [Mr. SMITH] or the gentleman from North Carolina [Mr. WADDELL] has the control of the first hour; as to the last hour I do not now propose to make any arrangement in regard to it.

Mr. WADDELL. The gentleman from Georgia very naturally wants to close debate on his side. I think there is no objection to that.

Mr. BLOUNT. So far as the first hour is concerned, I desire to say I am perfectly willing to allow debate to proceed alternately in five-minute speeches.

Mr. DUNNELL. The understanding is that the first hour is to be given to general debate, and the second hour to be divided up as under the five-minute rule. Is that it?

The SPEAKER *pro tempore*. That proposition was voted down.

Mr. DUNNELL. Then, what is the arrangement?

The SPEAKER *pro tempore*. The first hour the friends of the measure and its opponents are to alternate in debate.

Mr. BLOUNT. Half an hour each.

Mr. FRYE. The first hour I understand is to be divided between the friends and opponents of the measure, and the last half hour of the second hour to belong to the gentleman from Georgia.

The SPEAKER *pro tempore*. Yes, sir.

Mr. FRYE. Then the first of the last half hour belongs to the friends of the measure?

The SPEAKER *pro tempore*. Yes, sir. The Chair will now state his understanding. The first hour is to be taken alternately between the friends and opponents of the measure, and the first half of the second hour is to be taken exclusively by the friends of the measure, and the last half of the second hour is to be taken by the gentleman from Georgia, [Mr. BLOUNT.]

Mr. WADDELL. Mr. Speaker, it is a source of gratification to me that at last, in the expiring moments of the Forty-fifth Congress, an opportunity is presented for the friends of this measure to ask the poor privilege of a vote on it. That privilege—because of the absurd and complicated rules of this House, which are a maze of bewilderment, and can always be twisted to suit the purposes of the skillful—has heretofore been denied. Upon the merits of this amendment there has never been a vote of the House, or any discussion. We are to enjoy this parliamentary privilege because, and only because, the enemies of the amendment cannot prevent it. It comes to us from the Senate of the United States in no questionable shape, and a vote on it is inevitable. With the result of that vote I have no concern. The right to ask it is all I have ever demanded; and therefore, as that right cannot longer be defeated, and is now to be exercised, I am perfectly satisfied with "the situation."

I have no elaborately prepared speech to make on the question, although perhaps it might be expected of me inasmuch as I reported the measure a year ago under instructions from the Committee on the Post-Office and Post-Roads. There has been so much discussion of it in the press and elsewhere that nothing new can be advanced; but I know there are gentlemen in the House who, with certain preconceived ideas which they erroneously suppose are applicable to this matter, have neglected to examine into it, and are really not correctly informed upon it, and I desire that they may hear, if they are so disposed, what may be said on the other side. If they do not know the facts, and do not wish to know them, but desire and intend without full knowledge to vote in a certain way, they will do so of course, and will be ready to explain satisfactorily to an inquiring constituency the reasons for such intelligent legislation. If they are willing to give reasonable consideration, however, to the facts which will be presented, and after such consideration to vote according to their convictions, I certainly would be the last one to complain.

Mr. Speaker, I intend to be perfectly candid in all that I shall say, and perhaps may save some of the anxious gentlemen who are opposed to this Senate amendment an immense amount of anguish by freely admitting that the proposition recommended here is commonly called by its enemies, including some of the newspapers which are objects of terror to aspiring statesmen, "the John Roach subsidy." There is not the least doubt that such is the attractive title given to the measure by those who are fighting it, whether they be the paid agents of the English ship-owners, the advocates of rival but less enterprising American ship-owners (who are illustrating the fable of the dog in the manger) or the enthusiastic gentlemen in public life who, at the least suggestions of doubt or danger, are always ready to "flee as a bird to the mountain." Let us understand it, then, and save a repetition of it in the argument that that is what this amendment is called. I shall show in a moment that it is a misnomer in every respect, but before doing so I wish to make some general remarks on the subject under consideration.

The proposition now to be voted on is simply this, namely, to authorize the Postmaster-General to make a contract for carrying the United States mails from New York to Rio Janeiro, and from New

Orleans to Rio Janeiro, once a month from each, by way of Norfolk on the one route and by way of Galveston on the other route, with the lowest bidder who can furnish the ships fitted for the service, which ships are to be American iron screw-propellers of three thousand tons burden, capable of making thirteen knots an hour, and fitted for naval service in case of war, the price for such service not to exceed \$150,000 per annum on each route. Service from both the American ports is to be established and maintained; otherwise both are to be abandoned. That is the sum and substance of the proposed legislation.

Now, why is such a proposition made and why should it be complied with? These two inquiries I propose briefly to answer. It is impossible in the time limited for this debate, in which so many gentlemen wish to participate, for any one person to present more than a mere epitome of his views, and therefore I shall be as brief as possible. Perhaps the best argument I can use under the circumstances will be to quote some extracts from the report of the Post-Office Committee of the House made during the last session of Congress, and from the Post-Office Committee of the Senate during the present session. Each report was made by a southern democrat. I read the following from the House committee's report:

In assigning their reasons for recommending any legislation in regard to ocean mail transportation, the committee desire to say, at the outset, that the subject involves considerations reaching very far beyond the mere postal interests of the Government. Indeed, the latter are of secondary importance. The main object contemplated is the revival of American commerce, by the opening of new avenues of trade, thus giving a quickening impulse to all our industries. A liberal policy—such a policy as that adopted by other countries to our great disadvantage—in fostering our merchant marine by every means, including liberal compensation for carrying the mails, is absolutely necessary, in the judgment of the committee, to the national welfare at this time.

The decadence of our foreign navigation is alarming. Since 1857 the proportion of tonnage as between our own and foreign ships engaged in trade to and from this country has been reversed, although the commerce has increased nearly 100 per cent. In 1857 the value of the foreign trade carried to and from all American ports in American bottoms was \$510,000,000, and the total carried in foreign bottoms was \$213,000,000. In 1867 the figures were reversed, foreign ships carrying \$580,000,000, while American ships carried only \$296,000,000. In 1877 the proportion was still greater against us, foreign bottoms carrying \$858,000,000, to \$315,000,000 carried in American bottoms, and this being a million less than our vessels carried twenty-five years ago. It is estimated that we now pay yearly to foreign ship-owners, for carrying passengers, goods, and mails, at least \$50,000,000. Steam is rapidly superseding sails, and, with the same tonnage, does three times the work. Our steam marine is insignificant, and, therefore, we cannot compete with the other nations of the world in the carrying trade until we build it up. Europe has two hundred steamships running to and from the United States, and the United States has less than fifteen steamships running across the Atlantic and Pacific Oceans. Three-fifths of the exports, nine-tenths of the imports, and all the passengers and mails to and from New York, go by steamships. Twenty years ago we spent for ship-building \$25,000,000 per annum, exclusive of the immense sums expended for repairing old vessels. Nearly all this money was paid for labor. Now we expend less than half this sum, or about \$11,000,000.

The tonnage in our foreign trade has doubled, but our ship-building has been reduced one-half. Our sailing vessels, so far as foreign trade is concerned, are little more than so much dead capital. The coasting trade, protected by law against foreign interference, is about all we have left that is profitable, and there is danger that even this remnant of our former commercial glory will pass away from us unless our policy is changed. Surely we will not permit our merchant marine to be destroyed, and the carrying trade of our country, situated as it is geographically, and absolutely matchless in its resources, to be transferred permanently to other hands. The time has come when we are forced to consider this subject. Our home markets are glutted with manufactured goods and other products, and unemployed labor starves in our streets. Outlets must be found for these products by opening new channels of commerce, or reclaiming old ones. Our necessities, social and political, no less than commercial, demand it. We cannot afford to neglect it any longer.

Perhaps the most remarkable feature in the history of American commerce is the strange indifference which has always until now existed in this country in regard to trade relations with the empire of Brazil. It is a magnificent country, governed by an enlightened ruler, and rapidly progressing toward a condition of the highest prosperity. It covers an area of nearly four million square miles, and contains a population of twelve millions. It has a foreign commerce of \$200,000,000, and a coasting trade of about \$50,000,000, open to foreign flags. Of this trade, which is yearly increasing, the United States has less than \$50,000,000, and exports only about \$7,250,000 to that country, although it needs a great many, if not most, of our manufactured products. The rest of the trade is with Europe, and the gold we pay to meet the balance of trade against us goes to England to purchase supplies for Brazil, all of which supplies we ourselves produce.

Why is this? The answer is humiliating. There is not a steamship line between the United States and Brazil—not even a foreign-owned one; but there are nine regularly established steamship lines between Europe and Brazil, each of which is generously paid for carrying the mails semi-monthly, and all the vessels employed are first-class and of over three thousand tons burden. England, France, and Germany each has steamship lines to Brazil, and each pays very liberally for the transportation of the mails there and elsewhere on the high seas. There is not a single American banking-house in Brazil, and not a banking house in New York doing Brazilian business. All exchanges are negotiated through London. Every letter from this country directed to Brazil has to go, not directly south, but across the Atlantic three thousand miles to England, and thence five thousand miles to Brazil, and about nine-tenths of the postage on it goes to support the heavily paid steamship lines between the two last-named countries. The postage on a letter to Brazil, until Brazil entered the postal union last July, was twenty-one cents, and about eighteen cents of that went to English steamships. The postage is now less, but is divided in the same proportion. England pays her lines about \$3 per mile, and France pays hers over \$7 per mile, for every mile traveled, for transporting the mail to Brazil. It will, of course, take time to divert a large portion of this South American trade to the United States. England will make a desperate effort to retain it. Although, after establishing a monopoly of trade, she has sometimes reduced or entirely withdrawn her large mail-pay, she has never done so as long as there was competition. She has paid in this way in the last ten years over \$50,000,000, and she is mistress of the seas.

We believe the cultivation of closer commercial relations with Brazil and other parts of South America of vital importance, and we are satisfied that private enterprise, unrecognized and unassisted by the Government, cannot successfully compete with the well-established European lines for this trade, fostered and sustained as the latter are by their respective governments. The committee regard the establishment of two lines to Brazil—one from New York and the other from

New Orleans—as necessary, for reasons which are at once apparent. Three-fourths of the imports into this country come to New York. It is the great heart and center of our commerce, the emporium of American trade. A steamship line is about to be established from that port to Rio Janeiro, under a contract already entered into with the Brazilian government, and the requirements of that contract are similar to those proposed in the substitute offered by the committee in regard to the character of the ships, the service to be performed, &c. Inasmuch as it is believed that no line can be successfully established and maintained without the co-operation of the two governments, it was thought to be safest and best, in every respect, to make New York the terminus of one line. Other reasons induced the selection of New Orleans as the terminus of the other line. In the first place, a witness who appeared before the committee, and who had negotiated the contract for the New York line with the Emperor of Brazil, testified that it was the wish of that government to see a line established at New Orleans, and that the Emperor would co-operate with the United States in giving aid to it if established. But, in addition to this, there are overwhelming considerations affecting the interests of half the American people in its favor. New Orleans is to the inhabitants of the Mississippi Valley what New York is to the Eastern States; and the great, magnificent territory of Texas, with its boundless resources of all kinds, now being rapidly developed, must be included as among her tributaries. The success of the work at the mouth of the Mississippi assures her supremacy as a commercial port for the future. But, above all other considerations, New Orleans is the natural outlet and inlet for trade between South America and the United States.

From the Senate committee's report I read the following sentences:

Our imports from Brazil are principally coffee, with also some rubber, hides, wool, and sugar, and some woods for dyeing and for ornamentation. Our exports to Brazil are mainly flour and other breadstuffs, codfish, petroleum, and lumber. We send very few manufactured goods, as nearly all fabrics are furnished from Europe.

A similar, if not worse, exhibit might be made of our commercial relations with the Argentine Republic and other South American nations, from which we make large imports and to which we make only very moderate exports, while England, France, and Germany supply their wants and profit by the monopoly of their trade.

This condition of affairs ought not to be permitted to exist. We are not only natural consumers of Brazilian products, but the natural producers and shippers of the manufactured goods needed by her people. Especially at this time should we be able to compete in her markets, when our manufactured goods are being furnished at a lower price than those of Europe, and sold, in some cases, in European markets.

But such has come to be the course of trade, by reason of the numerous, commodious, and rapid steamships plying between Europe and Brazil, while there is no direct communication between the United States and Brazil by steam, that notwithstanding so many circumstances in our favor, no considerable increase is taking place in our exports, and the Europeans still monopolize the trade with all its profits and advantages. All modern commercial experience shows that both on land and water, where there is the most rapid transit for mails and persons, there will be the greatest exchange of the materials of commerce, facilities of communication overcoming mere distance. To that market with which the merchant can most speedily communicate by letter, and to which he can most readily and comfortably travel on business and pleasure combined, will he send or go to make his purchases, always provided that prices and terms are equally favorable. It is the sheerest folly to expect the merchants of Brazil and other South American countries to increase their orders to the United States, when their letters and themselves must go and return by way of England or France.

Last year, just after the House committee report was made, a convention of the exporters of this country was held in this city, under the shadow of the Capitol, the result of whose deliberations was an earnest appeal to Congress to legislate in favor of this and similar enterprises. Since then large conventions have been held in other cities, notably in New Orleans and Chicago, asking the same legislation, and a great many meetings of the various chambers of commerce and other trade organizations of different cities have been held in furtherance of the same object. If time permitted I would like to read some of the proceedings of these meetings, to show that this legislation is not sought by any one man or set of men, but is a recognized necessity among the business men of all parts of the country. But I will proceed without comment upon them to examine the one great argument which is urged by some of the opponents of this measure as a sufficient cause of objection to its passage. They say that they desire to promote commerce by all legitimate means, and, as a necessary concomitant to it, they want to establish postal facilities where they are not now in existence, but they assert that this is a scheme to benefit one man, to wit, John Roach, to the exclusion of every other American ship-builder; that it is a "subsidy" to him exclusively, and an unnecessary subsidy, because the mails can be carried to Brazil for much less money than is allowed by this amendment. Let us examine these objections, Mr. Speaker, and see if they are well founded.

First, as to this great bugaboo, John Roach. Who is John Roach? He is a mechanic who came here from that nursery of genius as illustrated in every department of human industry and enterprise, Ireland; and came a poor, friendless boy without a dollar, but with an immense amount of brains and energy. He is to-day the greatest American ship-builder. That is his history in a few words. Like every other man who has accomplished much against adverse circumstances, he is a target for the shafts of envy, misrepresentation, and abuse. What is his offense? Why, he has not only outstripped all rivals at home, but has pushed his enterprise into foreign lands, and after a struggle of several years with the most formidable combination of European capitalists has captured for his country a great advantage of position in the fight for commercial supremacy. Whether that position is to be maintained or not depends upon the action of this House. Abusing him or decrying his services in this regard will certainly not secure it.

But is this proposition to establish mail service to Brazil a measure for the benefit of John Roach exclusively? It is said that it is, because it is alleged that he is the only man who can furnish the ships designated in the amendment. Mr. Speaker, that is not true in fact, and therefore the one great argument falls to the ground. There are sixteen other steamships, American steamships, now afloat, each

of which comes within the provisions of this amendment. The Pacific Mail Company has eight, the Philadelphia line four, the Mallory line two, the Alexander line two, and Roach two, and there is nothing whatever in the amendment which prevents either of these companies from competing for the service to Brazil. The contract is to be let to the lowest bidder, and this being the case how can there be any complaint that it is not a fair transaction when there are at least three companies able to bid on the proposition? No, no, Mr. Speaker, this device will not do. Every other one has been resorted to, but, for decency's sake, do not let gentlemen fall back on this poor plea. The proposition is an open and fair one to all to bid for carrying the mails to Brazil and it will not do to say that it is legislation in favor of any particular individual. That disposes of or ought to dispose of the cry against John Roach.

But, sir, is this a subsidy? If I were to ask the members of this House who tremble at that dreadful name what they mean by "subsidy," there would probably be an immense amount of embarrassments among them. There is, I find, a sort of nebulous idea floating in the average congressional mind on this subject, which somewhat resembles the conception of the traditional goblin according to the fancy of the average child, and each is equally well founded. It is very natural, I admit, that the name "subsidy" should frighten some persons out of their propriety. I know that it is not a very fragrant name in American politics, and I certainly have no criticism to make upon those who flee before it as before the plague; but the question here is, is this a subsidy? If it is not, what becomes of the terrifying suggestion which has hung like a nightmare over the sleeping and waking thoughts of gentlemen in this House and their outside sympathizers? This is not a proposition to give a gratuity out of the public Treasury. It is a proposition to establish and pay for mail service to a new country in order to develop and utilize the commerce of that country, which is now in other hands. I ask again, what is a subsidy? Is it the payment of \$1,100 per mile per annum for mail service from Philadelphia to New York? Is it the payment of every railroad in the United States an average of \$100 per mile per annum for carrying the mails? Now, let me give some experiences I have had since I began my service on the Committee on the Post-Office and Post-Roads. It was proved before that committee three years ago that on a certain route in the far West the Post-Office Department was paying for every letter carried an average price of \$800. Several hundred thousand dollars (I do not recollect the exact amount) were paid for carrying the mail over about five hundred miles, at least two hundred of which were over a bald desert upon which there was not a human habitation, and this mail, under the peculiar arrangement of the then postal service, was carried seven times a week. Four years ago the Department made a contract for carrying the mail in Texas on a route on a part of which the only conveyance was a "buck-board" wagon, and paid \$330,000 for it. Under the searching investigation of the Post-Office Committee the price at the last letting was \$130,000, being a saving to the Government of the sum of \$200,000 on that one route. The amount asked for this Brazilian mail service is only \$150,000 per annum at the outside figures, which is \$50,000 less per annum than the amount saved on the Texas route referred to. From Cedar Keys to Key West we now pay \$52,500 per annum for carrying the mails by steamships. Why, then, is it a "subsidy" to pay for carrying the mails to Brazil any more than it is a subsidy for carrying them elsewhere on land or sea? I understand that many gentlemen who have scruples about voting for this measure say that they do not think the pay extravagant in consideration of the advantages to be gained from the Brazilian trade, but that they do not like giving a "subsidy" to John Roach. I will not repeat what I have said on this subject, but I respectfully ask gentlemen to say what is the difference in principle in paying so much per mile for carrying the mail on land and so much for carrying it by water? The sea is the highway of nations. Every railroad and river is a post-route by our law. Why should you pay from \$50 to \$1,100 per mile per annum for carrying the mail by railroad, and refuse to pay any mileage compensation for carrying the mail by steamers? Is there any sense in the discrimination?

Mr. Speaker, we pay more than a million a year for supporting our Navy on the South American coast. What for? What is the Navy in foreign waters intended for? Of course the theory is to protect our commerce. But we have no commerce worth speaking of in South America, and never will have until we open up a trade there. What is that commerce worth? The most reliable statistics place it at \$200,000,000 per annum. That legitimately belongs to us. Shall we assert our right to it or sit down and wait for it to come to us, while nine steamship lines from Europe are working for that trade? These are some of the questions involved in this amendment. "What are you going to do about it?" You can refuse aid to a steamship line there, of course; you can refuse appropriations for inland mail service, if you choose; but if you ignore the wishes and interests of the mercantile people of this country in this matter, you will make a great mistake, as far as the interests of the country are concerned.

Now, sir, let me correct another error that is current in connection with this matter. It is said that John Roach, who is persistently asserted to be the intended beneficiary of this legislation, has already got a large contract from the Brazilian government for carrying the mails, and therefore there is no necessity for paying him anything in this country. Mr. Speaker, John Roach has never received one dollar from

the Brazilian government under his contract. The Brazilian chambers have not yet voted the supplies to pay him and are waiting to see what we are going to do. But if they had paid him what excuse is that for us in refusing reasonable compensation for carrying the mails from here to Brazil?

There is not to-day a railroad in the United States which is not subsidized, according to the argument of gentlemen opposed to this bill, and subsidized, too, at a much higher rate per mile per annum than is proposed here. Every railroad in the United States gets pay for carrying the mails per mile per annum at certain rates, and no one gets as little as the maximum amount asked for this steamship line. Why should there be a difference in the principle of payment for carrying the mails on land from that for carrying it by water? I have never seen a man who could satisfactorily answer that question.

Now, sir, I have very cursorily discussed this question, because I had not sufficient time to treat it as I would wish and as it deserves to be treated; but if there are, as I apprehend, gentlemen who have not investigated this subject as it deserves to be investigated, and who are disposed without such investigation to vote down this measure, I call upon them to consider well their votes. I am one of those, sir, who (in the slang phrase of the day) "did his level best" to fight out of the Union; but since we have been restored to the Union I have made an honest effort to maintain it and to advance the general welfare of the country at home and abroad. I believe I am engaged in that work to-day, and one of the most agreeable reflections of these last days of my public service will be that I have made an honest and earnest effort to erect again our prostrate industries and to restore the crippled commerce of this great country to its former condition. I want to see the carrying trade of the United States brought back to the place where our forefathers intended it should be, where it has been, and where it ought to be for all time to come, namely, to American bottoms; and so wishing and believing that this is a step in that direction, I most cordially support and will vote for the amendment which the Senate has put on this Post-Office appropriation bill. I trust that those who oppose this measure will give me credit for such a disposition, but whether they do or not is a matter of small consequence. I believe my course to be patriotic and wise, and I trust to time for its vindication.

How much have I left of my time?

The SPEAKER. The gentleman has six minutes left.

Mr. WADDELL. I will yield to the gentleman from Pennsylvania. How much time does he desire?

Mr. KELLEY. I should like to have the whole of the six minutes.

Mr. WADDELL. Very well; I yield that time to the gentleman.

Mr. KELLEY. Mr. Speaker, if this be a subsidy, then we pay a subsidy to every man who carries a mail-bag on foot or on horseback. There is an answer to the cry of subsidy.

My mail of to-day brought me an illustration of our folly on this question of ocean mail service. We profess to desire to extend our foreign trade, but, as I have once before said, we act with reference to the question on the principle of the fond mother represented in the doggerel quatrain:

"Mother, may I go in to swim?"
"Yes, my darling daughter;
Hang your clothes on a hickory limb,
But don't go near the water."

We want to extend our commerce, and yet we maintain so restricted a mail service as to effectually prevent it; for adequate means of communicating by mail must precede commercial relations with distant countries.

In my mail of this morning I received a letter from Demerara, dated the 24th of January, which reached Philadelphia yesterday, and was transmitted to me by the next mail. It is a gossiping letter from a friend, in the course of which he says:

Our people would sell millions here. They want an American line of steamers, and will pay a large amount if any one will put on the ships, if the American Government will also pay to the line a like sum. The English government now pay to steamship lines among the West Indies \$500,000, or £118,000. They have twenty-three large steamships varying from sixteen hundred to forty-five hundred tons, which run direct from Southampton here. There are also French and German lines, and we, with over forty millions of people, have not a steamship among all these islands. The people want American goods and will purchase them. In some of the islands they have American calico and cotton goods, and a gentleman on the ship who sold them said, "They were cheaper and better than the English;" but he also says, "It takes us twenty or thirty days to get a letter to America, and sometimes sixty or ninety days before we can get an answer, so we are obliged to abandon the trade."

We export to Brazil some \$7,000,000 while we import from that country some \$48,000,000; or in other words we import of her productions nearly seven times as much as we send her of our productions. How is this great disparity to be accounted for? It results from the fact that we import our Brazilian goods through British, French, and German ports. This we do from the necessity of the case, because we doggedly refuse to pay for adequate and regular ocean mail service. We cannot materially extend our international trade until we establish postal relations with countries lying across parallels of latitude and not running on them. Legitimate commerce, that which affords two profits, one to each country, crosses parallels of latitude. It runs from one climate to another. It exchanges the products of manufacturing countries with nations which produce raw material. We want such markets, and Brazil affords an ample one.

[Here the hammer fell.]

Mr. WADDELL. I yield to the gentleman from Missouri, [Mr. BUCKNER.]

The SPEAKER *pro tempore*. The whole of the gentleman's half hour has expired.

Mr. BRIGHT. I understand the gentleman from North Carolina [Mr. WADDELL] had an hour.

The SPEAKER *pro tempore*. He has had the first half of the first hour and will have the first half of the second hour. The gentleman from Tennessee [Mr. CALDWELL] is recognized for five minutes.

Mr. WADDELL. There seems to be some strange misapprehension as to the division of time. I would like to know what is the Chair's understanding.

The SPEAKER *pro tempore*. That the gentleman from North Carolina was to have the first half hour; that the gentleman from Georgia [Mr. BLOUNT] should control the second half hour; that the gentleman from North Carolina should have the third half hour; and the gentleman from Georgia the last half hour.

Mr. CALDWELL, of Tennessee. Mr. Speaker, over-production or under-consumption of the products of American industry for several years past has at last forced public attention to the necessity of discovering and opening up new markets for those products. In other words, our foreign commerce, long neglected and allowed to dwindle and drag on an unprofitable existence, begins to excite an interest in some degree commensurate with its transcendent importance. Our attention as a people is no longer confined to the wants of an internal commerce, already provided for in respect of facilities for transportation, with a liberality of outlay and enterprise almost without parallel. The surplus that remains undisposed of after the wants of home consumers have been supplied is so great and is susceptible of such further enlargement that the instinct of commercial gain as a spur to our statesmen is forcing them away from questions abstract, sentimental, and more or less impracticable to the great subject of foreign trade and the best means of reviving and promoting its growth.

I do not stop, Mr. Speaker, to dwell upon the general advantages of an extended foreign commerce. Its history has been written time and time over. From the days of Tyre and Carthage, and even from a date more remote, foreign commerce and wealth and power have gone hand in hand. In universal history they are inseparable. All the arguments, however, and precedents upon that subject address themselves just now to this country with peculiar and exceptional force. We are a debtor nation, required annually to meet large interest demands upon national, State, and corporate obligations in the hands of foreigners. This interest is due in the precious metal, of which our supply is at present totally inadequate to our domestic wants—the effort to resume and maintain specie payment requiring, in my judgment, a quantity of the precious metals far in excess of our supply at present.

What our statesmen should aim at is the revival and extension of trade with the outside world that will secure to us a permanent annual balance to meet this annual drain, and provide a firm basis for the maintenance of a redeemable currency. Unless it is intended to delude the people with the mere pretense of a specie-paying system, we should be prepared to meet a demand for the precious metals, whenever it does come, as it will in all probability do at some unexpected crisis. At present there is resumption simply because there is no demand for the precious metals.

Mr. Speaker, I do not propose to speak at length on the measures which are in my judgment best calculated to revive and build up our foreign commerce. To do so would require more time than is allotted me. I shall, however, allude briefly to one measure, which has been much insisted upon during the last and this session, and seems to be a favorite idea with many distinguished men on both sides of the Hall—I allude to the policy of subsidies. On another occasion I have on this floor dissented from this policy, and my convictions have grown in strength. It impresses me as a patchwork policy that can accomplish no permanent good.

Our Government cannot, in my judgment, enter into successful competition in the subsidy policy with governments such as England, France, or Germany, or Spain, that can without legislative consent grant or lessen or raise subsidies. If existing aid to steamship lines is not enough to drive a subsidized line of ours from participation in a particular commerce, they have it in their power to keep and will not fail to keep our lines at a disadvantage, as experience has shown, by increased subsidies to their own lines. We can only submit, or yield to a demand for further aid to our lines, which I think would not and should not be sanctioned by the people, from whose pockets the money must come. Public opinion, in my judgment, in this country is opposed to the whole theory of subsidies as a species of demoralizing, corrupting governmental favoritism, not to be encouraged or tolerated under a Government established to secure justice to all and favor to none.

If we do not subsidize, what shall we do? My answer to this question is short. Instead of offering inducements to foreign trade in the way of reduced freights, offer it in the way of increased prices for their products that we need. Reduce the tariff; let the foreign articles come in upon such terms as that the owner will find it as much to his interest to trade with us as with any other people. Let our own people buy ships where they can buy them cheapest, and to that end repeal the iniquitous navigation laws that have stood so long a blot upon the statute-book, and a stigma upon the intelligence, enlighten-

ment, and liberality of the American people. Give us free ships and a freer commerce, and a work will be accomplished for the nation which no amount of subsidy would ever accomplish. The skill, the enterprise, and energy of our people would carry us, under such a policy, at no distant day to the front rank of commercial nations.

But, Mr. Speaker, while I have watched with much interest every effort upon this floor to modify our unwise and I think pernicious tariff system, I have at last been forced to the conviction that relief to our commerce in that direction is very far distant. Here is subsidy piled upon subsidy until there has been reared a mountain of injustice and iniquity, to be overturned it seems by nothing short of a great popular uprising. I have confidence enough in the intelligence and will of the American people to believe that they will not always tamely submit to have millions extorted annually from them in the way of bounties to a favored few, and that sooner or later their Representatives upon this floor will execute their high behests, despite the clamor and importunities of an impudent lobby. As the next measure of relief—a revision of the tariff failing—I would hail with satisfaction the negotiation of liberal reciprocity treaties with the various countries whose trade is desirable; treaties somewhat upon the basis of that with the Sandwich Islands.

We desire, and should have, a large share of the commerce of Saint Domingo and Cuba, the British, French, Dutch, and Danish West India Islands and Colonies, Mexico and the peninsula of Yucatan, the Central American states, Honduras, Guatemala, Nicaragua, Costa Rica, and Salvador, and the South American states, with their free labor and almost unlimited capacity. The negotiations of such treaties would develop production largely in those countries, furnish us a market for our surplus production, and give a vast impulse to our shipping interests, now languishing and sadly in need of encouragement. Having had an opportunity, under resolution of the Committee on the Post-Office and Post-Roads, and by courtesy of the House, to spend several days on the Island of Cuba during the month of April last, and to consider somewhat our trade relations with it, I invite the attention of the House for a few moments to that very interesting subject. We look upon the map and see Cuba at our feet, within thirty leagues of our southern limit. We leave Key West at nightfall and reach Havana in time to hear the boom of the morning gun at Moro. Her history has been interesting, and in relation to other Spanish colonies exceptional. Discovered in 1492 by Columbus during his first voyage, it was permanently colonized in 1511, and became the base of Cortez's operations against Mexico. In 1762 Havana, its leading city, was captured by a British armament, and restored the following year.

Though in the early part of the present century every continental portion of Spanish America established its independence, Cuba remained faithful to the mother country. In compliment to her fidelity she has been called "the Ever Faithful Isle." She became a sure place of refuge for thousands of Spaniards driven from the mainland by the infuriated natives as they rose in rebellion against Spanish domination. Within our own recollection the island has been an object of cupidity to our people and Government, having been twice attacked in 1850-'51 by individual American citizens without success, each time under the leadership of Lopez, a Spaniard, who, as did many brave men under him, paid the penalty of failure with his life. Of its million and one-third population, nearly one-half are creoles or native Cubans, about one-tenth native Spaniards, and the remainder blacks or colored people of negro origin. Upon these last the prosperity of the island depends, as they alone can do the work of the sugar estates. The native Spaniards control the government, and administer it in a manner scandalously unjust and oppressive.

Though the Spanish revolution that drove Queen Isabella from the throne led to a measure known as the Moret law, freeing all slaves at the age of sixty and emancipating the unborn offspring of slaves, the Spaniards would not enforce it, nor even allow its publication. Though the insurrection that lasted several years has ended, and Spanish authority seems fully restored over the island, it is incredible that the Spanish element, one-tenth of the population, can long continue a domination so hateful and galling to the balance of the people. The issue must again and yet again come up until the last of Spanish dependencies in the New World shall drop from the withered parent stem. A Nemesis seems to have followed Spain to avenge the iniquities of her colonial policy. Says Dr. Draper in his *Civil Policy of America*, pages 96, 97:

What Spain did on this continent can never be too often related; it ought never to be forgotten. She acted with an appalling atrocity to the Indians, as though they did not belong to the human race. Their land and goods were taken by apostolic authority. Their persons were seized under the text that the heathen are given as an inheritance and the uttermost parts of the earth for a possession. It was one unspeakable outrage, one unutterable ruin without discrimination of age or sex. Those who died not under the lash in a tropical sun, died in the darkness of the mine.

From sequestered sand-banks, where the red flamingo fishes in the gray of the morning; from fever-stricken mangrove thickets and the gloom of impenetrable forests; from hiding-places in the clefts of rocks and the solitude of invisible caves; from the eternal snows of the Andes, when there was no witness but the all-seeing sun, there went up to God a cry of human despair. By millions upon millions whole races and nations were remorselessly cut off. The bishop of Cheapa affirms that more than fifteen million were exterminated in his time.

From Mexico and Peru a civilization that might have instructed Europe was crushed out. The crime of Spain became her punishment. Look at her present state. Where is all that enterprise, that energy, that intelligence, that made her the leading nation of Europe? Lost in the wilds of America; swamped in Indian

blood. Has she found it possible to recruit that true intellectual aristocracy she lost? The emigration of her best and bravest wrought her irreparable ruin. The Mexican and Peruvian have had their revenge. There lies the deteriorated country utterly past cure.

I cannot free myself, Mr. Speaker, from the conviction that at no very distant day a difficult problem in relation to Cuba will be presented to this country for solution, involving the question of its incorporation by purchase or conquest or voluntary accession into our great system. It is to our statesmen no new question, having on more than one occasion heretofore excited deep interest and bitter discussion. What modification public sentiment may have undergone, under the stress of our own changed condition, it is difficult to estimate, but the belief is yet widespread that our interest, if not our safety as a nation, will be promoted by its acquisition on fair and honorable terms.

Turning to the subject of our commerce with that island, I invite the attention of the House now to some facts bearing upon that matter that may not be devoid of interest or value. They will at least show that unless the present Cuban tariff is modified by treaty or otherwise there can be no considerable increase of commercial intercourse between Cuba and the United States; an intercourse that would be natural, easy, and profitable if not trammelled by the harshest restrictions and the most unjust discriminations. The Cuban tariff classifies imports under four heads, and applies discriminating duties to each, as follows:

1. Spanish productions imported in Spanish vessels.
2. Spanish productions imported in foreign vessels.
3. Foreign productions imported in Spanish vessels.
4. Foreign productions imported in foreign vessels.

The application of the foregoing is shown in the differential duties upon wheat flour:

	Duty.
A barrel of flour of Spanish production imported in a Spanish vessel pays.....	\$2 25
The same imported in a foreign vessel pays.....	4 50
A barrel of foreign flour imported in a Spanish vessel from any foreign country, except the United States, pays.....	4 69½
The same imported from any foreign country in a foreign vessel pays.....	5 51
The last-named duty is imposed on flour imported directly from the United States in either Spanish, American, or other vessels. But American flour could be imported via Canada, for instance, in a Spanish vessel and be subject to a duty of.....	4 69½

Thus, wheat flour imported direct from the United States pays 145 per cent. more duty than flour from Spain in Spanish vessels, and 17½ per cent. more than Canadian flour would pay if imported in Spanish vessels.

The same proscriptive system of discrimination prevails throughout the tariff upon all articles not of Spanish production or manufacture, or which cannot be imported into Cuba in Spanish vessels.

The effect of such a tariff, as must be apparent, is to protect Spanish products in the island of Cuba and give to Spanish bottoms the carrying trade of the island, or at all events the most lucrative part of it. The policy of Spain seems to be to exclude as far as possible from the markets of Cuba all importations not of Spanish production or manufacture, unless they are transported in Spanish bottoms, and she discriminates more heavily against the United States than any other nation, as shown in the item of flour referred to above. These enormous discriminations are intended to have and do have the effect of forcing the people of Cuba to purchase the products and manufactures of Spain. At the same time, strangely enough, Spain excludes from her own people the sugars of Cuba by higher duties than sugars are subject to anywhere in the world, Cuban sugar paying in Spain about 3½ cents per pound in gold, or near 40 per cent. more than the average imposed by our Government on the refining grades of Cuban sugars. Shut out from the mother country as a market for her principal product, sugar, the "ever faithful isle" turns to us and finds in us a ready and most liberal purchaser for at least three-fourths of her sugar.

Of the eight hundred thousand tons of sugar consumed annually in this country it is estimated that about 70 per cent. of it is imported from Cuba, which importation constitutes about 80 per cent. of her annual yield. It appears, therefore, that while Spanish policy excludes the chief product of Cuba from Spanish markets by prohibitory duties, and while the beet-root production in other European countries has displaced the Cuban sugars, the effect has been to make Cuba dependent on the United States as her principal market. Spain does not, however, intend to let us pay for Cuban sugar in our own products if she can prevent it by unjust discriminations against us. The very large annual balance she must have, and does have, paid her in gold, and here is a large and increasing drain that ought in some way to be checked.

The report of the Bureau of Statistics of the Treasury Department shows that the average values of the imports from Cuba into the United States during the five years 1872 to 1876, inclusive, were, in American gold, \$71,364,327; and that the average values of the products and manufactures of the United States exported to Cuba during the same years were \$15,466,139, leaving an annual balance against the United States in their intercourse with Cuba alone of \$55,898,188. In other terms, the United States purchased of Cuba, during the five years referred to, to the extent of \$356,821,635; while Cuba, during the same period, purchased products and manufactures of the United States

to the amount of \$77,330,695—\$279,490,940 balance against the United States for the period of five years referred to.

Here, Mr. Speaker, is the remarkable spectacle of an island of one and one-third millions of people, of whom one-half are slaves and free blacks, furnishing to a nation of forty-five million more than seventy millions of products annually, and receiving in return therefor only fifteen and one-half millions in products and the balance in gold. How long shall this balance of fifty-five millions run against us? When and how shall it be checked? These are questions that address themselves to legislators and to the distinguished and able gentleman at the head of the Department of State. [I note with some interest a dispatch from Madrid, dated of yesterday, announcing the arrival of Martinez Campos, the captain-general of Cuba, and stating one object of his visit, among others, to be the development of trade between the United States and Cuba. We may hope there is foundation for the statement, and that his efforts in that direction will not be entirely unavailing.] If, however, Spain remains unwilling to encourage our commerce; if she persists in her policy of selling all to us and buying but little from us; if no modification of her unfriendly and invidious tariff can be had neither by reciprocity treaty nor otherwise, then it would be well for this country to look in some other direction for its annual supply of sugars and tropical products. Certainly a country can be found somewhere which can supply us with these things and take more liberally in exchange from our overstocked warehouses and granaries.

My attention was drawn a day or two ago to the speech of the gentleman from Missouri, [Mr. COLE,] in which the subject was discussed in a most liberal and far-seeing spirit. He looked to Mexico and her limitless possibilities for the full realization of this hope; and indeed, sir, when we consider the recently awakened interest in reference to that wonderful country, its nearness to us and our great railroad systems, the enlightened spirit manifested by some of its own people, and notably by the distinguished Mr. Zamacona, its minister resident here, there is much of encouragement in the present outlook, both for ourselves and for Mexico.

The enterprise and energy of this country await with eager anxiety the day when Mexican institutions shall have some show and promise of stability; when life and property shall find protection and security under the laws of our sister republic. When that time comes, then will come with it a day of regeneration, progress, and promise for her that will not pass without lasting effects upon the fortunes of our own country and the destiny of the human race.

It would not be wise, however, to confine our attention to any one country. Let the world understand that we desire to trade with it; that we have in abundance what it needs to eat and wear; and while we would sell, we are willing to buy on as favorable terms as any other people whatever it may have for sale that is suited to our wants. We cannot any too soon, for our own good as a people, return to the principle upon which the first recorded commerce between nations was conducted, that between the two great princes, Solomon, of Jerusalem, and Hiram, of Tyre, who negotiated the first reciprocity treaty of which we have any account.

2. And Solomon sent to Hiram, saying,

6. Now therefore command thou that they hew me cedar trees out of Lebanon; and my servants shall be with thy servants: and unto thee will I give hire for thy servants according to all that thou shalt appoint: for thou knowest that there is not among us any that can skill to hew timber like unto the Sidonians.

8. And Hiram sent to Solomon, saying, I have considered the things which thou sentest to me for: and I will do all thy desire concerning timber of cedar, and concerning timber of fir.

9. My servants shall bring them down from Lebanon unto the sea: and I will convey them by sea in floats unto the place that thou shalt appoint me, and will cause them to be discharged there, and thou shalt receive them: and thou shalt accomplish my desire, in giving food for my household.

10. So Hiram gave Solomon cedar trees and fir trees according to all his desire.

11. And Solomon gave Hiram twenty thousand measures of wheat for food to his household, and twenty measures of pure oil: thus gave Solomon to Hiram year by year.

12. And the Lord gave Solomon wisdom, as he promised him: and there was peace between Hiram and Solomon; and they two made a league together. (I Kings, 5.)

Here, Mr. Speaker, is the earliest reciprocity treaty upon record, and is an example that we may follow not only with safety but with advantage. The subject is one that has pre-eminent claims upon the attention of the American statesman. It should not be, it cannot be, longer subordinated by political parties to abstract or sensational questions involving little more than the mere ascendancy of this party or that, and I trust it will at no distant day find a solution that shall bring solid and permanent benefits to our Government and people.

That solution will not, however, be found in any narrow and short-sighted policy as that urged so vehemently upon us by the friends of subsidy. The blight that rests upon our commerce is but the symptom of a disease that such empiricism will only aggravate. Let it then have a vigorous, a heroic treatment that shall be directed against the exciting cause—the virus of a repressive, deadly system of entrenched bounty. Exorcise the body of the public law of this demon of greed and extortion—misnamed protection—restore to industry its equality and to the citizen his God-given right to enjoy the fruits of his own toil, subject only to the reasonable demands of Government. This great work done, and the dark, wintry day of commercial blight will pass and the era of a redeemed, regenerated commerce will come to pour upon a smiling country its unnumbered blessings.

Mr. BLOUNT. I yield five minutes to the gentleman from Virginia, [Mr. PRIDEMORE.]

Mr. PRIDEMORE. I have neither praises to bestow upon Mr. Roach nor censures to heap upon his head; and I am fully aware that nothing I can say can prevail against the combined interests of the great city of New York with its tributaries, of Philadelphia and its supporters, of New Orleans, of Galveston, and Norfolk. All these combined together make a powerful influence upon this floor for any measure. But the very fact that these great interests can combine upon any one scheme that tends to their promotion stamps such a measure as the most dangerous proposition that can be entertained by the House.

Sir, the idea of giving Government aid to private corporations and individuals in this country must either be stamped out and put down or it will rise in gigantic proportions and will override all the best interests of the poorer classes of the people, from whom comes the taxation. To continue this species of protection is to perpetuate the tax that comes upon every article shipped to this country. And we are asked here to take the money from the Treasury of the United States and to subsidize a steamship line to bring products from Brazil, on every one of which there is laid an export duty before it leaves its own shores. I want to see unity of interest between these two countries. I want them to open their ports and establish free trade with this country. I want them to extend their hands half way and aid in this measure before we give money to build up the cities that are already too great.

I fear that my southern brethren are deluded by the introduction of a principle into this measure which is to lose to us every hope of a regenerated, reinvigorated, and blooming South. I call their attention to the fact that of all the appropriations out of the public Treasury made in this Congress, during at least my short term here, three-fourths if not nine-tenths have gone northward and westward. It must remain so in the very nature of things, because your geographical situation does not permit, the very climate in which you live does not permit, the manufacture to any great extent of articles for exportation. You are naturally for free trade, and desire to buy where you can buy cheapest. The gentleman from Pennsylvania [Mr. KELLEY] will get a high rate for the very coal which is burned on this steamer as she passes by in great haste the little town of Norfolk. I yield to no man, nor to my colleagues on this floor, in their devotion to Virginia and her best interests. But, sir, I will not permit myself to settle upon the whole people of Virginia and the country a heavy and enormous taxation in addition to what they now pay, in order that Norfolk even may be benefited by the sight of this vessel occasionally as it passes by.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for the printing of the report of the select committee of the Senate appointed to investigate and report the best means of preventing the introduction and spread of epidemic diseases in the United States, with the testimony taken by said committee, and the reports and maps of what is known as the yellow-fever commission, organized by the Supervising Surgeon of the Marine Hospital Service in 1878, and the reports of the experts appointed by said committees, and certain communications from medical associations and eminent medical men, and that there be printed 6,000 additional copies; 2,000 for the use of the Senate, and 4,000 for the use of the House.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, to authorize the Secretary of State to have the reports of the commissioners of the United States to the Paris exposition of 1878, or such of them as may be selected by him for publication, printed and bound at the Congressional Printing Office.

The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 1901) for the relief of Philip W. Stanhope.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

The bill (H. R. No. 4259) for the relief of Thomas W. Segar;

The bill (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant Company I, Ninety-ninth Regiment, Pennsylvania Volunteers;

The bill (H. R. No. 1162) for the relief of Alfred Muller, late acting assistant surgeon, United States Army; and

The bill (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1844) to remove the political disabilities of S. W. Ferguson of Mississippi.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Post-Office appropriation bill with the amendments of the Senate thereto.

Mr. BAKER, of Indiana. Mr. Speaker, the proposition to subsidize two lines of steamships between this country and Brazil is one to

which I cannot give my assent. The pending bill directs the Postmaster-General to contract for a time not exceeding ten years for carrying the mails once each month, commencing not later than July, 1879, from New York, by way of Norfolk, Virginia, to Rio de Janeiro, and once each month, commencing not later than March, 1880, from New Orleans, by way of Galveston, Texas, to Rio de Janeiro and return. It provides that these lines shall consist of American built and owned iron screw-steamships of not less than three thousand tons. It provides that such lines shall receive \$30 per mile, or an aggregate of \$150,000 for each line. It provides that each line shall be contracted for simultaneously, and neither contract shall go into effect unless both services shall be contracted for and established.

These provisions are very striking. I do not intimate that the provision was purposely drawn in the interest of any individual. Of course it is purely accidental that there is only one ship-owner in this country who owns vessels exactly filling the requirements of the proposed law. No ship owned by a citizen of the United States and floating its flag could be permitted to carry the handful of mail between this country and Brazil. No wooden steamship could be trusted to perform this service. No steamship unless it uses a screw would answer. And a pouch or two of mail matter could never be trusted in a ship of less than three thousand tons burden. Of course gentlemen who vote for this subsidy can see as plainly as I do that a bag or two of mail matter could never be intrusted to any ship unless it was American built and owned, provided with a screw and having a carrying capacity of three thousand tons or more. Nothing less could screw open the vaults of the Treasury and deplete it to the amount of \$3,300,000.

Gentlemen protest that this is not meant as a subsidy to John Roach. Now I have nothing to urge against this gentleman. I am told that he is a very capable, upright, and useful member of society. I am told that as a ship-builder he has amassed a great fortune. I am rejoiced that such should be the case; but I confess that in all this I see nothing which should move any representative of the people to lavish on him a subsidy of nearly three and a half millions of dollars. It will hardly do to urge that this subsidy is not intended for Mr. Roach. The phraseology of the bill exactly fits the line of ships which he now runs between this country and Brazil. He is already receiving a subsidy from the Emperor of Brazil of \$115,000 a year for running this line. No one else in this country, so far as I am advised, now owns a line of steamships such as this bill requires, and no such line of steamships can be built in this country before July 1, 1879, when the execution of the service is to commence.

If this large sum of money is to be voted to John Roach, why is it not done openly without any disguise? It is put in the bill as compensation for carrying the mails. Our mails are now carried at a cost not exceeding \$1,500 per annum, and they can be carried next year for a like amount. No public necessity exists for paying at least \$3 for every letter which will pass between this country and Brazil. It seems to me that no man can vindicate this measure as one demanded by the postal service of the country. The Postmaster-General was called upon at the last session of Congress to know whether or not he would recommend this subsidy as a postal measure. On the 30th of January, 1878, he wrote to the chairman of the Committee on Post-Offices and Post-Roads, saying:

With reference to Senate bills Nos. 275 and 442, inclosed herewith, authorizing the establishment of mail-steamship service to foreign countries, handed by you to the First Assistant Postmaster-General with a request for an expression of the views of this Department relative to the legislation therein proposed, I have the honor to inform you that as the steamship lines proposed to be established under these and similar bills pending before Congress are chiefly important to the country as means of establishing and developing commerce with foreign countries, and only incidentally useful as means of mail communication, I do not feel justified in recommending to Congress, as a postal measure, the granting of special subsidies in aid of such lines in excess of the payments authorized under existing laws for the transportation of the mail to foreign countries.

Thus it will be seen that when solicited for his opinion the Postmaster-General frankly and honestly stated that he did not feel justified in recommending to Congress this subsidy scheme as a postal measure. He declared that it would only be incidentally useful as a means of mail communication. And again, on the 29th of April, 1878, when the chairman of the Committee on Post-Offices and Post-Roads still further pressed this subject on his attention, the Postmaster-General said:

STR: In reply to your verbal inquiry as to my opinion of the merits of the provisions of the bill, a copy of which you handed me, entitled "A bill to provide ocean mail steamship service between the United States and Brazil," I have the honor to refer you to a letter I addressed you, dated January 30, 1878.

In that letter I stated that steamship lines such as the one contemplated by this bill "are chiefly important to the country as means of establishing and developing commerce with foreign countries, and only incidentally useful as means of mail communication." I do not feel justified in recommending to Congress, as a postal measure, the granting of special subsidies in aid of such lines in excess of the payments authorized under existing laws for the transportation of the mail to foreign countries." To the opinion thus expressed I still adhere. Considered as a mere naked postal measure, I cannot commend this bill. I appreciate, however, the paramount importance of building up and fostering our trade with Brazil and the other South American states; and if Congress should appropriate moneys for the primary object of establishing and developing commerce with those states which would incidentally benefit the postal service by the encouragement of direct, regular, and rapid lines of communication, and should trust the expenditures of the moneys so appropriated to this Department, as is done under the provisions of this bill, I am not prepared to oppose the measure or to advise against it. With such objects in view, it becomes specially a subject for the judgment and action of Congress, in the exercise of which I should cheerfully acquiesce.

I have the honor to be, very respectfully,

D. M. KEY Postmaster-General.

Here the Postmaster-General again affirms the opinion that no such subsidy was needed as a postal measure. He does not need nor ask for any subsidized steamship lines for the mails. He suggests that if Congress should subsidize such steamship lines for commercial purposes, they could be made incidentally useful as a postal measure. After two such emphatic expressions of opinion, he must be a bold man who can advocate or vote for this measure as a postal necessity. It is not intended for any such purpose, whatever professions are made. Stripped of all disguises, it is a bald and naked proposition to put nearly three and a half millions of dollars into the coffers of a private individual to enable him to run two lines of steamships between this country and Brazil to aid in building up American commerce. How build it up? At the expense of a bankrupt treasury and from the earnings of the overburdened tax-payers. After paying these millions, will the tax-payer be able to purchase coffee or any other article of Brazilian production cheaper than he now procures it? No; they will cost him the same. Will he procure for his farm products any better price? No; because they are carried now by foreign ship-masters as cheap as John Roach will carry them on his subsidized lines. How are the people of the United States, then, as a whole, benefited? Nowise, except in the consciousness that their letters are being carried beneath the American flag, in an American-built iron screw-steamship, at a cost of \$3 each. I am opposed on principle to taking the people's money and donating it to individuals or corporations to enable them to carry on a business which cannot be carried on without such aid. Why should you take the earnings of the farmer to build up the ship-master? Why not as well tax the farmer to build up a cotton-factory, a woolen-mill, or a brewery, in the nearest village or city? Each rests on the same foundation, and each is equally vicious.

But it is not true that it will aid in restoring our commerce. I believe it will have exactly the opposite effect. There are quite a number of American ships now engaged in the Brazilian trade. Their owners have manfully struggled under the depressing influences of business stagnation and an irredeemable currency to keep the American flag afloat. Now when the country has returned to a specie basis, now when prices have reached a point as low as they were before the war when our commerce whitened every sea, now when new life and hope spring up in every breast, it is proposed to subsidize two lines of steamships between this country and Brazil. How can you expect to build up your commerce by subsidizing John Roach so that he can, and doubtless will, drive every other American ship-owner out of the Brazilian trade? Will you build up commerce by driving every man who does not own a subsidized steamship line from the ocean? How can you expect any American ship-owner to compete with this subsidized line in the carrying trade between this country and Brazil? No, gentlemen, this scheme will not build up our commerce. It will destroy what little we have, and it will put it out of the power of American enterprise to build up any legitimate commerce until this proposed monopoly expires. Beneath the baleful shadow of these Government subsidized lines American commerce and ship-building alike must be paralyzed, if not destroyed.

It is a cruel mockery to profess to be anxious to restore American shipping to the ocean when you single out one man and by pouring into his coffers the wealth of the Treasury put it out of the power of any other man to compete with him. If we would foster American ship-building, let us so change our revenue laws as to admit free of duty whatever is needed to construct our ships. If we must foster our commerce, let us change our laws, either by a system of bounties or drawbacks, or both, so as to give the American ship-masters an advantage over foreign owners. In this way we will destroy no shipping interest and we will create no odious monopolies. Every ship-builder and ship-owner will alike receive the aid of a just and impartial Government. It seems to me that it might be wise to devise some general system, which should aid all alike, for restoring our ship-building industries and reviving our ocean carrying trade. But it is not my purpose to discuss the wisdom or policy of such a system now. I merely want to give expression to my settled conviction that if any governmental aid is required to accomplish the restoration of our desolated ship-yards and to build up our carrying trade with foreign countries it must be furnished in some such way as I have suggested. This object can never be attained by subsidizing here and there an individual or a steamship line.

But, aside from these considerations, I ask what right have we to take the money of the people, earned by their sweat and toil and paid into the Treasury to meet the legitimate wants of the Government, and give it as a subsidy to John Roach or any other owner of a steamship line? I do not believe we have either the moral or the legal right to do it. The Congress has power "to lay and collect taxes, to pay the debts and provide for the common defense and general welfare of the United States." The phrase "general welfare" has been erroneously construed as authorizing taxation for every conceivable purpose. By some it is given a meaning so comprehensive that there is no object to which money might not properly be appropriated from the Treasury. Such certainly was not the purpose of its authors. These words were not new when incorporated into the Constitution; they were taken from the articles of confederation. They clearly meant, as the context shows, that the money arising from taxation was to be used for general and national purposes rather than for local and individual objects. And such it seems to me is the obvious meaning of these words in the Constitution. The phrase "general wel-

fare" is used in a large national sense, in contradistinction to the welfare of a single individual locality or interest. This transcendent power of taxation, of taking by the mailed hand of the law the property of the citizen, should be jealously guarded, and no money should be taken except what is absolutely necessary to meet the actual requirements of the public service; and more especially should every questionable expenditure be lopped off now, when we are confronted on the one hand by a bankrupt Treasury and on the other hand we see every industry struggling for life under the weight of local, State, and national taxation. Time, industry, and economy alone can rebuild our shattered fortunes; time and energy alone can replace our wasted ship-yards and decaying commerce. When we have restored the loss and waste of war, both will be restored in obedience to natural laws having a weightier sanction than any congressional enactment.

Mr. ROBERTS: Mr. Speaker, my friend from North Carolina [Mr. WADDELL] has just congratulated the House that in the expiring hours of this Congress we are to have the dignified privilege of voting on the important question presented in the pending Senate amendment. But, sir, I fail to see in it a source of congratulation from the fact that the legislation contemplated by it is of the most dangerous and pernicious character, and comes to us at a late hour, when haste, doubt, and uncertainty pervade to an almost alarming extent. In this connection I may say that if the Senate amendment be as proper and worthy of our support as its friends would have us believe, it is a somewhat singular coincidence that, as an independent proposition, it never comes to us for our consideration, but is invariably placed as a rider upon some meritorious and proper bill. Analogous to this is the history of the Pacific Mail subsidies. Unable to bear the test of careful scrutiny and exacting criticism, which deliberate consideration always gives, they almost invariably sought to shelter their weakness under the necessary legislation presented in the Post-Office appropriation bills. The fact that our shipping interests are in a sadly dilapidated condition, seemingly the victim of an almost fatal paralysis, is the only theory upon which we can possibly account for the spasmodic and ill-conceived action contemplated by this amendment. I freely admit that our commerce is greatly in need of wise and prudent legislation, and I confess that it would give me great pleasure to extend my humble support to any properly considered measure which would, by honest methods, tend to restore our shipping interests and promote our commercial prosperity.

But, sir, I fail to see in this proposition any of the essential elements of an honest method, or a promise to secure beneficial results to any other than the beneficiary-in-chief, Mr. John Roach. Legislation of this character is, in my opinion, calculated to delay the successful solution of the problem of our commercial difficulties, because it has a direct tendency to bring into bad repute every effort, however worthy, which may be hereafter made.

Now, sir, to the consideration of the amendment. It is said that this is not a subsidy, but only the proper compensation for a much more desirable ocean mail steamship service with Brazil. It is right difficult to give this assertion a serious consideration, but its importance demands that it be practically dealt with.

The proposition as stated in the Senate amendment bears a very close analogy to the act "to authorize the establishment of ocean mail steamship service between the United States and China," approved February 17, 1865. I am going back to that date for the purpose of obtaining a definition of the word subsidy as applied to ocean mail steamship service.

If the Pacific Mail Steamship Company did not know what subsidy meant, you, sir, will spend the balance of your life in vain in the effort to ascertain its meaning. Words sometimes acquire a peculiar definition, and if the word "subsidy" is not to be taken as Webster defines it we will turn back to an appropriate period in the history of our legislation, when the American people learned with sorrow and shame the full force of its degrading signification. I send to the Clerk's desk and ask to have read a portion of the report made to the Forty-third Congress by the Committee of Ways and Means after they had investigated the manner in which the Pacific Mail Steamship Company subsidy was enabled to ride through Congress on a Post-Office appropriation bill similar to the one we are now considering.

The Clerk read as follows:

It also appears that on the 14th of February, 1872, at a meeting of the executive committee of the board of directors, the following resolution was adopted by that committee, at the request of said Stockwell:

"FEBRUARY 14, 1872.

"Resolved, That the president, in his discretion, is hereby authorized to employ counsel and incur such other necessary expense as may be necessary in connection with the measures for additional subsidy now pending before Congress."

And on the 21st of the same month, at a meeting of the board of directors, that resolution was approved and ratified.

It also clearly appears that the statement was expressly made at the time to the executive committee and to the board of directors, by Mr. Stockwell, that the contemplated expenditure would not exceed \$10,000, and was for the purpose of employing counsel, procuring statistics, and such legitimate purposes. No further action on the part of said committee or of the board of directors upon the subject appears to have been had until long after the passage of the act providing for the additional service.

It also appears that said Stockwell made personally an arrangement with said Irwin, without consultation with the executive committee or the board of directors, in pursuance of which he sent to him the following letter, under date "New York, February 13, 1872."

DEAR SIR: I inclose checks to my order indorsed to your order for \$250,000, \$100,000, \$110,000, and \$40,000, which are placed in your hands to be used in payment of your services in case of the passage and approval by the President of the bill or amendment providing for the increase of our China mail service to semi-monthly trips with a subsidy of \$500,000 a year for ten years, said compensation to be reduced *pro rata* in the event of a reduction of the amount appropriated as above.

None of these checks to be used by you, but all to be returned to me in the event of failure, excepting only the last-named \$40,000, all or any portion of which you may apply if actually required for your necessary expenses and for counsel's fees.

Very respectfully, yours,

A. B. STOCKWELL.

RICHARD B. IRWIN, Esq.

Mr. ROBERTS. These were either the personal checks of Stockwell or checks belonging to him, not the checks of the company.

Irwin claimed that the arrangement made by Mr. Stockwell with him, instead of the sum of \$250,000 named in the preceding letter, he was to have \$500,000, and so stated to Stockwell in reply to that letter.

To this communication of Irwin, Stockwell replied under date of May 4, 1872:

DEAR SIR: Yours of the 3d to hand. We are much encouraged by the result of yesterday were it not for the demands of to-day.

When we were defeated in the House you said to me there was some good to come of it; that if we did get our bill it would cost less.

I do not think it wise for the company to give their checks in this matter, notwithstanding I now inclose the four checks for \$100,000 each as you desire, but if they must be used I would prefer my checks to be substituted for these; but as I say above, I send them because I want to do everything to insure success.

Of course you will return me my checks for \$250,000 previously sent you.

Yours, very respectfully,

A. B. STOCKWELL.

Mr. R. B. IRWIN.

Mr. Speaker, in considering this question I trust we may not now experience any difficulty in properly comprehending what is meant by the modest phrase, "ocean mail steamship service," as it is employed in the Senate amendment. It will be perceived that the directors of the Pacific Mail, in the resolution just read, used the word somewhat significantly, and Mr. Stockwell, in his interesting correspondence with Mr. Irwin, seemed to have a very comprehensive idea of the intimate relationship existing between "subsidy" and "ocean mail steamship service." If they are not convertible terms they have at least had, in the past, an immense power of convertibility.

But, sir, is this a subsidy? Webster defines subsidy as "aid in money; supply given; a tax; something furnished, as by the people to their prince." For instance, a tax on the people of \$3,000,000; a something furnished for aid as by the people to their prince—John Roach. How chameleon-like are the hues of this monstrous proposition! Old King Lear, in philosophic phrase, says:

Plate sin with gold,
And the strong lance of justice hurtless breaks;
Arm it in rags, a pigmy's straw doth pierce it.

Those sections of the country whose commerce is expected to improve by the facilities afforded by this amendment can of course see no wrong in it; but the State which I in part represent will not fail to fully appreciate the wrong and the outrage which must inevitably result from a successful appeal to the General Government for aid to forcibly strike down the commercial prosperity fostered by private enterprise in one section that it may be built up in another, and that, too, through the schemes and to the profit of John Roach.

Now, if this be a subsidy, as some of us are inclined to believe, then the subject is not novel, and a most pertinent allusion to it will be found among proceedings of the House in the CONGRESSIONAL RECORD of January 28, 1878, as follows:

UNITED STATES AND BRAZILIAN STEAMSHIP LINE.

Mr. WILLIS, of New York. I ask unanimous consent to present at this time the memorial of John Roach & Son, concerning the establishment of direct lines of steamship between the United States and Brazil; and I ask that it be printed in the RECORD and referred to the Committee on the Post-Office and Post-Roads.

Mr. KILLINGER. I object to the printing in the RECORD.

The memorial was referred to the Committee on the Post-Office and Post-Roads.

SUBSIDIES.

Mr. BAKER, of Indiana. I move that the rules be suspended so that the House may pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

"Resolved That in the judgment of the House no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted or renewed by Congress to associations or corporations engaged in or proposing to engage in public or private enterprises; but that all appropriations ought to be limited to such amounts and purposes only as shall be imperatively demanded by the public service of the Government."

The question was taken; and it was decided in the affirmative by a two-third vote—yeas 175, nays 82, not voting 35.

Mr. Speaker, I had intended addressing myself to a consideration of the benefits it is pretended will accrue to this country from the commercial enterprise which this scheme was to develop, as well as the increased postal facilities that would be afforded by its passage; but, sir, it is a needless task, since the subject has been most satisfactorily dealt with by other gentlemen who have addressed the House to-day in opposition to the measure. I now ask to incorporate as part of my remarks the resolutions and most excellent memorial of the Board of Trade of Baltimore, which were presented to the House some days ago. They are as follows:

BOARD OF TRADE ROOM,
Baltimore, February 11, 1879.

At a special meeting of the Board of Trade of Baltimore, held this day, the fol-

lowing report of the committee on commerce was adopted and ordered to be printed, and copies furnished to Senators and members of the House of Representatives in Congress.

GEO. U. PORTER, *Secretary*.

PREAMBLE AND RESOLUTIONS PASSED.

Whereas the city of Baltimore is largely interested in the commerce with Brazil, which has been developed through the private enterprise and capital of our citizens until it is second in importance only to that of New York; and whereas any serious interference with this established trade would affect injuriously the prosperity not only of our own people but also of those in other States identified with us in business relations:

Resolved, That we have witnessed with profound regret and concern a renewal of the effort to pass through the present Congress what is commonly known as the "Brazilian subsidy"—a measure by which it is designed to appropriate \$300,000 annually for ten years, or \$3,000,000 in all, as a bounty to the Roach line of steamers, to ply between the ports of New York, New Orleans, and Rio de Janeiro.

Resolved, That Baltimore desires only a fair and equal competition with her sister cities in the race of commercial progress; and that it would be grossly oppressive and unjust, after our citizens have, by their own unaided struggles of half a century, built up a large and valuable trade with Brazil, to jeopard the fruits of their enterprise and public spirit by a discrimination against them derived from the Treasury of our common Government.

Resolved, That a memorial to Congress be forthwith prepared, setting out the reasons of our opposition to the measure described, to be signed by this board, the merchants and ship-owners engaged in the South American trade, and other citizens; and that said memorial, with a copy of these resolutions, be transmitted to the Senators and Representatives from Maryland for presentation to Congress; and that they be respectfully requested to use their utmost endeavors to avert the passage of a scheme so fraught with danger to the business welfare of this port.

MEMORIAL.

To the honorable the Senate and

House of Representatives in Congress assembled:

Your memorialists, the Board of Trade of Baltimore, and merchants and ship-owners engaged in the trade between that city and South America, would respectfully and earnestly remonstrate against the passage of the measure now pending before Congress to grant a subsidy of \$3,000,000 in aid of certain steamship lines plying or to ply between the ports of New York and New Orleans, in this country, and Rio Janeiro.

As the friends of the subsidy have avoided risking its success on their independent bill, but have tacked it as an amendment on others of general legislation, and a full discussion of its merits in open debate may not be had, your memorialists deem it proper to set forth concisely some of the leading grounds of their opposition to a scheme which involves both an enormous and needless outlay of the public money and serious detriment to established and valuable business interests.

While the subsidy is introduced under the guise of promoting the postal service, the pretext is too transparent to be relied on even by its originators.

The cost of transmitting the mails to Brazil, carried mainly by steamers, for the fiscal year of 1877-78, according to the report of the Postmaster-General, was but \$1,449. The facilities thus furnished in connection with the perfected cable communication, which is preferred for commercial purposes of importance, are acknowledged to be ample; and the Postmaster-General himself has expressly stated that as a postal measure the proposed legislation is entirely unnecessary.

In the face of such facts how utterly without excuse is the proposition to pay \$300,000 per annum for a service satisfactorily performed for less than \$1,500!

The same report shows that the estimates for the cost of ocean mail service of every description for the current fiscal year amounts to but \$250,000—less than it is now sought to expend upon the Brazilian line alone.

But when the pretense of postal necessity is thus exposed, the friends of the subsidy seek to justify it as a means of increasing our export trade.

Besides the general considerations that may be relied on to refute this claim, we have the demonstration of actual experience.

The Garrison line of steamships was run for the ten years ending with 1875 from New York to Brazil, with an annual subsidy of \$150,000. When the subsidy ceased, the line was suspended.

Let us see what was the effect of this line in developing our export trade with Brazil.

Our imports from that country for the six years just preceding the establishment of the Garrison line averaged per annum \$14,528,333; while our exports for the same time averaged per annum \$5,713,511. During this period there was no subsidy. During the ten years covered by the Garrison line the value of our average annual imports was \$29,463,405; while the average annual value of our exports was but \$6,364,600.

We consequently bought twice as much as when there was no subsidy, and increased our sales but one-eighth, although donating for the experiment \$1,500,000. This was certainly a good arrangement for Brazil, but a depleting process for us. The Emperor Dom Pedro may well afford to encourage Mr. Roach with such results, especially when the practice of his government has been to lay a duty both on the imports and exports of that country, a policy which imposes a twofold burden on our commerce, and which neutralized the benefits we sought to gain by removing the duty upon coffee.

A scheme that resulted, in the case of the Garrison line, in so increasing the balance of trade against us can hardly be considered so beneficial as to be entitled to have its bounty doubled.

In the two years following the withdrawal of the Garrison line, and without a subsidy, our average annual exports to Brazil were \$7,463,596, or about \$1,100,000 annually more than when burdened with the subsidy.

These facts need no comment to enforce their lesson.

One of the avowed objects in granting the proposed subsidy is that we may successfully compete with England in the export trade to Brazil. But the present superiority of England in this respect lies in causes too deep and potent to be neutralized by mere subsidies.

Even could we supply Brazil with manufactured articles equal in price, quality, and style to those furnished by England, the latter would still possess great advantages in the competition.

When Brazil became a commercial nation, it was English capital which sought investment there, and established mercantile houses and banking institutions in the principal ports and markets of that country.

British capitalists became, and still are, the creditors of the Brazilian government, which is compelled annually to send large sums to Great Britain for the payment of interest, or the redemption of obligations; and the people are greatly in debt to Europe for the money expended in railroads and other internal improvements. The chief foreign banking institutions of Brazil are branches of London banks.

The intimate trade relations consequent upon this state of affairs, and the commercial preoccupation by a people so wealthy, so enterprising, and so zealous and active in maintaining their advantages as the English, have naturally resulted in their acquiring so firm a hold upon the export trade with Brazil, that if they are to be supplanted, it can only be through the steady and judicious efforts of well-directed private enterprise. The feverish and evanescent stimulus of Government bounty cannot take the place of the business instincts and adaptations that belong only to personal venture and private undertakings.

It may be further added here that the South American people have marked pe-

culiarities of taste and habit that are to be studied and deferred to; and their long course of dealing with the English, who have closely consulted their wants and prejudices, is no small element in the hold that British retailers have upon them. Striking instances of the caprices of this trade in the dear-bought experience of American dealers who have entered their markets might be cited.

In respect to the subsidy as a means of increasing freight capacity, it may be stated that the steam tonnage of the world is to-day largely in excess of the demand. Where freight is offering or business promising steam companies are quick to furnish the facilities, and, as the last two years have shown, at but little if any higher rates than sailing-vessels.

The disturbing effect upon the markets from tonnage being in excess of the regular and normal demands of the trade and the consequent bidding for cargoes at almost any price, where there are fixed days of departure, has been injuriously felt both in Brazil and this country, especially in the heavy article of coffee, since the Roach line of steamers, with their excessive capacity, have been running to South America.

But aside from commercial considerations, the Roach steamship line (confessedly the intended and sole beneficiary of this huge Government bounty) is now doing a business so remunerative that to add an annual donation of \$300,000 to its present receipts would be a wanton squandering of the public funds.

For the eight months from June to January of this year, inclusive, it appears from custom-house entries that this line has received for inward cargoes freights amounting to \$161,200, and, as appears from careful examination of manifests, &c., from outward cargoes, about \$104,500; making, exclusive of passage money and pay for carrying the mails, (of themselves considerable items,) an aggregate of \$265,700. To this sum is to be added the subsidy now received under contract with Brazil, which, at the rate of \$100,000 per annum, would be for the eight months \$86,000; making the sum total, \$351,700.

The cost of the steamers of the Roach line is about \$400,000 each; and even allowing for such an excessive first cost, parties of large experience in the management of steamers estimate that \$30,000 per round trip will cover all the expenses of the trips, including wear and tear and interest on their cost of building. From this calculation the net profits for the last eight months have been \$22,300, or more than \$11,000 on each round trip.

That, with these returns, Mr. Roach should be singled out for the special benefactions of Congress to the extent of \$150,000 additional per annum for each of his lines, shows a spirit of reckless dealing with the Treasury that calls for indignant protest from all classes of citizens; especially at this juncture, when the nation is borne down by debt and taxation, and economy and retrenchment are imperative necessities.

But, in addition to the foregoing considerations, we have claims to your favorable action peculiar to the port of Baltimore.

There are now some twenty firms in this city engaged in the trade with Brazil, the oldest of which has been in existence more than fifty years.

There are some thirty or more sailing-vessels plying regularly between Baltimore and Brazil, all of which were built in this country, are owned by American citizens, exporting American produce, and carrying the American flag, some of which have made the voyage between the ports of Baltimore and Brazil in the short space of thirty days, while it is expected that the proposed steamship lines will make the voyage in twenty-five days.

By the venture and employment of private enterprise and private capital for more than half a century there has been built up, through many vicissitudes, a trade at our port with Brazil second only to that of New York. During the last year we imported nearly half a million bags of coffee, and exported about three hundred thousand barrels of flour to South America.

If this blow should fall upon our port it will be felt not only by Baltimore City and in the commercial circles directly concerned, but will also injuriously affect the lines of railway identified with our traffic, and those extensive portions of the South and West closely allied with us in business relations.

Whatever might be wisely or unwisely urged in advocacy of Government aid in opening up avenues of trade where none exist, it is at once the most suicidal policy and the rankest injustice and oppression to misapply the superior power and resources of the Government in breaking down business and traffic already established through the struggles, sacrifices, and resources of private enterprise, and beneficially and prosperously conducted. Surely the rewards of individual prowess and public spirit are not to be lightly swept away.

We have no sentiments but those of good-will toward our sister ports. But we do object to the employment of subsidies against us. Whatever strides may be made by other cities in commercial growth in the course of an honorable rivalry, we may emulate, but shall neither envy nor obstruct. But we have the right to claim that the race shall be fair and equal.

Reiterating our appeal for the defeat of this impolitic, unjust, and extravagant subsidy, your memorialists will ever pray, &c.

D. H. MILLER, *President Board of Trade*.
GEORGE U. PORTER, *Secretary*.

Alex. Brown & Sons, C. Morton Stewart & Co., Thomas Peirce, Thomas Whitridge & Co., E. Levering & Co., James Corner & Sons, W. W. Spence, Robert A. Fisher & Co., H. L. Whitridge & Son, Hugh Jenkins & Co., Ezekiel Jones, Whedbee & Dickinson, Mordecai & Co., Spencer, Montague & Co., Andrew Reid, D. H. Miller & Sons, P. T. George & Co., Stephen Bonsor, Hoffman, Lee & Co., J. M. Bandel & Sons, Thornton Rollins, William Bayne & Co., Maynard, Councilman & Co., Levering, Morton & Co., F. W. Willson & Son.

Before I conclude I desire to make a brief quotation from the very able report of my friend from Illinois [Mr. CANNON] as a minority of the Committee on the Post-Office and Post-Roads relating to the same proposition as that contained in the Senate amendment. The report is able and exhaustive and entitles the gentleman to the great credit which he receives for the vigorous and determined stand he has always maintained against this subsidizing scheme. I quote the conclusion of the report:

The bill is artfully conceived to get votes from the East and North on account of the line from New York to Rio, and from the South and West on account of the line from New Orleans to Rio, and from Texas by a provision that the New Orleans line shall go out of its way and touch at Galveston both going and coming, notwithstanding the steamers provided by the bill draw twenty feet, and at the entrance to the port of Galveston there is only fourteen feet of water. Still I do not believe the House, on discussion, will pass the bill, or that the country will approve it.

In my opinion this legislation would be pernicious rather than beneficial in its effect. It would be a weight upon legitimate commerce rather than a benefit. It is a proposition, in effect, to give a bonus to assist certain persons to make a sale of steamships at a price greater than their value in the markets of the world. Its passage would be an encouragement to the lobby.

It would encourage individuals to knock at the doors of Congress for profit at the general expense instead of entering the legitimate avenues of trade, and by skill, industry, and economy make a legitimate profit. The Almighty has furnished the great highway for nations and keeps it in repair.

The United States should afford protection to the person and property of the citizen wherever he may be upon the globe; we should, at the general expense, build light-houses and improve our harbors; we should make wise commercial

treaties with other nations. Then our commerce on the ocean, if unfettered by legislation, can safely be left to private enterprise.

In conclusion, Mr. Speaker, permit me to say, that while the pending amendment may possess attractions for some because of the supposed advantages which are expected to accrue to the localities named in it, and while the prosperity of a thrifty and enterprising city may be destroyed by the exercise of an unjust, arbitrary, and doubtful power of the Federal Government in seeking to build up and foster a trade which private enterprise has failed to develop, I yet sincerely question whether the victory thus gained will commend itself to the calm, sober, second thought of those who are its advocates to-day. The wrong thus accomplished will not fail to seek a compensation. Time will furnish the opportunity, and circumstances will shape the occasion. We are not here to legislate for any particular locality, but we come here under the provisions of the Constitution which, in plain terms, declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." It is but a few weeks since we passed the interstate commerce bill in obedience to a public sentiment which demanded that unjust discriminations should not be imposed upon the citizens of one State or locality in favor of those of another; and if this amendment is to become a law it will very manifestly appear that we do not object to the General Government's crushing the prosperity of a great and flourishing city, but we will not permit the corporations of the country to exercise any such right, that being a special reservation of Congress. How different was Mr. Webster's view of this subject as presented in his speech in the Senate, March 7, 1850, when he said:

If there be any matter pending in this body, while I am a member of it, in which Massachusetts has an interest of her own not adverse to the general interests of the country, I shall pursue her instructions with gladness of heart and with all the efficiency which I can bring to the occasion. But if the question be one which affects her interest and at the same time equally affects the interests of all the other States, I shall no more regard her particular wishes or instructions than I should regard the wishes of a man who might appoint me an arbitrator or referee to decide some question of important private right between him and his neighbor, and then instruct me to decide in his favor. If ever there was a government upon earth, it is this Government, if ever there was a body upon earth it is this body, which should consider itself as composed by agreement of all, each member appointed by some, but organized by the general consent of all, sitting here, under the solemn obligations of oath and conscience, to do that which they think to be best for the good of the whole.

Sir, when we shall have reached the conclusion that the highest obligation we owe to the Government is to make it subserve the wants of one State, utterly disregarding the rights of the others; when we shall resort to combinations of doubtful propriety to purchase successful legislative action; when we can afford to ignore past friendly relations, and upon mercenary motives seek new alliances, personal and political, it will not be long ere we shall realize—

How nations sink, by darling schemes oppressed,
When vengeance listens to the fool's request.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 1008) relating to the Cumberland Road in the State of Ohio, and to authorize the same to become a free road;

An act (H. R. No. 1094) to remove the disabilities of Asa Wall, imposed by the third section of the fourteenth article of the amendments to the Constitution of the United States;

An act (H. R. No. 3055) to promote a knowledge of steam engineering and iron-ship building among the students of scientific schools or colleges in the United States;

An act (H. R. No. 3186) for the relief of the Commercial Bank of Knoxville, Tennessee;

An act (H. R. No. 3828) to amend section 23 of the act approved June 22, 1874, entitled "An act to amend customs-revenue laws and to repeal moities;"

An act (H. R. No. 5824) extending the limits of the port of New York;

An act (H. R. No. 6150) authorizing the Secretary of the Navy to accept for the purposes of a voyage of exploration by way of Behring Strait the ship *Jeannette*, tendered by James Gordon Bennett for that purpose;

An act (H. R. No. 6225) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 20, 1878;

Joint resolution (H. R. No. 105) authorizing the Secretary of the Treasury to pay certain officers of the internal-revenue service the amounts due them for their services as such officers previous to the time of executing their bonds and taking the oath of office as prescribed by law; and

Joint resolution (H. R. No. 232) making an appropriation for the benefit of the penny-lunch house, of Washington, District of Columbia.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Post-Office appropriation bill.

Mr. BLOUNT. I now yield two minutes to the gentleman from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. I will use the two minutes which have

been allowed me for the purpose of disabusing the minds of members of this House of the idea that the commercial classes of this country are in favor of subsidies and of this particular class of subsidies. The merchants of New York who understand their business are absolutely and unalterably opposed to this system of subsidies, because bitter experience has shown them that all interference of the Government is an injury to their business, and the granting of subsidies, instead of building up and enlarging commerce, creates a monopoly by which commerce is destroyed. If this subsidy shall be granted to Mr. Roach, then whenever an opposition steamship or vessel goes upon the route he can put down his rates of freight, take its cargo from that vessel, and reimburse himself out of the Treasury of the United States. In that way the principle of free trade, which should be the glory of this broad continent of ours and which will hereafter give us the control of the commerce of the world, will be put back for a century. No, sir; we want no subsidy. We want no protection upon ships. We want the repeal of the navigation laws. We ask to have the high seas open to us, and then American capital, energy, and enterprise will win the victory there as they have always won it in every other contest.

Mr. BLOUNT. I now yield three minutes to the gentleman from Virginia, [Mr. TUCKER.]

Mr. TUCKER. I desire to state the reasons why I shall vote against this amendment. I understand that it is stated on the floor by those best acquainted with the matter that there is now a mail service between this country and Brazil, costing this Government about \$1,400 or \$1,500 a year; that there are three lines carrying a mail each month, thereby making a tri-monthly mail for \$1,500 a year.

Mr. WADDELL. Does the gentleman say that there are steam lines carrying the mail?

Mr. TUCKER. No; not steam lines. I therefore understand that this is a proposition to give \$300,000 annually for carrying the mails between this country and Brazil, a service which is now performed for the small sum of \$1,500 a year.

Now, that of itself would have excited the suspicion that there was a cat under the meal. And the cat under the meal in this case is a proposition to grant aid—I will not use the word subsidy, for I do not wish to differ about words—to grant aid to a privileged line at the rate of \$300,000 a year.

Now, I am for privileges to none and equal justice to all. The proposition is to grant this aid or subsidy for a steam line between New York via the city of Norfolk, in my own State of Virginia, to Brazil; and a steam line from New Orleans via Galveston to Brazil. This is giving a preference to the ports of one State over the ports of another State, which are in competition in the matter of commerce with foreign countries. The Constitution inhibits any preference given to the ports of one State over another by any regulation of commerce. I therefore am bound, even if this was a subsidy to my own loved Commonwealth of Virginia alone, to vote against it, because I am bound to support the Constitution of the United States. I therefore shall vote against it, although there is a bait to me as a Virginian, for there is to be a steam line to go from New York to Brazil by way of Norfolk.

Now, sir, it is not only this, but as the gentleman from Indiana [Mr. BAKER] has shown from a description of the character of vessel that is to carry the mails, it is for John Roach, and John Roach alone. It is a contract for ten years to give a privilege to John Roach over all the other citizens of this country in the carrying trade between the United States and Brazil. I cannot vote for it, therefore, because it gives preference to one State over another and because it gives preference to one citizen of the United States over all the other forty-eight millions of citizens. For these reasons I shall vote against these propositions.

Mr. FRYE. I will yield one minute to the gentleman from New Hampshire, [Mr. BLAIR.]

Mr. BLAIR. In that one minute I can only ask for an opportunity to print such remarks as I have prepared upon this subject, and to state briefly that I am earnestly and heartily in favor of this amendment. I believe that it is essential that we shall find markets abroad for our products in order that we may live prosperously at home. The very first step in order to establish a foreign trade is to secure a convenient, rapid, and commodious means of transportation. Such a line of steamers as is here proposed is the only line that will afford such facilities.

The next thing is that we should own that line of transportation, and unless in some way we give encouragement to the building of American iron vessels, it will be impossible for us to build up a commercial marine that can successfully compete with the commercial marine of foreign countries.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman has occupied his one minute.

Mr. BLAIR. I ask for another minute.

Mr. FRYE. I will yield to the gentleman for another minute.

Mr. BLAIR. I wish to say in reply to the gentleman from Virginia [Mr. TUCKER] who says that this bill proposes to aid the ports of one State more than it does those of another, that upon the same principle we must contract to carry mails from the United States to all foreign countries from every port of the United States since we must carry from some of them, otherwise you will afford facilities to the ports of one State over those of another.

I look upon this as very important to my own section of the country. But take the country at large. The people of the South desire to build up their manufacturing industries, and in order to do that they must attract labor and capital. But in competition with us at the North how is it possible for them to establish their feeble industries unless we who now are manufacturing more than we can sell are enabled to find a market for our goods and are furnished an outlet to send the products of our industries abroad?

[Here the hammer fell.]

Mr. BLAIR. I ask leave to print the remainder of my remarks.

No objection was made, and leave was accordingly granted.

The remarks of Mr. BLAIR are as follows:

A FOREIGN MARKET IS THE SALVATION OF OUR INDUSTRIES.

Mr. Speaker, four centuries since this vast continent was unknown to civilized man. Its great natural resources of soil and forest and mine were awaiting the advent of the European and the development of coming generations. The hardy colonist battled with the dusky heathen, who reigned supreme among the wild animals which claimed joint and almost similar occupancy with him of the New World, and with the unfelled forest and untamed soil for a precarious existence. Unavoidably, occupations were such as yield the first necessities of life, and hunting, fishing, and agriculture, and the simplest mechanic arts absorbed the energies of the people. Production was confined substantially to these forms of labor. Whatever was required by the emigrant or even by his descendants for many years beyond the simpler commodities was necessarily imported from the old countries where manufacturing capital and skilled labor were concentrated.

It is obvious that a country must first be subdued by the rifle, ax, and plow; that is to say, cleared of wild beasts and wild men, its forests felled, and its soil broken and upturned to the sun and to the fertilizing embrace of the air, before it can become the home of more intricate employments. But gradually these rudimentary industries became firmly established and their excess of production was the purchasing power by which the increasing wants of prosperity were supplied by exchange of food and raw materials for various articles of foreign manufacture. As whatever went out of the country simply brought back its own value, it follows that the increase of actual wealth was still the consequence of the excess of coarse productions beyond the actual wants of the inhabitants; but such was the natural wealth, the natural capital, so to speak, of this continent, that the commodities which our fathers produced by a given investment of labor were very largely in excess of their own wants and of the production of the same things by the investment of the same value in capital and labor in the old countries. The tendency of this condition was to perpetuate itself, to make and keep America the producer of raw materials and coarse commodities. Liberty may properly be defined as the individual ownership of land. No nation is free where the mass of the people do not own the mass of the soil. Give every man a homestead and he never can be enslaved. He can supply all the necessities of life by its cultivation or by the surplus of his labor.

Land was free in America, and a constant stream of population flowed like a vast ocean current westerly to our shores and constantly augmented the hardy inhabitants who had already established themselves on the Atlantic slope. Slavery of the dominant race became impossible, and as capital is born of freedom just as naturally as poverty is engendered by slavery, its accumulation led to the effort to invest it in new industries for the supply of wants which had previously been satisfied only by exchange of commodities with the Old World. Transportation is not production in the proper sense of the term, and that principle in human nature which leads us to buy as cheaply as possible, a principle which is the fundamental law of trade and of the whole philosophy of finance, inevitably results in the effort to fix the point of production as near to that of consumption as possible in order to save the cost of needless transportation. Hence, as soon as a country has acquired capital from the savings of its earlier and ruder industries its people at once seek, or should seek, to encourage the investment of that capital in the more intricate forms of production. This is essential not alone as a means of ultimate saving in the cost to the consumer, but also for the security of national independence by the capability of supplying the varied wants of the people in time of war. So important is the latter consideration that it is often observed that periods of protracted hostilities with foreign powers are those of the greatest development of the manufacturing industries of nations.

Civilization seems to be merely the multiplication of the wants of mind and body, and to depend upon the possession of the means of satisfying them. The ownership of land, and its concomitant, freedom, inevitably made wages high, for every man was an employer—first of himself and then of so many of his fellows as he could hire, and the demand for labor in the established industries made it impossible for the incipient manufacturing interests of the country to compete with the production of the Old World, notwithstanding the added cost of transportation from Europe. True that gradually a more intelligent capacity was developed in the workman, and American invention outstripped the utmost ingenuity of the motherlands; but still for many years it was found to be impossible for the manufactures of America to compete with those of foreign countries, even in our own markets. The question then arose whether we should become and always remain an agricultural and mining people merely,

or by adopting the policy of protection until invention and capital and skill should have established the various branches of manufacture to which our climate and people are adapted, we should have reduced the cost of production so as to be able to supply our own necessities and perhaps sell to the rest of mankind. The policy of protection afforded the only possible means of ultimately enabling us to supply our own home market with manufactured commodities, thus saving the cost of needless transportation and securing our powers of offense and defense in actual or threatened war.

Of such a problem an intelligent people could arrive at but one solution; and protection to American manufactures, and the invention of labor-saving machinery, which never could have had any motive but for the former, have made us now the second manufacturing and producing people on the earth. We have steadily multiplied our powers of production, improving quality and increasing quantity and cheapness with unexampled rapidity and with equal step, until now we are in possession of our own markets, as we ought to be, and have reached the sublime turning point in our industrial and commercial history when we can and must enter the marts of mankind and maintain tremendous investments of capital and millions of our people by selling abroad the surplus of production for which there is no consumption at home. That is where we now are in respect to some of the leading manufactures of the civilized world—cotton fabrics, iron, agricultural implements, boots and shoes, and others.

In some portions of our country the imperative need of markets abroad is extremely, even painfully, apparent. The power of production has far outrun home consumption, but the transfer of capital and skill to other pursuits in our own country or by expatriation is destructive and practically an impossibility in the business life of any single generation of employers and laborers; so that the naked truth now is that upon the development of a foreign trade are the prosperity and happiness of the American people dependent for many years. Next, then, to the preservation of the inalienable rights of men, this is the real problem of high statesmanship to-day.

NEW HAMPSHIRE.

To illustrate the immense importance of this matter I wish to call attention to my own State, of whose every rock and crag and valley and leaping water-fall her sons are proud as the eagle of his nest, and of whose prosperity I have a right to demand the cherishing care of this great nation, for the Switzerland of America will be forever held by her sons as the impregnable fortress of liberty protected by law.

The soil of New Hampshire as a whole is comparatively unproductive and hard to till, yet watered by sweat from the brows of her hardy yeomanry and fertilized by the intelligent application of chemistry to the art of practical husbandry, frugality can live even upon the rocky slopes of our granite hills; while valleys abound which yield to judicious culture more produce to the acre than is harvested from the boasted bottoms of western and southern climes. On the whole, however, it is simple truth that agriculture has a hard time in New Hampshire, and, considering the excessive labor of cultivation, it would be impossible to retain a reasonable fraction of our population but for the compensations which kindly nature has bestowed upon us in our unrivaled natural scenery and all-abounding water-power. The lakes and mountains are a permanent investment by the Creator for our benefit, bearing an annual return to our people of at least \$2,000,000. They bring the highest market in America to the door of every farmer in the northerly section of the State; while the improved water-powers of the Piscataqua, the Nashua, the Ashuelot, the Sugar, the Mascoma, and the Contoocook Rivers, with the unrivaled industries of the Pemigewasset, the Winnipiseogee, and the Merrimack, with innumerable smaller streams, demand from the husbandman every pound of surplus produce, for which the highest price is paid that can be realized in any part of the country for similar articles, not even excepting the large and populous centers of traffic. This localization of all the industries which are essential to the high civilization of the age, with their mutual relations and interdependence and the mutual advantages resulting therefrom, is, I think, nowhere more strikingly manifest than in New Hampshire. Give us three years' notice, and the people of New Hampshire would from their own natural resources defend her territory against many times her own numbers, because she can grow and make everything. Even of iron and copper and lead and gold she has a superabundance, and mining is becoming an important and lucrative industry in the northerly part of my own district, inviting the eager investment of capital from some of the most experienced and careful business men of Boston, Philadelphia, and New York. The active population of the State is, however, almost equally divided between the two great occupations, agriculture and manufactures. And it is upon the relation or balance between, and the absolute necessity to, New Hampshire and the whole country of its maintenance—because, as a whole, what is true of New Hampshire is true of the whole country—that I wish to fix the attention of the House and of the people. The latest authoritative figures which I am able to quote are from the last census, but they are perhaps sufficiently exact for illustration, for the population is nearly stationary. The total population over ten years of age is 260,426, of whom 126,353 are males and 134,073 are females. There are engaged in all classes of occupations 120,168, of whom 96,033 are males and 24,135 are of the opposite sex. Engaged in agriculture are 46,562 males and 11 females, making a total who pursue this primal calling of the race

of 46,573 souls. There are engaged in professional and personal services a total of 18,528—8,821 males and 9,707 females. It is right here to remark that this large proportion of women, exceeding by about 10 per cent. the number of males engaged in professional and personal services, arises from the fact that the education of the rising generation in the common schools is almost wholly confided to the women of the State, and to show that experience has demonstrated that this great trust has been well discharged by woman I proudly refer to the fact that by solemn act of our Legislature, at its last session, the suffrage in all that appertains to education has been extended to women as freely from all restrictions as to men. There are engaged in trade and transportation 8,514 persons, of whom all but 388 are males. In manufactures, mechanical, and mining industries there is engaged a total of 46,553, only 9 less than are engaged in agriculture, of whom 32,524 are males and 14,029 are females.

Thus it is seen that in New Hampshire the industrial population is divided almost evenly between farming on the one hand and those pursuits on the other which create a market at his very door for everything which the husbandman does or can produce. It is only by the preservation of this overproportion of mechanical and manufacturing consumption close by the farmer that he can live at all in New Hampshire, and even then it must be in the vicinity of cities and villages where these industries are located; while in the more northerly regions the climate and scenery really are the pecuniary rescue of the agricultural population. While on the one hand the prosperity of the farming interest is dependent upon that of the manufacturing, on the other hand it is impossible for the latter to live upon the State markets at all. This is seen in a general way from a comparison of the relative value of the total production of these interests.

By the last census it appears that in 1870 the total value of all farm productions, including betterments and additions to stock, which really should properly be excluded for purposes of accuracy, but as they are massed together on the tables no method of elimination is apparent, is

.....	\$22,473,547
Add animals slaughtered or sold for slaughter	3,720,243
Home manufactures.....	234,062
Forest products.....	1,743,944
Market-garden products.....	119,997
Orchard products.....	743,552
Wages during year, including amount paid for board...	2,319,164

Total income from soil and forest..... 31,354,509

[See Compendium of Census, page 692, table 96.]

During the same year the total value of all manufactured products was \$71,038,249. (Sec. 96, p. 796, Compendium of Census.) The difference between the total production of the two classes of producers is then, \$71,038,249—\$31,354,509—\$39,683,740.

Now, if the farmers sold their entire production to the population engaged in manufacturing raw materials they could only pay for several millions less than one-half, and consequently if the latter could look only to New Hampshire for a market the result would be the instant destruction of about four-sevenths of all the manufacturing capital and interests of the State; but consider further that the farmer can sell only his surplus, after supporting himself and repairing the natural waste of capital. As we have seen, there is dependent upon him about one-half the population of the State, which, including all ages, is 318,300—one-half of which is 159,150. Assuming that each man, woman, and child consumes \$50 in value of the manufactured products of the State, which every one who reflects will, I think, concede to be a very much exaggerated statement, and the total market for New Hampshire manufactures, if the wants of the farming population were all supplied by the home market, would be \$7,957,500; and in order to preserve our manufacturing industries in the state of activity which existed in 1870 we must find a market outside the State for \$63,080,749, or about nine-tenths of the whole.

We have then, in order to support our agricultural population in New Hampshire in their present condition, to maintain a resident or local manufacturing interest capable of producing nine times as much in value as the total of the productions of the forest and soil for the same period. That we were doing in 1870; that, and more than that, we are doing now.

The question then for the manufacturers of New Hampshire is, Where shall we sell our commodities? But the question is just as important for the farmer. It is more so; because the manufacturer can transfer his capital and skilled labor to more favorable localities, while the land must remain, and to destroy a profitable home market to the New Hampshire farmer is to destroy his entire property. Where, as a rule, can the New Hampshire farmer sell his commodities at the present day unless he sells them at home? Where can the New Hampshire manufacturer sell nine-tenths of his produce unless he sells it abroad? By which I mean either in other States of this Union or in foreign countries. This question is, I believe, most vital to the population of Massachusetts and of all New England, and in fact to the whole country, although I have chosen my own State for specific illustrations of the idea.

Every year since the census was taken has emphasized the importance of the question, for the capacity of our manufacturing population to produce—and it must be constantly employed in order to live—has been enormously increased since that time, and power of home consumption has increased very slightly in proportion.

To illustrate this truth, I see it recently stated that while in 1870 Massachusetts produced 177,000,000 yards of cotton cloth, the last year she made over 800,000,000 yards. Meanwhile the population of the country has increased from 38,558,371 in 1870 to 48,600,000 at the present time, according to the careful estimate of Professor Elliott. The inventive genius of our country reproduces its miracles incessantly on a soil fertilized by the constant decay of its own superseded wonders, and whether there is any possible limit to its productive powers through machinery combined with the enslaved forces of nature is an open question. Certain it is that as yet no way has been found in which the manual toiler can live without continual employment, and it is still as true as ever that he must work daily or die. The prodigies performed by machinery will starve him to death unless we can sell to the world at large. What will be done in the far-off ages, when the world manufactures as much more than she can consume as we now do in the United States, unless some method of opening trade with the planets, and finally with the fixed stars, is invented—which we may reasonably hope, since there seems to be no limit to its power—I am unable to imagine.

I have been most kindly favored with carefully prepared statistics, just received, of the present actual condition of the manufacturing interests of my own State, collected and collated by Hon. Samuel Webber, of Manchester, New Hampshire, whose long familiarity with the whole subject, and also eminent attainments as a scientific engineer and expert in whatever relates to both steam and water as motive powers, will command the confidence of all who know him in the reliability of his data. I feel justified in occupying much space with this matter, so interesting to my own constituents, because other States with mighty slumbering resources in the South and West will see from our example how the diversification of industries, the establishment of mutual interdependence among the inhabitants of even small territories, can make an otherwise barren soil the home of grand productive forces and of self-reliant people.

Some of the latest and most important of the statistics of the manufactures of the city of Manchester and other places in New Hampshire are as follows:

Amoskeag Manufacturing Company: Spindles, 145,000; looms, 5,000; pounds cotton consumed annually, 14,300,000; yards cloth made annually, 40,200,000; fabrics made: tickings, denims, drillings, sheetings, cotton flannels, grain-bags, gingham, shirting-strips, and cotton fancy dress goods.

Stark Mills: Spindles, 50,000; looms, 1,500; pounds cotton consumed annually, 8,840,000; yards cloth made annually, 15,860,000; fabrics made: sheetings, drillings, cotton duck, and seamless bags for grain and sugar.

Langdon Mills: Spindles, 32,256; looms, 720; pounds cotton consumed annually, 1,716,000; yards cloth made annually, 4,836,000; fabrics made: fine sheetings and shirtings.

Manchester Mills: Cotton spindles, 75,000; worsted spindles, 15,000; looms, 2,500; printing-machines, 15; pounds cotton consumed annually, 4,160,000; pounds wool consumed annually, 1,820,000; yards cloth made annually, 28,600,000; yards cloth printed, (part purchased,) 40,000,000; yards cloth dyed, 12,500,000; fabrics made: cotton and worsted dress goods and printed calicoes.

Olzendam's Hosiery Mills: Knitting machines, 120; pounds cotton consumed annually, 78,000; pounds wool consumed annually, 182,000; pairs hose produced annually, 78,000 dozen.

Amoskeag Ax Company: Tons iron and steel consumed annually, 300; axes, hatchets, adzes, picks, &c., made annually, 164,000.

P. C. Cheney & Co.'s Paper Mills: Tons of stock used annually, 1,000; tons of paper produced annually, Manila, 700.

John Hoyt & Son, paper, Manchester: Tons stock used annually, 1,000; tons paper made annually, book and news, 700.

STATISTICS OF NASHUA.

Nashua Manufacturing Company: Spindles, 75,000; looms, 1,800; pounds cotton consumed annually, 7,466,000; yards of cloth produced annually, 16,000,000; fabrics made: sheetings, shirtings, and cotton flannels.

Jackson Manufacturing Company: Spindles, 25,000; looms, 800; pounds cotton used annually, 4,200,000; pounds cloth produced, 10,000,000; fabrics made: heavy sheetings and shirtings.

Vale Mills Manufacturing Company: Spindles, 5,000; looms, 90; pounds cotton used annually, (about,) 350,000; pounds cloth produced, (about,) 1,000,000; fabrics made: heavy shirtings.

STATISTICS OF SUNKOOK.

China Manufacturing Company: Spindles, 44,000; looms, 1,000; pounds cotton used annually, 1,800,000; yards cloth produced, 11,440,000; fabrics made, print cloths.

Webster Manufacturing Company: Spindles, 25,000; looms, 650; pounds cotton used annually, 1,308,500; yards cloth produced, print cloths, 8,320,000.

Pembroke Manufacturing Company: Spindles, 15,400; looms, 300; pounds cotton used annually, 540,000; yards cloth produced, print cloths, 3,432,000.

FISHERVILLE AND OTHER PLACES.

Contoocook and Penacook Mills: Print cloths—spindles, 16,500; looms, 480; pounds cotton consumed annually, (about,) 864,000; yards cloth produced annually, (about,) 5,401,000.

Hooksett Manufacturing Company: Spindles, 15,000; looms, 430; pounds cotton consumed annually, (about,) 777,000; yards cloth produced annually, (about,) 4,000,000; fabrics made: print cloths, cambrics, &c.

Pittsfield Manufacturing Company: Spindles, 5,000; looms, 150; pounds cotton consumed annually, (about,) 416,000; yards cloth produced annually, (about,) 1,755,000; fabrics made: sheetings and shirtings.

Winnepiscaukee Mills: Spindles, 7,500; looms, 150; pounds cotton consumed annually, (about,) 406,000; yards sheeting produced, (about,) 1,750,000.

Monadnock Mills: Spindles, 16,000; looms, 450; pounds cotton consumed annually, 620,000; yards cloth produced annually, 2,000,000; fabrics made: sheetings and quilts.

Home Mills, Claremont: Spindles, 3,000; looms, 52; pounds cotton consumed annually, (about,) 200,000; yards sheeting produced annually, (about,) 600,000.

J. D. Colony & Sons: Spindles, 2,224; looms, 50; pounds cotton consumed, (about,) 150,000; yards cloth produced, (about,) 500,000.

Columbia Manufacturing Company, New Ipswich: Spindles, 13,500; looms, 228; pounds cotton consumed annually, (about,) 1,500,000; yards cloth produced, denims and stripes, (about,) 3,300,000.

Thomas H. Curtis, Jaffrey: Spindles, 4,800; looms, 110; pounds cotton consumed, (about,) 500,000; yards cloth produced, denims, (about,) 1,300,000.

Peterborough Company: Spindles, 5,264; looms, 116; pounds cotton consumed annually, —; yards cloth produced annually, cambrics, —.
 Phoenix Manufacturing Company: Spindles, 5,000; looms, 100; pounds cotton consumed annually, —; yards cloth produced annually, sheetings, —.
 Union Manufacturing Company, Peterborough: Spindles, 8,212; looms, 240; pounds cotton consumed annually, —; yards cloth produced, sheetings and jeans, —.

Great Falls Manufacturing Company: Spindles, 125,000; looms, 2,300; pounds cotton consumed annually, 6,653,156; yards cloth produced annually, 21,738,672; fabrics made: sheetings, shirtings, print cloths, and grain bags.

Lebanon Falls Manufacturing Company: Spindles, 32,000; looms, 800; pounds cotton consumed annually, 1,991,828; yards cloth produced annually, 8,314,313; fabrics made: sheetings, cotton flannels, drills, and jeans.

Cocheco Manufacturing Company: Spindles, 93,000; looms, 2,200; pounds cotton consumed annually, 3,014,968; yards cloth produced annually, 16,051,126; fabrics made: print cloths.

Exeter Manufacturing Company: Spindles, 20,000; looms, 400; pounds cotton consumed annually, 936,000; yards cloth produced annually, 4,034,800; fabrics made: fine sheetings and shirtings.

Kearsarge Mills, Portsmouth: Spindles, 21,350; looms, 440; pounds cotton consumed annually, 1,400,000; yards cloth produced annually, 5,400,000; fabrics made: fine silerias, jeans, &c.

THE WOOLEN MANUFACTURES

are various. There are in the State 470 sets cards, which, at a production of 100 pounds per day each, would give a consumption of 14,000,000 pounds of clean wool annually, or 20,000,000 pounds of fleeco made into blankets, cassimeres, flannels, coatings, and hosiery.

THE PAPER MANUFACTURES

include 5,100 tons annually of straw and leather board; 7,050 tons annually of book, news, and card; 4,900 tons annually of manila, 900 tons annually of hanging paper, 450 tons annually of straw wrapping, &c., and 4,800 tons annually of wood-pulp, which is used up mainly in the production of the other papers as above.

There are quite a number of mills idle in the State, as they cannot be made to pay. With good shipping facilities to South America these mills all ought to be and might be in operation, and be doing a large export business in these commodities.

In addition to the mills in operation there is a large amount of unused water-power in the State which might some day be profitably employed in the cotton manufacture; for instance, the power at Garvin's Falls on the Merrimack, in Pembroke, belonging to the Amoskeag Company, which would probably produce 40,000,000 yards annually. That at Sewall's Falls, in Concord, good for, say, 20,000,000 yards; unused power on the Salmon Falls River, belonging to the Great Falls Manufacturing Company, 20,000,000 yards; unused power on the Cocheco River, 10,000,000 yards, to say nothing of minor privileges.

The above, however, estimated roughly at a product of 90,000,000 yards, would supply about one-half the cotton cloth which England sends to Brazil alone. The greater part of the cotton fabrics now made in the State are for domestic consumption and are taken up at home; but the goods of the Stark and Jackson mills are to some extent exported, and those of all the mills are of a character to find a ready demand in foreign markets were those made more readily accessible. As it now stands, they are all suffering to a greater or less extent from overcom petition in the home markets, which would be greatly relieved by any such legislation as would open a direct trade with South America for instance, which I take as the strongest example, being near to our doors, and to which our exports are almost nothing, while those of Great Britain for the year 1874, the latest I have, were as follows:

Countries.	Plain.	Colored.
	<i>Yards.</i>	<i>Yards.</i>
To Brazil	88,522,710	83,774,691
To Venezuela	5,967,900	10,635,500
To Peru	14,985,700	9,923,100
To Chili	35,006,390	20,136,330
To Uruguay	5,967,500	7,480,410
To Argentine Republic	24,245,300	15,855,100
To New Granada	51,509,240	54,467,100
To Mexico	18,827,600	18,834,700
To West Indies, (Spanish, French, &c.)	26,907,020	36,776,209
To British West Indies	18,608,120	24,601,650
To Honduras	2,858,500	1,914,500
Total	393,985,980	284,399,290

Our own exports to the same countries in the same time being about 15,000,000 yards, all told, while those of Great Britain aggregate 578,385,270 yards.

Since writing the above I find that Brazilian buyers were in the Boston market last week pricing flannels, light cassimeres, and various light woolen fabrics, such as employ in this State at least 160 sets cards, equal as above to a consumption of nearly 5,000,000 pounds of clean wool, or 7,000,000 pounds of fleeco annually. This might be very largely increased by the opening of a profitable foreign market, though I should consider our cotton and paper industries as the ones which would derive the most immediate benefits from such an increase of our facilities for exportation.

Yours, most truly,

SAM'L WEBBER.

Hon. H. W. BLAIR.

I have not been able to get such data of the leather and woolen industries of my State as I had desired, but both are very large. In fact, Mr. Walker, of Worcester, testified before the special committee of this House last fall that the leather industry, next to agriculture, is the largest in the United States, and Hon. Alonzo Nute, one of the leading manufacturers of the State, informs me that "the value of boots and shoes produced in New Hampshire last year (1878) would amount to \$6,000,000, of which sum 40 per cent., or \$2,400,000, was cash paid for labor."

Towns of one, two, and three thousand inhabitants abound all over the southern half of the State, whose prosperity depends upon the condition of the world at large, whose commodities are in all lands by sample now, and which, if wise counsels prevail, can multiply their capacity to produce and their resulting prosperity indefinitely. Thus, for example, the township of Milford, with 2,606 inhabitants by the last census, contains the best factory of knitting cotton in America, and I doubt not in the world—that of Messrs. Morse, Kaley & Co.; and only give them transportation in American bottoms to for-

eign climes, and that establishment alone will quadruple its production in five years. The superior quality of American goods, with corresponding cheapness, sells them wherever they can find the opportunity to go.

Referring to the industries of Keene, the only city in the district I have the honor to represent, which, having a population of only nine thousand people, is hardly as large as the average western village, Mr. C. S. Faulkner, one of the principal manufacturers of the State, informs me that the exportable annual product of that place is about \$2,000,000, while the whole county contains hardly a township without numerous hives of manufacturing industry which utilize every drop of water in the county that gets a chance to run down hill. He says:

Tanning is extensively carried on in Cheshire County, and the manufacture of pails, tubs, and kifs is more extensively carried on than in any other county in New England. The manufacture of furniture and chairs is also carried on to a large extent. We have several machine-shops and foundries, one of the machine-shops doing a large business in the manufacture of water-wheels, and a large amount of doors, sash, and blinds are made at another establishment.

Nearly everything thus produced is sold outside the State, and the opening of foreign trade by its direct or indirect effect is essential to every establishment in the county. Yet, save Keene, there are no cities in my district which comprise half the surface of the State. These towns, of which there are twenty-three, contain generally from five to fifteen hundred inhabitants—some a little larger. A traveler would say that they were farming towns, yet to Cheshire County the prosperity of our manufactures is as important as it is to Manchester or Lowell or Fall River. I do not suppose that in the world there is a more striking instance of the interblending of all the industrial pursuits of men within a limited locality than in Cheshire County, New Hampshire, and the whole State illustrates in the same way the harmonious development of all the pursuits and employments of mankind with the full variety of comforts and even luxuries and refinements of happiness which are known to our civilization almost universally diffused among what complacent talkers are pleased to designate as the "common people."

Thank God that such a people are common in New Hampshire and New England. I only wish that the time may soon arrive when from the operation of like causes the whole country may become as New England. It is easy to forgive those who would leave New England out in the cold, for they know not what they do. But no policy can be adopted that strikes down the industries of New England which will not prostrate those of the whole country. If such there be who would thrust the lance of malevolent legislative surgery into the life-blood of our welfare, they will find that the tide of New England prosperity throbs in every part of this great body-politic, and we need and will have no laws for our own benefit which are not for the common good. But I pass to more general considerations.

CAN WE SELL IN FOREIGN MARKETS?

The question whether we can sell in foreign markets, provided we have anything to sell and the means to carry it, is first in order and of paramount importance. Our principal competitor is, of course, Great Britain, and the most important manufacture in which we should have to dispute with her is that of cotton fabrics.

The cotton exports of Great Britain for the year 1876 were as follows:

Articles.	Quantity.	Value.
Yarns and twist, pounds	232,254,627	\$63,908,065
Cotton thread, pounds	9,635,363	8,817,930
Total	241,890,990	72,726,595
Piece goods, yards	2,667,423,176	786,357,000
Printed goods, yards	990,147,278	461,361,550
Mixed goods, chiefly cotton, yards	11,833,900	2,147,025
Total	3,669,404,354	1,249,865,575
Cotton stockings, dozen pairs	1,105,666	1,820,270
Total value English cotton exports, 1876		1,324,412,440

During the same year we exported in all only the equivalent of seventy-six million yards, the value of which was not over \$3,000,000. Although our foreign trade is increasing, such is substantially the relative proportion of our exportation of cotton goods to all countries to-day compared with that of Great Britain. The question is, can we compete, can we sell in the same markets where she does, or in some of the same, for she sells everywhere? Now, I take it that a short cut to absolute demonstration will be found if it is proved that we do sell and have an increasing market for our cotton fabrics in Great Britain herself; for if we can pay the cost of transportation and sell at the doors of her own factories, thus clothing her own operatives, so that an English weaver wears our American cloth in the process of English manufacture, I think the conclusion irresistibly follows that we can undersell them everywhere. This, however, in the long run—and let this forever be remembered—depends wholly upon our power to control ocean transportation so that we shall not be at the mercy of such discriminations in freight as the owners of British fabrics and British bottoms shall find it necessary to impose

in order to burden us with a cost of transportation which added to the home cost of production shall make it impossible to reach the foreign consumer. No nation can maintain a great foreign trade in competition with another nation which carries its own goods without she also owns transportation—shipping—as well as factories and skilled labor. If her rivals can levy a prohibitory toll by high rates of carriage the effect is precisely the same as an embargo or prohibitory tariff in the ports of the consumer; it operates the same as to increase just so much the cost of production. Yet, notwithstanding the danger of submitting the fate of the future of our foreign commerce to the control of our rivals, a statement of the exports from New York for the year 1878, published in the Daily Commercial Bulletin of the 7th instant, shows that of \$344,000,000 of goods shipped only about \$60,000,000, or 17 per cent., was carried in American ships; while in 1865 45½ per cent. of the total tonnage which cleared from our ports was American. But assuming that we are sensible, and that we build up our commercial marine, (for that and the manufacture for foreign markets is precisely the same interest, because just as soon as the English feel the effect of our goods in the foreign markets her manufacturers at once will discriminate against us in transportation if they continue to own all of it,) then can we sell in England, and consequently throughout the world?

The answer to this question I quote from an English mouth.

After discussing and admitting the fact, the Birmingham Post, in a recent number, goes on to say:

Perhaps the most humiliating feature of the business for British manufacturers is the fact that their competitors (the Americans) are prevailing, not through the cheapness but through the excellence of their goods. Time was when English workmanship ranked second to none, and the names of our great manufacturing firms were a guarantee for the sterling quality of the goods they turned out; but competitions, trade unions, piece work, short hours, and other incidents of the "march of progress" have altered all that. Complaints received by hardware merchants from their customers abroad are not confined to the goods of second-class firms. Manufacturers who have obtained a world-wide reputation for their products are frequently convicted of sending out scamped and unfinished work, and they do not venture to deny the impeachment, pleading only that the most vigilant must sometimes at fault, and that their men, unfortunately, are not to be depended upon. In other cases, it is the merchants or their customers who are to blame for the inferior quality of the articles by cutting prices so low as to preclude the possibility of honest work, thinking probably that anything is good enough for a foreign or colonial market. But whatever the cause, the fact is now undeniable that a great deal of the manufactured produce shipped from this country of late years has been of a very low standard, and that the American manufacturers have consequently had an easy task in beating it.

Take now an equally high authority at home. A recent issue of the Chamber of Commerce Journal says:

It is evident from all the indications of the times, and from the proceedings of the board of trade conventions which have been lately held, that confidence is reviving among the mercantile community, and that if we are wise and adopt proper measures the United States, in the language of Hon. ALEXANDER H. STEPHENS, will soon enter upon "a great business and industrial revival far exceeding any ever known in America." There is no questioning the superiority of our manufactures and productions, or our ability to supply the markets of the world; and there is no questioning the fact that our ability to maintain specie resumption will depend in great measure upon maintaining a large balance of trade in our favor. Under all the existing conditions—producing, manufacturing, financial, and commercial—it is now our imperative duty, and no time is to be lost, to at once improve our relations of trade wherever the opportunity offers. At our very doors we have the West Indies and South and Central America. The official statistics of imports into Brazil show that they consist of articles in the production and manufacture of which we excel, and which, as a matter of fact, were actually produced and made here. Cuba, which is within ninety miles of our coast, out of an importation of one hundred millions annually, buys of us but about \$14,000,000. And so on through all the West Indies and South and Central American states.

I have been kindly permitted by the honorable gentleman from New York [Mr. HEWITT] to avail myself of portions of the testimony taken before the committee of which he is chairman upon the causes of the depression in labor and business. The statements of many eminent economists and business men are there found, and I anticipate great benefit to the country from the labors of that committee. Mr. Charles Carlton Coffin, in his admirable argument before the committee, says upon this subject:

Mr. COFFIN. I wish to say that I have no fears for the future of American industry. I entertain a profound conviction that America is about to enter upon a career of unparalleled prosperity.

The CHAIRMAN. I wish you would make that point clear, because I have been criticised rather freely for expressing a similar opinion in New York a few months ago.

Mr. COFFIN. I will endeavor to do so briefly. In the first place, America possesses all the primal conditions to this end in a degree not enjoyed by any other nation. We have a continent to ourselves, whereas Great Britain has a less area than the States of Illinois and Iowa. We have every variety of soil and climate, with capacity to produce breadstuffs far beyond our own wants. We have unparalleled resources in the forces and materials of nature, in our rivers, and exhaustless beds of coal and iron. Under the fostering care of our fathers we have encouragement to make iron and steel, steam and water do the work of human hands far beyond encouragements given by any other government; for this country stimulates invention by its patent laws, securing to the patentee the exclusive right to his invention for a term of years on payment of \$30, whereas in England it used to cost nearly \$1,000 to secure a patent. What is the result? In this country the number of patents taken out aggregates about thirteen thousand per annum against about four thousand in England. We have an army of inventors. The result was seen at Paris last summer, where the United States stood at the head in useful inventions. Through the superiority of our inventions we are beginning to secure an export trade, which, though at present is not very large, is continually increasing and promises to have a very great development. It is not confined to one department of industry, but applies to all.

The CHAIRMAN. What is to prevent the prompt introduction of improved machinery into the other countries who are the rivals of this country? They have heretofore been slow to take advantage of their opportunities in that respect, I admit, but the indications are that they are now doing so very rapidly.

Mr. COFFIN. I will answer that by narrating a fact within my knowledge. Year

before last, one of the largest boot and shoe manufacturers in Switzerland, after visiting the centennial exhibition and seeing our boot and shoe machinery, obtained a full set of the machinery and took it to Switzerland. He found when he got the machines over there that his own workmen could not make use of them, and he was forced to send over to America to procure American workmen.

Mr. Coffin proceeds:

Then we have exhaustless quantities of iron; but I will not enter into that matter. I will take cotton as better illustrating the point. To-day, I suppose, about 2 per cent. of the cotton lands of the country are under cultivation. By the report of the commission of Parliament, made, I think, in 1873, (and which is found in the Parliamentary Reports,) the statement is made in regard to the cotton supply that at least 60 per cent. of the raw material of Great Britain must ever come from the United States. Last year the amount was 67 per cent., and the yearly aggregate has been constantly increasing. It has been shown by our manufacturers that it costs about five dollars to take a bale of cotton from a cotton-field in the South and place it in England. I look forward to the time when, in the South as well as in New England, there will be a large development of cotton manufactures, especially of the coarser qualities of the goods and cotton yarn. Of those who buy cotton cloths, the average in the market of the world to-day is about twenty yards for an individual.

The CHAIRMAN. For the whole world?

Mr. COFFIN. That is the average among those who purchase; about twenty yards per annum would be required for each individual. It is stated that not more than five hundred millions of the people on the globe are now using machine-made cotton. Those engaged in manufacturing confidently expect that the time is not far distant when at least one thousand millions will use cotton cloth in some form. There is no other fiber that can compare with it in cheapness. The consumption increases both in civilized and uncivilized lands. England now has nearly all the foreign trade in her hands.

It is a well-known fact that American cotton goods are superior in their make to the English; that English manufacturers are using American trade-marks; that English manufacturers have carried "sizing" to an extent which has become prejudicial; that their excuse is that they cannot compete with American manufacturers in the making of substantial goods. It seems to me morally certain that we shall take a portion of the present trade of England from her hands, and that we shall secure our fair share of the increase.

On the other side of the globe, in China and the other countries, there is a population variously estimated at from two hundred and fifty to four hundred and fifty millions. Before the war, in 1860 for instance, our exports to China were about four million yards. England sent out to China in the same year about thirty-three thousand pieces of goods, (the number of yards has not been stated,) and our export was larger than that of England. The war swept that trade entirely away. Last year we sent out to China eleven millions of yards, and England sent out three hundred and seventy-eight millions of yards. That is the beginning of a volume of consumption which has yet to develop itself in China. That is a trade which it is possible for the American manufacturer to obtain wholly.

I will also here insert the following data found in Mr. Coffin's statement as bearing upon the general subject in many aspects rather than because it is specially applicable to the point we are now considering, to wit, whether we can sell abroad:

In 1832 there were 1,300,000 cotton spindles in this country; in 1845 there were 2,500,000; in 1875, 9,500,000; and in 1878 there were 11,000,000. In Great Britain there were, in 1832, 9,000,000; in 1845, 17,500,000; in 1875, 37,500,000. In Europe, outside of Great Britain, there were, in 1832, 2,800,000; in 1845, 7,500,000; and in 1875, 19,500,000. The total for the world in 1879 is about 71,000,000 spindles. The result has been, that while between 1830 and 1875 our population increased between threefold and fourfold, the amount of cotton manufactured and used increased thirteenfold, because each person uses three to four times as much as they used to.

The following table, compiled by Mr. Coffin, shows the total imports and exports of the countries mentioned by decades from 1827 to 1877, inclusive, a period of fifty years:

Years.	Total of imports and exports.
Great Britain—	
1827-37.....	\$4,948,750,000
1837-47.....	6,771,555,000
1847-57.....	11,065,290,000
1857-67.....	20,379,890,000
1867-77.....	28,879,205,000
France—	
1827-37.....	2,092,400,000
1837-47.....	2,978,400,000
1847-57.....	4,601,800,000
1857-67.....	9,261,290,000
1867-77.....	13,313,600,000
United States—	
1827-37.....	2,006,218,000
1837-47.....	2,285,428,000
1847-57.....	4,255,074,000
1857-67.....	7,103,309,000
1867-77.....	11,016,805,000

The total trade of Great Britain has within these five decades increased six times, that of France six and a half times, and that of the United States five and a half times. What are the results? It has equalized the world's markets, given low prices to the consumer, taken business out of the hands of the few and given it to the many, distributed wealth, elevated the masses, enlarged the area of civilization, and contributed to the comfort and happiness of the human race.

The essential thing in Mr. Coffin's opinion remaining to be done is to secure transportation and commodious intercommunication of our own, almost all of which is now controlled by foreign nations.

What I wish to say is that the American manufacturer has not such facilities for distribution as his competitor across the Atlantic. The British government, by its system of ocean postal service, reaches every country with its steamers, giving constant facilities to the merchant and manufacturer. The American manufacturer has no such facilities for distribution, and I do not see how he can find a market. England aids her manufacturers through her postal service. Our Government does nothing of the sort. But I think that is not the only, perhaps not the greatest, difficulty. To go no further, there are consumers unsupplied in every house in Mexico and South America. The manufacturers of this country are capable of producing enough to supply them. So far as cost of manufacture is concerned, no one can do it more cheaply. Mechanical skill has furnished, and

is ready to furnish, every physical appliance for communication and transportation. It is the business of the merchant to place that product at that consumer's house, and he does not do it. Whether it is because he lacks skill and enterprise or because the laws are unfavorable to trade, I will not discuss. It is enough to say that the fault does not rest with the manufacturer or the machine-builder.

To the same effect is the statement of Senator EATON in a speech made during the last session, which is so full of pertinent fact and sound statesmanship that I wish I could quote more of it:

The foreign trade of Brazil is about \$100,000,000 a year. Out of that \$100,000,000 a year all that the United States has heretofore done is about \$7,000,000 a year. England furnishes Brazil more than one-half of all her butter and cheese. On one single occasion forty-two thousand boxes of cheese were exported from New York to Liverpool and from Liverpool to Brazil. Ohio cheese going that roundabout way to find a market in Brazil! One-half of the flour that is consumed by that empire is sold by English merchants, when every dollar's worth of flour, every dollar's worth of butter, every dollar's worth of cheese, should be the product of the West. One million four hundred thousand dollars' worth of boots and shoes are consumed in Brazil, and all that was exported from this country was barely ninety thousand dollars' worth, when the sister of my State, Massachusetts, should have furnished every dollar's worth of that commodity.

Look also on this picture of Brazilian imports, all of which we ought to furnish:

Articles.	Total.	From United States.
	* <i>Milreis.</i>	* <i>Milreis.</i>
Boots and shoes.....	1,978,979	2,877
Cod and other fish.....	1,714,703	74,929
Butter.....	2,115,414	13,316
Cheese.....	635,481	1,074
Flour.....	4,257,331	2,880,439
Straw hats.....	606,396	2,207
Coal.....	5,537,405	197,582
Earthenware.....	1,037,334	65
Iron and steel.....	981,427	522
Iron and steel rails.....	245,452	5,345
Other manufactures of iron and steel.....	2,818,367	60,617
Agricultural implements, machinery, &c.....	2,374,736	268,688
Cotton, cotton fabrics, and clothing.....	41,858,359	409,112
Paper for printing, writing, walls, &c.....	1,376,426	84,828
Wool, woolen fabrics, clothing, &c.....	10,337,409	978

* Two milreis equal one dollar in American currency.

In short, the balance of trade against us with the countries named—and our commerce with them is one-fifth of our entire commerce with the world—amounts to \$98,000,000. Now, what is the trouble? Simply this: lack of means of communication and transportation. Give us these means and we will monopolize the trade of those countries. England's wealth is due to the fact that she has been the carrier for the world. She pushes her roads everywhere, even into the heart of Africa. In an able editorial the New York Sun states that we have paid for transportation sufficient to have built all the needed roads and to have put a hundred million dollars into the Treasury in addition. France and England are expending enormous sums for the support of their carrying trade, and propose to build more and more railroads and ships. It is just announced that the Canada Pacific Railway have applied to the Imperial Parliament for, and no doubt will receive, £6,000,000—\$30,000,000. Are the governments of these nations—who claim to be the most prosperous upon the face of the earth—fools and idiots, or do they know what they are about? How, in the face of their action and the facts, can the American people submit to a policy of "masterly inactivity," the result of purely illogical and erroneous reasoning? Have we not had enough of that species of economy known as the penny-wise and pound foolish? One thing is certain: nations, like individuals, cannot reap a profit without an investment.

Are we to take advantage of these markets at our doors, or are we not? Now is the time to act. The next session of Congress must decide. We never shall be able to do anything in this direction unless we first furnish the necessary means of transportation. The way is open.

OUR OWN HEMISPHERE.

Let us glance for a moment at the other countries of our own hemisphere with which we could open advantageous commercial relations or increase those already existing.

First, south of us is Mexico, with a population of 9,000,000 people, nearly all agriculturists or miners, and ready to consume our manufactures, inhabiting 761,660 square miles of territory proverbial for salubrity of climate and natural resources. The annual products of Mexican industry are about \$400,000,000; \$250,000,000 from agriculture, \$50,000,000 from mining, \$100,000,000 from various forms of manufactures and miscellaneous pursuits. The exports in 1870 were \$26,000,000, a small portion of which was with our country.

The West India Islands aggregate about 90,000 square miles of soil and 3,000,000 of people; and of Cuba alone, only ninety miles from our doors, we annually buy \$60,000,000, while we sell to her only \$14,000,000. At the same time she imports from all nations \$100,000,000, of which we ought to sell her at least 90 per cent. We produce that proportion of everything she requires from other nations, and we ought to employ our people by creating these \$76,000,000 of her purchases from abroad.

The Central American states have in all 174,869 square miles, being about the size of France, with a population of 2,665,000. With them we have practical non-intercourse, although, like Mexico and the islands, these States abound with natural resources and productions which are most desirable to us, and which, by a proper policy on our part, could be made a source of lucrative commerce and afford a considerable market for the productions of our industries.

South America has 7,000,000 square miles of territory and now 30,000,000 inhabitants. Of this vast surface, 3,231,047 square miles

belong to Brazil, with 13,000,000 of the population. The value of her exports is \$110,560,000; of her imports nearly \$100,000,000; of which only \$7,000,000 is from the United States, while we purchase of her yearly some \$50,000,000. From the years 1871 to 1876 we purchased of Brazil \$274,148,500 of merchandise, and sold her only \$48,853,555; the difference, being \$225,294,945, we paid in gold through the toll-gate of London, every cent of which should have been paid by American productions, transported in American bottoms directly from our own ports. During the same period the entire foreign commerce of Brazil was \$1,048,612,301, while she bought of other nations \$471,570,859 of food and merchandise, every important article of which we raise and make, and the prosperity of our people requires that nearest of all available outlets for our surplus, which is a glut at home because we are too stupid to carry it abroad.

Some authorities fix the surface of Brazil at four million square miles, larger than all Europe, which maintains three hundred million souls on a less fertile soil than hers. She has only thirteen million. They are an agricultural people, and such they will remain; for the fertility of her soil and its inexhaustible strength, with the nature of her climate, the habits of her people, mental and physical, naturally keep them so. We, on the other hand, are just as naturally the manufacturing counterpart of Brazil as New England is of the rest of the United States, while the currents of the ocean and our contiguity to each other have married our industries by the decrees of the creation itself. But we are not yet awake to our destiny.

The lessons of Brazil are repeated and intensified by Venezuela, with 370,000 square miles, six times larger than New England; by the United States of Colombia, with their 514,000 square miles, five times nearly as large as New York and New England combined; Ecuador, with 219,000 square miles; Bolivia, with 535,000; Peru, with 620,000; the Argentine Republic, with 603,271; Paraguay, Uruguay, Chili, and the Guianas, British, Dutch, and French, with nearly as much more, where, within the next century, will spring up a population of one hundred millions of souls, who, combined with as many more that with the blessings of thrift and order, the inevitable result of close commercial relations with us, in Mexico, the islands, and Central American states for generations to come, would develop and remain substantially great consuming peoples, the supply of whose wants would give to us, the lords of the northern temperate zone—the zone of the manufacturer, the nativity of invention, the spot where the forces of nature have found their Waterloo in the long contest with the genius of man—a perpetual market for the surplus of all our activities, and by reciprocal benefits foster every great interest of the whole hemisphere and develop higher summits of civilization than have yet been attained by humanity.

I am glad to avail myself of the following statement in a recent speech of Hon. WILLIAM A. PHILLIPS on this floor, which is a valuable and pertinent summary. After citing statistics of our trade with Mexico from 1825 to 1878, inclusive, Mr. PHILLIPS proceeds:

I also submit the following, copied from an article in a New Orleans paper from my old friend and comrade, General Cyrus Bussy, since mayor of New Orleans, and which may be accepted as reliable:

In the last seven years, from September, 1878, we bought of China and Japan of their products.....	\$195,000,000
And sold them.....	65,000,000
Mexico, purchases from.....	95,000,000
Mexico, sales to.....	30,000,000
Brazil and South America, purchases from.....	336,000,000
Brazil and South America, sales to.....	78,000,000
Cuba and Porto Rico, purchases from.....	575,000,000
Cuba and Porto Rico, sales to.....	125,000,000

These figures show that from these countries alone, in seven years, we have purchased \$1,201,000,000, and sold of our products only \$293,000,000, showing a balance of \$908,000,000. Their products are no more indispensable to us than our own to them; but as they can purchase manufactured goods in foreign countries and have the facilities for receiving them, and as we do not grant the necessary communication, they cannot buy of us.

I also append the following article from a newspaper published in Mexico City, showing the character and prospects of the trade:

THE RESOURCES OF MEXICO AND TRADE WITH THE UNITED STATES.

Trade with Mexico is now the all-absorbing topic in the United States: and our paper having attained so wide a circulation as well north as south of the Rio Grande, we propose to make known to the world some very interesting and potent facts that bear directly upon the resources of Mexico for import and export trade. And now is the opportune moment for the great commercial Republic of the north to enter into close relations of amity and commerce with her younger sister, whose aspirations and institutions are the same. Now is the time for American manufacturers and merchants to carry commercial enterprise into Mexico, and to trade manufactured goods for her raw produce. In return for American manufactures Mexico can give the products of every clime, and this at every season of the year.

According to official statistics the foreign commerce of Mexico, imports and exports united, exceeds \$60,000,000 annually. According to the facts, and taking into consideration the extensive smuggling carried on over the six thousand miles of sea-coast she has to guard, we may almost double these figures and say one hundred millions. The purely internal trade may be put at four hundred millions per annum.

One year with another not less than fifteen millions in gold and silver bars and coin go to Europe through the custom-houses, and nearly half as much more go as *contrabando*. All these figures are simply a fraction of what the republic can produce if worked up to anything like her capacity for the yield of gold and silver. Here is a grand field for the mining instruments and apparatus of the North which every manufacturer in the United States should attend to.

Appropos at this point is the following note of the report of the delegation of western merchants and business men who have just been to Mexico for the purpose of ascertaining the exact situation and the

prospect of extending our trade with our sister republic advantageously:

COMMERCE WITH MEXICO—REPORT OF THE CHICAGO EXCURSIONISTS.

GALVESTON, TEXAS, February 13.

The steamer City of Mexico, with the returning excursionists from Mexico, has arrived. Their report on trade prospects between the two republics says:

"We have found everywhere only the most cordial feelings and unbounded hospitality on the part of the Mexican people and a unanimous desire for closer commercial relations with the United States. We have observed no special insecurity to either person or property, or hostility among any class to international improvements or developments of trade with the United States. We have especially noted an earnest desire on the part of the public men of Mexico for increased railway and steamship communication between the two nations. It is our opinion that the United States Government should encourage the sentiment that actuates the leading men of Mexico, which is manifestly a desire to cultivate the most friendly relations between the two countries."

The report is signed by about sixty of the excursionists.

I now quote the testimony of the Chief Magistrate of the nation and the Secretary of State, who in official communications to the Senate on the 17th day of last December called the attention of the country to the vital necessity of extending our foreign commerce and the feasibility of so doing. The President says:

The external commerce of the United States has for many years been the subject of solicitude, because of the outward drain of the precious metals it has caused. For fully twenty years previous to 1877 the shipment of gold was constant and heavy; so heavy during the entire period of the suspension of specie payments as to preclude the hope of resumption safely during its continuance. In 1876, however, vigorous efforts were made by enterprising citizens of the country and have since been continued to extend our general commerce with foreign lands, especially in manufactured articles, and these efforts have been attended with very marked success.

The importation of manufactured goods was at the same time reduced in an equal degree, and the result has been an extraordinary reversal of the conditions so long prevailing and a complete cessation of the outward drain of gold. The official statement of the values represented in foreign commerce will show the unprecedented magnitude to which the movement has attained and the protection thus secured to the public interests at the time when commercial security has become indispensable. The agencies through which this change has been effected must be maintained and strengthened if the future is to be made secure. * * * Every element of aid to the introduction of the products of our soil and manufactures into new markets should be made available.

At present such is the favor with which many of the products of the United States are held that they obtain a remunerative distribution, notwithstanding positive differences of cost resulting from our defective shipping and the imperfection of our arrangements in every respect in comparison with those of our competitors for conducting trade with foreign markets. If we have equal commercial facilities we need not fear competition anywhere.

The laws have now directed a resumption of financial equality with other nations, and have ordered a return to the basis of coin values. It is of the greatest importance that the commercial condition now fortunately attained shall be made permanent, and that our rapidly increasing export trade shall not be allowed to suffer for want of the ordinary means of communication with other countries.

The accompanying reports contain a valuable and instructive summary of information with respect to our commercial interests in South America, where an inviting field for the enterprise of our people is presented. They are transmitted with the assurance that any measures that may be enacted in furtherance of these important interests will meet with my cordial approval.

R. B. HAYES.

The Secretary of State, who has instituted special inquiries of our consuls everywhere with very valuable results, gives the substance of all in the following brief summary, and with this testimony I close this branch of the discussion:

First. It seems to be very evident that the provision of regular steam postal communication by aid from government has been the forerunner of the commercial predominance of Great Britain in the great marts of Central and South America, both on the Pacific and Atlantic coasts of the continent. It is no less apparent that the efforts of all the other European nations, Germany, France, and Italy, to share in this profitable trade, have been successful in proportion with their adoption of regular steam postal communication with the several markets whose trade they sought.

Second. These papers show also that the enterprise and sagacity thus shown by European nations has actually reversed the advantage which our geographical position gives us in relation to this extensive commerce of the American hemisphere.

The commercial correspondence of our merchants with the trading points on the east and west coasts crosses the Atlantic twice to make a postal connection in a circuit of trade which has its beginning and its end on our own continent. The statistics of our limited trade under this extraordinary disadvantage show that the growing preference for our products in these South American markets insists upon being gratified, even at the cost of a circuit of importation which carries our merchandise to Europe and incorporates it as a contribution to the volume and the profits of European South American trade. No stronger demonstration of the tendency of commerce to follow in the train of postal communication can be conceived than this vast and expensive circuit of importation resorted to, in default of direct opportunities, between the countries of demand and supply.

Third. It would seem from these reports that the merchants and the communities, no less than the governments of these countries, strongly desire an enlargement of direct trade with the United States. With all the advantages of foreign commerce, supplied by the existing European arrangements for its prosecution, these markets perceive that this unnatural circuit, when the resources of the United States could supply a direct trade in its place, must be at the expense of the party subjected to the system and the profit of the party which administers and controls it. Everywhere there is shown a great desire to expand their trade with the United States, and even the least prosperous exchequers of these governments are ready to be opened to share in the expenses of steam postal communications, of whose value in promoting foreign commerce their own experience furnishes irrefragable proof.

Fourth. While many less immediate and less simple measures, about which judgments may not readily concur, may properly be canvassed by our people, now eager for a restoration and extension of foreign commerce, upon this one simple and first step of direct, regular, and frequent postal communication between the United States and the principal commercial ports of Central and South America there would and ought to be no room for doubt.

If this be so, it is obviously the dictate of interest and duty on the part of the Government to promote, by every just and appropriate means, the attainment of this first and principal agency for the desired expansion of our foreign commerce. It is difficult to understand how this commencement and development of an ocean

postal system, to be a forerunner of the expected trade, can be wholly trusted to the mere interests of mercantile combinations. The governments of foreign states with which this commerce is to be opened are ready to take their part in the public expense of this postal communication with us, and the participation or non-participation by the United States in this public expense seems to be the turning point in the acceptance or rejection of the reciprocal trade now proffered us.

WM. M. EVARTS.

THE PATENT SYSTEM.

as an essential feature in our industrial system, is above alluded to by Mr. Coffin, and the absolute necessity of legislation specially in the interest of inventors, who are always the pioneers of progress, and upon whom we are and must remain dependent for the continual improvements which will enable us to still keep in advance and maintain the high wages which are necessary to enable the American workman to support himself and family in the enjoyment of the superior blessings and comforts of which the cheap paid toilers of Europe know nothing, is here apparent. Any legislation which discourages the efforts of the inventor, who is, even with the protection of existing laws, almost always poor, which tends to enable combinations of wealth to appropriate the hard-earned property of his brain with impunity, is a deadly blow at existing and an embargo upon our future prosperity. Manufacturers and great corporations should remember this, and so should the husbandman, who depends upon the continued supremacy of our inventive genius for the prosperity of those industries which consume the products of his farm and give him a ready market at his own door, as in New England and in all manufacturing sections of the country, while continued improvements in agricultural machinery alone can enable even our food-growers permanently to command foreign markets, whereas in future years they will have to compete with the natural granaries of South America and Africa. To destroy the stimulus to invention, whose work is never done, by legislation which impairs the security of the property of the inventor and enables capitalists to appropriate the legitimate fruit of his thought and toil at their own price or subject him in his poverty to the burdens of endless litigation with wealth and power, because there are abuses connected with the patent system, as with everything else, which should be remedied by careful and conservative legislation, is like killing the hen which lays our golden eggs because she disturbs us by her cackling while doing so and sometimes scratches in the garden.

CHINESE SLAVE LABOR.

In passing I refer to this subject as a collateral one of vast importance in every aspect which it assumes and which has been, I think, too negligently treated by eastern thought.

The Chinese slave trade, in which by passive assent we are as a nation now engaged, not under but in violation of the spirit of the Burlingame treaty, and Chinese slavery on the Pacific coast, the establishment of which has already taken place, must both be abolished or we shall soon find this new form of slavery a more formidable competitor of free labor all over the country than was ever African slavery at the South. One-third of the adult males of California are Chinese of the lowest order. This in itself is perhaps no reason to fear them provided they were free, but a large portion of them are simply slaves.

We cannot afford to force any form of slavery upon the Pacific slope as did the capital of the mother country force that institution upon the weak and protesting colonies, which two centuries and a half later, when they had become a mighty people, were nearly overthrown in the effort to destroy the incubus.

True, the obligation of treaties must be kept or due courtesy observed in their abrogation, and we recognize the inalienable right of every individual man to change his domicile provided he go and come and reside as a man—a freeman and not as a slave. No man or class of men has a right to be slaves in this country. While the right of an individual man to change his home and allegiance and to be free is inalienable, so also is that of a free nation to preserve itself so, and we cannot afford to lose sight of the fact that the six companies, in an important sense, own the mass of the Chinese on the Pacific coast; that they hold them in thinly disguised slavery from the moment they leave China until they are returned to the "flowery land;" that they never become citizens nor desire to; that they have no families and are mere sojourners; that the bones of no Chinaman rest in our soil; that these companies are simply gigantic associations of wealth engaged in the slave trade and also in the ownership and profits derived from the labor of the slaves themselves.

The contract system is a system of slavery devised, enforced, and practiced with such oriental craft and ingenuity that the inattentive have been led to suppose that Chinese labor is only a cheap form of free labor. Chinese labor is cheap labor because it is slave labor. Unless the form in which it exists is destroyed the time is not distant when every free white or black laborer in the populous East, with or without a family on his hands, will have to compete with a form of slave labor which can do his work for one-half the compensation that he now finds barely sufficient to supply the wants of our civilization.

But the contract system must be destroyed, for as a rule it holds the Chinaman in its clutch during his entire absence from his native country. Let him come, if he comes at all, as a freeman; as a freeman let him remain, but as a slave never. I forbear to trespass further upon this topic, and return to the general subject.

THE TIME HAS COME.

We have crossed the Rubicon. We are no longer a nation which can live within itself. We must sell our surplus commodities abroad, for when a nation has reached that state of productive development that she can supply any portion of the rest of the world, it is because she produces a surplus, or has the capacity to do so; it is because she has grown from within until from her own fullness she has burst the barriers which surround her, and as neither men nor nations can remain stationary, she must sell abroad or retrograde. We have our choice to go forward or go backward, and we must decide now. The epoch seems to me pregnant with the solemnities of destiny. Today, in my belief, by a great, grand, bold, and far-reaching policy, we could set in motion the machinery which would make and keep us the leading nation of the world for a thousand years. We are fifty millions of people, and every American is an aggressive creative force. He chains the powers of nature to his will, and marshals in his service or assimilates into his own eclectic constitution every foreign element with which he comes in contact.

We have thirty-six hundred thousand square miles of the best land on the globe. We are larger than Europe, whose soil is divided among three hundred millions of people. The continent is empty before us, and the spell of our institutions broods over the whole. We are its inevitable masters. We are compelled to be so. Destiny makes some nations dominant just as much as she makes others subordinate. Light must shine. Power must dominate, not tyrannically, but by the law of love, the law of beneficence, which makes willing subjects, who find their freedom in their own advantage.

By that law this whole continent is ours. It comes to us empty, a blank, yet full of the grandest possibilities. We are obliged to assume the responsibility of its development. We can no more escape them than Jonah could evade his mission to Ninevah. Five hundred millions of human beings are to inhabit North America within five hundred years. Who are they to be? What are they to be? God has placed us here to work out that problem. We are the problem, and it is being wrought out in us. Either we must submit to these guiding forces of Providence within us and our institutions and go forward to possess the land, or by rejecting our opportunities and destiny we shall prepare the way for the national antagonisms, the petty rivalries, the disasters, and destruction which have marked the course of other races and nations on the continents, whose story has been recorded for our example and admonition. We begin at that point to which they in their best estate have through these long ages of bloody evolution attained. I disregard the fragments of inferior populations with whom we have to do, as sure to be absorbed and elevated or extinguished by the mighty forces of beneficence in our race and civilization.

Trade is the great civilizer, and by trade our influence must prevail. Trade is greater than the interchange of commodities. It implies interchange of everything, habits, customs, thoughts, ideas, religions, laws, literatures, and the eternal principle of selection preserves the good and casts the bad away. But I must not dwell upon these things. I say that we have this all-prevailing destiny upon us. It is manifest, and we are called upon to fulfill it, not blindly, wildly, spasmodically, but just as the oak is called upon to grow and the ocean to roll, incessantly and for the ages.

We have all America, North and South, stretching out their hands for our commodities, and wherever they go our civilization follows. Behind the laws of trade is that sword of spiritual conquest which the Author of our religion came to bring upon the earth. Beyond this hemisphere lies the dark land Africa, with two hundred millions more. She too is waiting with her stores of ivory and of gold. Commerce has already fringed her coasts with a hundred points of illumination, which, lifting higher and higher, reveal the vast capabilities of the rich and populous interior. Africa is to be civilized. Every cargo of coarse commodities such as attract the eye and supply the necessities of the savage and the barbarian civilizes and creates the demand for more. What is civilization but the creation and supply of wants, spiritual and material? We shall bring back gold and ivory and gems, with spices and fruits and precious woods and unknown productions, with which her marvelous and mysterious regions abound, or which will yet be developed as she advances on the arena of time.

Then there are the eight hundred millions of Asia, who are our customers already, although the rising sun of our commerce with them is just darting its earliest beams on the grateful sky long oppressed with dismal night. We can manufacture for the whole world, and we can compete with all rivals and sell to the whole world. The fact is established. We must do it or recede. We must carry our produce to the customer. We must own our ships as much as we must own our looms. That is the law of competition. We might as well manufacture our cotton cloth in the moon as in America and expect, without ships, to compete for a foreign market with a manufacturing nation which owns ships. The ships and the factories are made one by the fact of their joint ownership and the laws of self-interest, and they go together just as much as the two ends of a stick to him who would strike with it, or the two ends of a railroad on the land. I do not mean that we must or can drive England out of the markets of the world. By no manner of means. There is ten thousand times more to be done than both nations, than all commercial

nations, now have the capacity to do. We are to civilize the world, and thus double, quadruple, over and over a hundred times the business of the world. The are fifteen hundred millions of people in it. England and America can now produce more value every year than all Asia. But you create wants in Asia and she must work; she must give an equivalent. She must produce in order to buy; she must introduce machinery and multiply her powers; she must buy her machinery of those who have the best to sell. She will in the progress of generations want, and therefore pay for, all which her capacity for advancement demands. The English race in Great Britain and America is less than 100,000,000. Is not there enough for us all to do if we will only awake and do it? But England can beat us with her cheap labor? By no means; for cheap labor is stupid labor, and our inventors can, as they have thus far, give us machinery which will always keep us even or ahead in the race. True, she and other nations will adopt our improved machinery, but we can always invent still better; and the American workman is the most intellectual being engaged in human industries. It takes brains to run machinery to its ultimate capacity as well as to invent or improve it.

I am one of those who love Old England. I would see her live and prosper forever. She destroyed our commerce in the late war, but she paid the bills at Geneva; and I do not hold the English people responsible for the crimes of those who struck our commerce down. There is more than enough for us all to do, but we must foster trade as she does. We must carry our goods to market. We must make what is adapted to the peoples and nations with whom we would trade. We must study this subject, the wants of mankind, and furnish to all tribes and nations that which they desire and may be made to desire, and be assured that our existing industries will revive, new ones will spring up, invention will be stimulated, and every workman will be employed. The demand for our productions will be ever increasing as the wants of advancing populations are multiplied. The world will move and we shall move ever in the advance. Progress is a law which operates forever. The nation which attempts to evade it dies.

Mr. Speaker, I have thus endeavored by the example of my own little State to exhibit the equilibrium which does exist in her industries, and the necessity of its maintenance in order that her scanty population and prosperity may not fail. With her, the decadence, however slight, of her manufactures injures not only her cities and villages, but destroys agriculture and depletes the rural population also, and her yeomanry disappear. The mills, the factories, and the farms all live or die together. Our soil will not compete with that of other States and maintain a purely agricultural population. Hence, if the home market for our manufactures is full, to us more than to any other State is a policy which opens new avenues and relations and markets abroad a question of life and death to our industries, and as one of her humblest representatives I plead for a policy which shall give us easy, rapid, and universal communication with foreign peoples and markets, and especially with those who are nearest to us and in our own hemisphere; with those who are anxious to reciprocate our advances and whose trade would gladly, from economic considerations and political sympathies, seek our own rather than European shores.

But what is so palpably essential to New Hampshire is also indispensable to New England and to the whole country. I say to the whole country, for the husbandman even more than the manufacturer has a surplus which he cannot sell at home. And if he cannot sell his surplus abroad to supply his wants here, then he must go abroad himself, and as a consequence we shall lose first the invigorating tide of emigration which now flows in upon us, and then become emigrants ourselves. Thus inexorable is the necessity which compels the adoption of a larger, wiser, commercial policy, not for five or ten or fifty years, but as the basis of our industrial conditions for the long future of the Republic. I know that this will be done, and it were well if it were done quickly. Both capital and labor clamor for it, and until their cry is heard there will be no permanent prosperity in this land. The opportunity to work is dependent upon the opportunity to sell, and we cannot buy it all at home. The whole world is waiting for the productions of the American plow, her anvil, and her loom. Give us railways and water-ways. Give us rapid and commodious transit to foreign countries. Let us own it ourselves, that it may be utilized to promote and not to destroy our industries; then hope will revive and stay, prosperity will return, our flag will soon float on all the oceans of the world, and we shall build up once more our economic policy on the sure foundation of the existing and ever-increasing demand for our commodities by all nations for all time.

Mr. FRYE. I now yield to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER. I desire to answer the constitutional argument of my friend from Virginia, [Mr. TUCKER,] to which I have listened with some surprise, because I am quite sure that he has voted for subsidies in the form of appropriations to clear out the port of Norfolk, to clear out the Elizabeth River, the "Jeems" River, and the Rappahannock, has he not? Was not that giving an advantage to those rivers over the Chicoteague and the Wicomico? How on earth does my friend from Virginia reconcile himself to vote for appropriations to clear out a bar in one harbor and not vote for every other harbor?

Mr. TUCKER. I would not do it.

Mr. BUTLER. You would not do it! Very well; then I take it I

shall never find my friend's name recorded for any river and harbor bill. Virginia has never had any, has she? Massachusetts has, and so has New York, and so has New Orleans.

How was it in regard to the bill to establish the jetty system on the Mississippi River? How are you gentlemen of the South going to get along with clearing out the mouth of the Mississippi River if the doctrine of the gentleman from Virginia is constitutional doctrine? Does not any such measure give an advantage to the port of New Orleans over all other southern ports?

Now, John Roach is to do this work if he is the only one who can do it. If there are others in the United States who can do it, they have the right to bid against him for the contract. There is to be open competition. But if he is the only man who can do the business, I thank God that we have at least one man who can do something to revive American commerce; I thank God that we have at least one establishment that has survived the wreck of our shipping interests.

Our fathers from the beginning built up commerce by differential duties in favor of American bottoms; and no legislation has ever abolished those differential duties. It has always been done by treaties made by short-sighted diplomats, or rather non-diplomats, sent out as ministers. This is what has broken down American commerce. Treaties have been made to immortalize a man who happened to be a minister to some foreign port; and thus our old system of differential duties has been broken down.

Now we must do something to revive our commerce. I do not care whether it is done through the labors of John Roach or any other man. If he can do it, and no one else can, let it be done by him. Let us not shut ourselves out from the great ports of the southern continent, so as to be obliged even to send our letters by way of England.

This is not a subsidy. It has been given a bad name—a device of the press to frighten weak-minded and cowardly members of Congress—just as the term "salary grab" was applied to a measure which sought to give members of Congress sufficient pay; and when they got sufficient pay a great many of them took it and gave it away for charity, expecting that would cover their supposed transgression, just as Judas took the thirty pieces of silver and bought a charitable institution, a burying-ground.

[Here the hammer fell.]

Mr. FRYE. I yield five minutes to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. Mr. Speaker, the history of American commerce is full of intense interest. Our fathers made early preparations for a commerce that should not only build up the country but should honor it. The growth of American commerce was honorable to them and to the country. But we need not consider now the causes that have led to the decadence of our commerce and to its present deplorable condition; for with all our prosperity, with all our increase in wealth, with our vastly increasing preponderance in foreign exports, the great fact nevertheless stares us in the face to-day that our tonnage is lessening year by year. There is need of something to bring back a revival of American commerce. Can we expect such a revival unless the Government itself puts forth some efforts by which such encouragement shall be given as will enable us to regain our place among the great commercial powers of the world?

No nation ever has prospered or ever will long prosper and hold a prominent place among the nations of the world unless it keeps up its commerce. When the commerce of a nation declines the nation itself, according to all history, inevitably declines and takes a subordinate place in the rank of nations. We have too much material wealth, too vast resources, to remain idle at this time and do nothing for the revival of our foreign trade. It seems to me that the large increase in our foreign trade should be seized as presenting a favorable opportunity for action in the encouragement of our commerce. We cannot expect to have this trade long unless we encourage it in some way.

Mr. Speaker, it is humiliating that three-fourths of our products, both manufactured and agricultural, are to-day carried away from our shores in foreign bottoms. It is humiliating that but one-fourth of the imports into the United States are brought in American bottoms. With our vast mineral and forest wealth, with our great manufacturing and agricultural power, this great nation is at a stand-still, when but a small stimulus, the expenditure of a few dollars, would be sufficient to set the wheels of industry in motion. What are even two or three millions compared with the permanent upbuilding of the commerce of the United States? The expenditure would be returned to us a thousand-fold. My belief is that the United States should be aggressive, as was Great Britain, in building up her commerce. British commerce to-day is an outgrowth of this governmental encouragement.

I am not frightened by the word "subsidy." I represent a constituency that will rejoice in the development of American commerce; for in that development there shall outflow to the surrounding nations their own products, and indeed the products of the whole nation.

[Here the hammer fell.]

Mr. FRYE. I yield five minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Speaker, on general principles I am opposed

to this class of legislation—upon appropriation bills or elsewhere; and unless reasons of controlling strength present themselves this measure ought to be opposed. But in my judgment there are such reasons. I shall vote for this measure, and propose in these five minutes to state my reasons for such a vote.

When we establish a mail-route to Montana or the Black Hills we do it at exorbitant rates, and we justify ourselves in the enlarged expenditure because a great mining interest is opened in a new part of our country. The advantage gained is not merely the carrying of intelligence. The ground on which we make the unusual expenditure is the opening of great resources of wealth. In carrying the mails we constantly shape our legislation in reference to such ends. Now, what is the great industrial problem that most concerns our people? Their ingenuity and skill have carried our labor-saving machines and devices to such an extent that we are absolutely filling our whole country with the cheap manufactured products of our skill.

And on every account, for the public good, for the growth of our business, for the prosperity of our people, we want all fair chance that the markets of the world can give us for selling our surplus supplies. We want that on general principles, but we want it with South America for special reasons. This great tropical world that lies at our doors sends us millions of supplies. We must make it possible for them to take back from us our products in return and thus establish what shall equal a reciprocity arrangement of commerce.

We are told more than half of all the exports of the Empire of Brazil come to us, and yet of what she imports from other countries she gets less than one-tenth from us. Is there any natural reason why she should send us \$100,000,000 of products per annum, and instead of taking from us our products in exchange, should go to England and buy them, even after we have shipped them there? That is the condition of "freezing-out" our trade with the South American countries. When we are told, as we are told, that simple facility for direct communication will tap the fountain of those great resources there and give an outlet for our great products to those countries, it appeals to all the larger views of commercial and industrial policy, and justifies me in departing from what generally is the safe rule, to let all such classes of business take care of themselves. This, in short, is the ground that regulates my conduct in this vote. I am aware a vote for anything which has the appearance or name of subsidy is a dangerous vote to give. We have had scandals in connection with subsidies like that of the Pacific Mail, scandals that threw a cloud over the reputation of the whole Congress, but let us not be afraid of our shadows, nor afraid of doing what seems to be right and just because somebody will talk about it.

Mr. FRYE. I yield now for three minutes to the gentleman from Virginia, [Mr. GOODE.]

Mr. GOODE. Mr. Speaker, I can say very little in three minutes, and I am obliged to the courtesy of the gentleman from Maine. I would not care to say a word but for what has fallen from my colleague, [Mr. TUCKER,] and I simply rise to express the hope that the gentlemen of the House will not, like my respected colleague, be frightened from the support of this measure by the cry of subsidy. Sir, it is a misnomer to characterize this proposition as a subsidy. What is it? What is the Senate amendment which we are now considering? It authorizes and directs the Postmaster-General to contract for carrying the mails once a month from New York by way of Norfolk, Virginia, to Rio de Janeiro, and once a month from New Orleans, by way of Galveston in Texas, to Rio de Janeiro and return. The contract is to be made with the lowest bidders who are responsible owners of first-class American-built iron screw-steamships of not less than three thousand tons, and capable of making thirteen nautical miles an hour; such mail carriage to be paid for at a rate not exceeding \$30 per nautical mile per annum one way for the distance actually traversed between the termini of said ports, provided that the annual compensation for such postal service shall not exceed the sum of \$150,000 for each of the said lines. That is the amendment in substance which has been proposed by the Senate. The Postmaster-General is not allowed to consider any bid in excess of \$30 per mile per annum, and it is not improbable that the contract may be taken at a lower figure. Is it not a fair business arrangement on the part of the Government? Is there anything in the proposition calculated to excite the fears of gentlemen who have a natural aversion to all subsidies? If there is any subsidy in this, then every railroad in the United States is subsidized, for they are all paid on the same principle for carrying the mails, and usually at a much higher rate. Will gentlemen be deterred from the support of this measure by the apprehension that a particular individual may become the lowest bidder and obtain the contract?

I know nothing whatever about Mr. John Roach, whose name has been so frequently mentioned in connection with this proposition. I only know that he has the reputation of being the most enterprising and successful ship-builder in this country, and of having exhibited extraordinary pluck and energy in the prosecution of the business to which he has devoted himself. If the amendment seems to be fair and right in itself; if mail service between this country and Brazil is thought to be desirable; if the contract is likely to prove an advantageous one to the Government, shall we throw away all its resulting benefits because Mr. Roach, being a man of superior enterprise and energy, is likely to get the contract? Shall we sit still and do nothing, and supinely fold our arms and wait until somebody else

who has hitherto proven himself a laggard in the race shall have time to move up abreast of Mr. Roach and take his position as a competitor for the contract?

Is John Roach to be punished for his superior pluck and energy, because he has distanced in the race all the other ship-builders of the country? We are not here to legislate in the interest of Mr. Roach, or to discriminate against him. If he can win the prize in a fair field and an open fight he is entitled to it. We are here, as representatives of the people, to do what we can in a legitimate way to open up new avenues of trade, to restore our crippled commerce, and to revive the prostrate industries of the country. The proposition now before the House has been strongly recommended by the chambers of commerce and boards of trade of New York, New Orleans, Saint Louis, Louisville, and Memphis. It received the indorsement of the postal convention which assembled at Fortress Monroe in July, 1877, and also of the conventions for the promotion of American commerce, composed of delegates from twenty-five States in the Union, which recently assembled in Chicago and New Orleans. They do not ask for any subsidy, but they ask for increased mail facilities between the United States and Brazil, and in making the contract they ask that reasonable encouragement may be given, so that, if possible, the long-lost trade and commerce between the two countries may be regained.

The present method of mail transportation between this country and Brazil is not at all creditable to our enterprise as one of the maritime powers of the world. There is no direct line of steamers, and mail matter from this country destined for the Atlantic ports of South America below Pernambuco goes first to Liverpool, a distance of three thousand miles, and thence five thousand miles by the western coast of Africa to Brazil. The policy of England, France, Germany, Belgium, and other countries with which we are brought into competition for the Brazilian trade is much more enlightened and liberal. They maintain direct steam communication with Brazil at a heavy cost. The result of our mistaken policy has been that we have lost the magnificent trade of that country which legitimately belongs to us because, as the Committee on Post-Offices and Post-Roads of this House have truthfully said in their able report, private enterprise unrecognized and unassisted by the Government cannot successfully compete with the well-established European lines for this trade, fostered and sustained as the latter are by their respective governments. The committee say further:

Perhaps the most remarkable feature in the history of American commerce is the strange indifference which has always, until now, existed in this country in regard to trade relations with the empire of Brazil. It is a magnificent country, governed by an enlightened ruler, and rapidly progressing toward a condition of the highest prosperity. It covers an area of nearly four million square miles, and contains a population of twelve million. It has a foreign commerce of \$200,000,000, and a coasting trade of about \$50,000,000, open to foreign flags. Of this trade, which is yearly increasing, the United States has less than \$50,000,000, and exports only about \$7,250,000 to that country, although it needs a great many, if not most, of our manufactured products. The rest of the trade is with Europe, and the gold we pay to meet the balance of trade against us goes to England to purchase supplies for Brazil, all of which supplies we ourselves produce.

Why is this? The answer is humiliating. There is not a steamship line between the United States and Brazil, not even a foreign-owned one; but there are nine regularly established steamship lines from Europe to Brazil, each of which is heavily subsidized.

From the able report of the Senate committee on the same subject, we learn that—

Between 1870 and 1875, inclusive, Brazil made exports of the total value of \$577,941,492, of which the United States received \$274,148,500, showing that we purchased very nearly one-half of all that Brazil exported.

During the same period Brazil made imports valued at \$471,570,859, of which the United States furnished only \$48,853,535, showing that we furnished only about one-tenth of all that Brazil imported.

The large balance against us in our trade with Brazil for this period of six years, \$225,294,945, was remitted by us through England, and France, and Germany, which during the same period furnished Brazil with nearly four hundred million dollars' worth of their products.

The United States imports from and exports to Brazil for the last five years have been singularly uniform, namely:

Year.	Imports.	Exports.
1873.....	\$38,540,376	\$7,090,987
1874.....	43,889,647	7,560,502
1875.....	42,028,863	7,631,865
1876.....	45,446,381	7,252,218
1877.....	43,438,041	7,497,118

Showing a balance of trade against us during these five years of more than \$175,000,000, or an average annual balance against us of \$35,000,000; all of which enormous sum we have yearly paid by remittances to Europe, and Europe has sent her manufactures to Brazil to an equal amount. Or, in plain words, we annually pay England, France, and Germany \$35,000,000 for the fabrics which they send to Brazil.

Our imports from Brazil are principally coffee, with also some rubber, hides, wool, and sugar, and some woods for dyeing and for ornamentation. Our exports to Brazil are mainly flour and other breadstuffs, codfish, petroleum, and lumber. We send very few manufactured goods, as nearly all fabrics are furnished from Europe.

A similar, if not worse, exhibit might be made of our commercial relations with the Argentine Republic and other South American nations, from which we make large imports and to which we make only very moderate exports, while England, France, and Germany supply their wants and profit by the monopoly of their trade.

In conversation a few days since with a very intelligent gentleman, he made this statement: Forty-two years ago an American citizen,

by the name of Wainwright, who had spent a considerable portion of his life in South America, came to this country and undertook to induce the Government to establish a regular line of steamships with Brazil. He was driven off with the cry of "subsidy-beggar," and went to England, where he succeeded in having two five hundred ton ships placed on a line to South America. There are to-day fifty-one steamers, some of them nearly five thousand ton ships, running between England and South America belonging to this line, and it is known to be the most valuable steamship stock in the world. There are two hundred fine steamships running to South America, while on the west coast of that country there is not a single steamship carrying the American flag.

Mr. Speaker, what more can be added to this simple statement? How long shall this condition of affairs exist? How long shall we continue to occupy this humiliating and unenviable position with reference to the other maritime powers of the world? Is American pluck and American energy and American pride clean gone forever? Sir, we owe it to ourselves and to those who will come after us to put forth all our energies to retrieve our lost prestige, to revive our waning commerce, to carry our trade in our own bottoms, and to re-establish our flag once more upon the seas. Believing as I do that the proposed amendment is an important step in this direction, I will give it my cordial and earnest support.

Mr. FRYE. I yield three minutes to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. MILLS. I wish to make a parliamentary inquiry. How am I to get three minutes in this debate?

Mr. BUCKNER. Mr. Speaker, I could vote for this bill more cheerfully if competition were extended to foreign as well as American built steamships, but in my view of the interests of the country I shall vote for it cheerfully even as it stands.

I am not to be frightened. Mr. Speaker, from my propriety by this cry of subsidy. You may call it a "job," you may call it a "steal" if you please, but still that will not alter its real character nor change my opinion as to its merit.

I am surprised that my friend from New York and my friend from Baltimore should oppose this proposition with such vigor. Why, sir, I saw the other day a telegram in the hand of my friend from New York which said the merchants of New York were opposed to the New Orleans line because they thought they would lose the Brazilian trade.

For that very reason I am for it; not to injure New York, but to put the West, yes, the great valley of the Mississippi, upon fair terms and fair conditions with other sections of the country. And I undertake to say that if this steamship line continues for ten years, the profits to western producers and the profits to western consumers will pay more than double every dollar we take from the Treasury.

Why, sir, what is the condition of the trade of this country with Brazil now? Nearly the entire amount of products that go from here to Brazil is what? Western products, chiefly flour. About three million dollars' worth of flour goes from this country to Brazil. A large proportion of this is manufactured from western wheat. And how does it go to Brazil? It goes to New York and Baltimore by your transportation lines. From there it is shipped to Europe, and thence to Brazil. The cost of carrying a barrel of flour from Saint Louis to New York is from 75 cents to \$1.10. Assuming the freight from New Orleans to Saint Louis to be from 20 to 35 cents, there is a difference of 75 cents on every one of the five hundred thousand barrels that we ship every year to the city of Rio.

[Here the hammer fell.]

Mr. MILLS. Most of the gentlemen who have spoken have been in favor of this bill. I would like to have five minutes to re-enforce my friend from Virginia, [Mr. TUCKER.]

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. FRYE] has the floor.

Mr. FRYE. Mr. Speaker, I expected that I was to have for my own use thirty minutes of time, in which to discuss this very important question. But knowing that other gentlemen could discuss it better than I, I have yielded all my time except about five minutes.

Now, sir, I desire to say, in a few words as I can, why I am impelled to support this bill, whether it be a subsidy or a provision for carrying the United States mails; and so far as I am concerned I do not care which it is. After the war was over industry in this country was driven with spurs. What was the result? Contributions were levied upon the inventive genius of this country and it responded as it never did before in any fifty years of our history. What was the result of that? Why, sir, to-day a man can make four pairs of boots and shoes where he could not make one pair in 1860. One man can weave two yards of cotton cloth to-day where he could one in 1860. One man can make two yards of woolen cloth where he could make one in 1860. A man can cut two acres of grass to-day where he could cut but one in 1860. And the same is true in relation to every industry in our country.

Now, sir, what is the result of that? The result is that the cost of production has been cut down to the very lowest possible mark, and, for the first time in the history of our country, to-day we can compete with the world in any number of manufactured articles. Why don't we? Because we have got no communication with the very world we wish to penetrate; because Europe has established trade with every country on this earth, and our manufacturers and our farmers

cannot afford to provide their own lines of communication to reach these countries and at the same time build up their own trade there. They cannot do both. Why, sir, the cotton manufacturers of my city signed a memorial to the Senate of the United States asking Congress to vote this subsidy, if you please to call it so. Why did they do it? They are men of sagacity; they are men who can see business advantages as quick as any man on earth. Why did they ask for this? Why, sir, for this reason:

During the last year they have been selling goods in England and trying to reach Brazil with them. How do they reach Brazil? They ship their goods in New York on an English steamer; she carries them to Liverpool; and then they are reshipped to go down the coast of Africa and away around up to Rio Janeiro, taking thirty-nine days on the voyage, when John Roach's ship made her last trip in twenty-one days from the port of New York. And this, too, with discriminating freights against them in the subsidized English steamers. The same is true of every cotton manufacturer in this country. If he can send his goods by a swift-sailing steamer direct to Rio Janeiro he can compete in Brazil with Europe. Why, sir, look at it. Of cotton goods and cotton fabrics last year we sold Brazil \$409,000 worth; other countries sold Brazil \$42,000,000. The same is true of woolen manufactures. Of wool, woolen fabrics, and clothing we sold Brazil \$978 worth; other countries sold \$10,500,000 worth. Take agricultural implements, which we are sending everywhere else, and in which we can compete with other countries: we sold in Brazil \$269,000 worth, while other countries sold there \$2,500,000 worth. Of boots and shoes we exported to Brazil \$2,500 worth, and other countries \$2,000,000 worth. Of butter, cheese, lard, and flour, we sold to Brazil about \$3,200,000 while other countries sold \$8,000,000 worth. Of our domestic exports, Europe took 80 per cent., while only 3½ per cent. went to South America, and a little more than 1 per cent. to Brazil. We sold Brazil about seven and one-half millions of our products, and bought of her nearly fifty millions, the whole of which was brought to us in foreign bottoms, and this balance to her, as well as the freight-money, we paid in gold.

The annual trade of the continent south of the United States is estimated by the Secretary of State to be annually \$530,000,000, of which we, their next-door neighbors, enjoy less than one-fourth, and four-fifths of all this vast freighting business is done in foreign bottoms. The Argentine Confederation in 1875 had a trade of one hundred millions, our share of it being only six millions. During the years 1874 and 1875 no steamer flying our flag entered or cleared at her ports. The exports and imports of Chili in 1876 amounted to about \$75,000,000.

All of this carrying was done in foreign bottoms. Not a single American steamer entered or cleared her ports. In 1874 the Argentine Confederation imported more than forty millions of yards of cotton-cloth, of which we supplied only about one hundred and fifty thousand.

There is no reason why we should not furnish all the boots and shoes, all the cotton goods, all the woolen goods, all the agricultural implements, all the butter and cheese, and lard, and flour imported by Brazil and the whole of South America instead of allowing Europe to do it. Great Britain has paid in subsidies during the last ten years from four to six millions annually. This fact accounts for the figures I have just submitted to the House, and France, Germany, and Italy do the same.

From European governments last year there were in the ports of Brazil eighteen subsidized steamers every month. Great Britain sent ten; the United States not one. The same holds good as to all the South American ports. Europe three almost daily; we never.

Look at the triangular trade. A subsidized English steamer takes in goods at Liverpool we can make as well and as cheaply as England can, sails to Rio, sells the goods, buys coffee, sails with it to New York or New Orleans, receives our gold for freight and coffee, takes a load of cotton, and sails to Liverpool; then goes over the same voyage again. Are we always to submit to this?

And the United States mail must be delivered to an English steamer, carried to Liverpool, thence to Brazil, from thirty to forty days en route, while we could send it daily from New York in twenty days. Postage on a letter nineteen cents—the United States using three cents and Great Britain sixteen.

Now, sir, just a word in reply to the gentleman from New York, [Mr. HEWITT.] The gentleman says New York merchants do not want this measure. Oh, no! New York merchants are looking out for New York merchants alone. Give New York importing merchants no custom-house, free trade, free ships, everything free, and they will forget every other interest on earth.

Says the gentleman from Indiana, [Mr. BAKER,] this is a "Roach subsidy," and there are no other ships than Roach's which can undertake this service. There is not a word of truth in the statement. The Pacific Mail steamship line has six ships, the Philadelphia and Liverpool line has four that can compete for this service. John Roach himself has built nine ships, each one of which is held by other persons to-day, and each one of which can compete.

The objection is made that we once gave a subsidy—known as the "Garrison subsidy"—from 1864 to 1874. That did not succeed. Why did not it succeed?

Because the cost of production from 1864 to 1874 was higher in this country than any other on earth. Because we had a depreciated and

uncertain currency, and we could not manufacture and sell goods in competition with any other country, but to-day we can. Here and now are the elements of success. Shall we avail ourselves of them? I will print as part of my remarks two letters I have received from a merchant of Brazil.

WASHINGTON, February 21, 1879.

DEAR SIR: Some twenty-five years ago I was engaged as a merchant in the city of Rio de Janeiro, Brazil, in the importation of American manufactures adapted to the uses of the empire, but owing to the want of steam communication, and the uncertainty of arrivals by sail, found that no correct calculations could be made, and after four years' labor gave it up and returned home to New York.

On the 5th of November last I embarked for Rio in the steamship City of Rio de Janeiro, Captain Weid, and arrived there in twenty-one days and six hours, and spent some six weeks in that city, and made extended arrangements for the introduction of machinery and glassware and other merchandise adapted to the wants of the country, which I found we could supply some 50 per cent. cheaper than Europe, and brought home a large amount of orders, which for the past few weeks since my return have been engaged in shipping by the new line of American steamers. In machinery and glassware the demand is particularly large, and the whole of this trade can be diverted from Europe to the United States. In the mean time my exhibition building or sample-warehouse enterprise was well received, and the minister of agriculture and emperor took a lively interest in seeing that a suitable locality should be selected to place the building. A site answering the purpose was found unoccupied in the heart of the city, but it belongs to its authorities; and, therefore, some sixty days will be required to complete the necessary conference and negotiations concerning it. Of this I was assured before I left Brazil, some six weeks since, and that I would hear that the grant of land would be made.

When this sample warehouse is established the trade will be increased largely, and the Brazilians have agreed to take one-half of the space in both buildings—the main one and machinery hall.

My purpose in coming over to Washington is simply to inform Senators and members that if the new line is not sustained there will be an end to all of our enterprises, and the annual balance of trade against us, some \$40,000,000, (which by the plan proposed could be wiped out in a few years,) indefinitely continued.

It does not particularly concern me whose line it is, so long as the owners are American, but as a business man I can assure you that the vast markets for our productions can be easily secured and the mere pittance required, call it subsidy, gift, mail allowance, or otherwise, that would enable the line to carry our productions and firmly establish the commercial relations between the United States and Brazil, should not for one moment enter into any consideration to shut out our productions and allow a trade that naturally belongs to us to continue in the hands of our foreign rivals.

I have connected myself with the large and eminent Brazilian firm of Julio, Bourbon & Co., a member of which firm was educated in Baltimore, and whose sympathies are entirely with the United States, and who desire to transfer their immense business from Europe to North America, and which I am helping them to accomplish.

The main purpose of the line is speedy communication between the two countries, which will be defeated if the ships have to stop at various ports in the United States. In Brazil such stoppages are necessary, for the reason that no rail connection exists between its ports, while in the United States such communication is perfect; and, therefore, to delay the ships after loading at the point of departure by stoppages at different ports on the Atlantic seaboard will defeat largely the main object in view, as all cargo can be rapidly transferred by rail from any point, even before vessels arrive, and no time lost. These important facts should be duly considered.

I can only reiterate that if the mail allowance or subsidy is not granted, or even is so modified as to practically be of little aid, the present opportunity will be lost to us, and the Emperor of Brazil compromised in his efforts to aid us in paying the balance in his favor and against the United States.

JOHN C. KIP HOPPER.
409 Broadway, New York.

NEW YORK, February 27, 1879.

HON. WILLIAM P. FRYE,
Washington, D. C.

I thought it might interest you to know that by the City of Rio de Janeiro, which arrived yesterday, I received a large amount of orders for machinery, which I am getting off in part by the next steamer, which sails on 5th proximo. Everything looks well, and the plat of ground for sample warehouse, I am informed, I will receive the confirmation for by the next steamer. The Public Gardens, or Passio Publico, fronting the bay, and containing some twenty-three acres of ground, will be made over by the government for the purpose of erecting a fine hotel thereon, so much needed in Rio. Consideration is, the buildings will belong or revert to government after the concession expires in twenty-five years. It is the most valuable concession ever made to private parties. With the sample warehouse and the hotel, together with the new line firmly established, the round of American enterprise will be complete. If the latter should be crippled or withdrawn before our trade is established, what shall we do?

Very respectfully,

J. C. KIP HOPPER.

Mr. Speaker, I now desire to ask in behalf of several gentlemen that general leave to print speeches in regard to this subject be granted.

The SPEAKER *pro tempore*. Is there objection?

There was no objection, and it was so ordered.

Mr. COLE. The question before us for the extension of American commerce is certainly as important a question as has before come to this Congress, and I ask unanimous consent that the debate be continued a half hour longer.

There are many members besides the favored few who are in favor of this "subsidy" as it is called. A rose by any other name would smell as sweet. [Laughter.]

Mr. BLOUNT. I must object.

Mr. COLE. I think nobody objects. American commerce demands it and American commerce will be heard, and heard through those who represent it.

The SPEAKER *pro tempore*. The Chair will state that the gentleman is not in order; there was an objection made.

Mr. COLE. I think there is unanimous consent to the continuance of the discussion, not only in this House but all over the country, except by those who have the monopoly of this trade in Europe and are determined that it shall never compete with them for the South American trade.

Mr. BLOUNT resumed the floor.

Mr. MILLS. I desire, before the gentleman from Georgia [Mr. BLOUNT] proceeds, to ask for five minutes. [Cries of "Object!"]

The SPEAKER *pro tempore*. The gentleman from Georgia is entitled to the floor for a half hour.

Mr. BLOUNT. I yield for fifteen minutes to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. Mr. Speaker, this is a business proposition, and I want to look at it in that light for the time that I have to address the House. If it will pay the people of the United States to grant this subsidy, then I am in favor of granting it. If it will not pay the whole people or a majority of them, then I am for not granting it.

Now, sir, it is not a new thing. Commencing in the year 1847, down to the present time act after act has been passed for a similar purpose. Why, sir, I hold in my hand the official statements of the Secretary of the Navy and Postmaster-General, which show payment of subsidies to the amount, in round numbers, of \$14,500,000 to steamship lines during the period from the year 1848 to the year 1858. I hold in my hand a statement that shows subsidies to the amount of \$7,000,000, in round numbers, since that time, making over \$21,000,000 that have been paid out of the Treasury for the purpose of establishing steamship lines.

I had the curiosity to go back and read the debates, and found that there was the self-same arguments then made, and I may say a duplication of the same tunes all around, as those by the gentlemen from Maine and Ohio made here to-day.

Now, what are the facts? Seven million dollars would buy all the steamships engaged in commerce that sail under the American flag on every ocean in the world; and more than that, the subsidizing of these steamship lines, from the Collins line in 1852 up to the present time, has bankrupted every prominent man that has favored it. The political ghosts of departed politicians that have squandered the money of the people for this kind of unwarrantable expenditures from the Treasury rise up and warn Representatives to avoid the errors heretofore committed by our predecessors. Now, why would it not be profitable to grant this subsidy of \$3,000,000? I have it here in a nut-shell. I am sorry that the gentleman from Maine [Mr. FRYE] is not in his seat.

Last year our imports of merchandise were of the value of \$468,000,000. Of this \$171,000,000 was admitted free, and \$297,000,000 was dutiable, yielding a revenue to the Treasury of \$130,000,000.

The customs revenue collected on that \$297,000,000 of imports was \$130,000,000, or 43 per cent., to be added to the price of the goods produced abroad. Manufacturers producing like products in this country are thus enabled to obtain 43 per cent. more for their goods than do those who produce them abroad. I am not here at this time to discuss the policy of this. We are supreme in our own borders. But when you propose to sell your manufactured articles in Brazil, that 43 per cent. cannot be overcome, because you are called upon to compete with cheap labor and the products of cheap labor abroad. That is the secret of the failure of these \$21,000,000 of subsidies during the last twenty years. What costs a dollar to produce in Liverpool or France is worth \$1.43 in the United States made by American artisans. Yet gentlemen talk about taking that one dollar and forty-three cents' worth of stuff and shipping it to Brazil and competing there with products that cost but a dollar. Now, you cannot do it unless you grant a subsidy equal to forty-three cents on the dollar, so that your products in this country may compete with the products abroad.

We paid Garrison \$1,500,000 on a contract for ten years, which expired two years ago. Do you know what it did? Our imports from Brazil increased double and over, while our exports only increased some five or six millions during that ten years. That is all. We paid the Pacific Mail Company \$5,000,000 to carry the mails from San Francisco to China for ten years. The official data show that our exports to China increased—total for that ten years over the previous ten years \$6,000,000, while our imports nearly doubled, running from \$108,000,000, which were brought over for the ten years before the subsidy, to \$183,000,000 for the ten years the subsidy was paid. Our exports increased \$6,000,000, and for that we paid \$5,000,000 of subsidy to the Pacific Mail.

And these subsidy-seekers came into this House, or rather into Washington, in 1872, and absolutely took the money which we paid them out of the Treasury and with it corrupted the officials about this House, your doorkeepers and your postmaster, to procure another subsidy. The soldiers of fortune swarm about the corridors of Washington; the lobby is on hand. If you will read that report touching the Pacific Mail subsidy and examine it, and then look into your galleries, you will see familiar faces around you now. They meet you all about the Capitol and pull your coat-tails in order that they may talk to you in favor of this subsidy. [Laughter.]

Last year the proposition was to give \$1,500,000 to John Roach for these lines; we refused it. This year the proposition is to give him \$3,000,000, and if we vote it down now, then I suppose the proposition will be to give him \$6,000,000 next time.

A MEMBER. Then let us take it now.

Mr. CANNON, of Illinois. Well, if it is to go on in that way, that would be one argument in favor of this proposition. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has eight minutes remaining.

Mr. CANNON, of Illinois. I want to reserve three millions of my fifteen for the gentleman from New York, [Mr. TOWNSEND.] [Great laughter.] Three minutes, I mean. But that is a matter of small controversy, as the millions are flying all about in the atmosphere here.

The gentleman from Maine [Mr. FRYE] has said that this is not a subsidy for John Roach, and I am not going to abuse John Roach. John Roach is not to be abused for coming down here and asking us to give him \$3,000,000 and to tax all the rest of the shipping of the United States and everybody else so as to do it. He would take it, of course, if he could get it, as I expect almost everybody else would take it, but he will not get it by my vote.

But my friend from Maine [Mr. FRYE] says this is not for Roach. He says there are six steamers owned by the Pacific Mail Steamship Company that can compete with him. Only six; and yet you are just fresh from the payment of \$5,000,000 of subsidy to that company; you only stopped two years ago. And it is said that you can take those six steamships of the Pacific Mail from that line to China, for which you paid so much subsidy, and run them in competition with John Roach for this contract. That is t. t.—too thin, in the ordinary vulgar phrase. [Laughter.]

The gentleman also says that there are four ships upon the great Philadelphia and Liverpool line—four American steamships. I do not want to take them from that line, because there is our commerce—I mean the great bulk of our commerce between the United States and Europe, and this is the only American steamship line in that trade, and the only one that has never asked a subsidy. Let it alone; it is doing business like others, namely, upon the merits alone.

Gentlemen, do you know how our commerce is made up? Let me call your attention to our exports, and where they go. Of cotton we exported last year \$180,000,000; of breadstuffs, \$180,000,000; of oils, \$51,000,000; provisions, \$125,000,000; tobacco, \$28,000,000; agricultural implements, \$2,500,000; making \$614,000,000 out of a total of \$680,000,000.

Where did they go? I will tell you. In 1877 two-thirds of it all went to Great Britain and her dependencies, and in return we bought only \$162,000,000 of Great Britain and her dependencies, making a balance of trade of \$240,000,000 with Great Britain and her dependencies alone in our favor.

Sir, we can sell these articles as cheaply as any other nation can sell them. They will find their own markets under the laws of trade, which are as broad as the earth and as eternal as the hills. Now, what is this proposition? Oh, it is to give John Roach \$3,000,000 as a practical gratuity, and to charge that over as a tax on the cotton and provisions and tobacco and wheat and grain and breadstuffs and oil that we produce. What for? To enable somebody to sell something that he has made, which it costs \$1.43 to make here, while it costs only a dollar to make it in Europe, and both manufacturers have to go to the same market, namely, Brazil. Why, gentlemen, if you had a business agent who proposed to do your private business in that way, you would put him in a lunatic asylum, or swear that he was a thief or an idiot and discharge him. [Laughter.]

Now, this proposition has been upon the House Calendar since May last. The committee of which I am a member reported it, I making a minority report against it. Has the measure ever been called up in this House? Has there ever been an assault, however feeble, made upon the Calendar to reach it? Can the measure stand upon its own merits? Can it stand discussion and amendment under the five-minute rule? Not at all. It has slept from May last till the present time. Barnacle-like, it last session fastened with the grip of death upon the post-route bill, and refused to let the post-route bill pass unless it passed. Now it fastens itself upon this appropriation bill appropriating \$36,000,000 for the postal service of the country, and with both hands about the neck of this measure it says, "The mails of the country shall be stopped unless you permit my unholy and stinking carcass to be dragged through with the balance of the appropriations." I am for cutting it loose from this general appropriation bill at all hazards and letting it stand or fall upon its own merits; and whenever that is done it will die; and its death will cause rejoicing throughout the country, and not grief.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from New York [Mr. TOWNSEND] is now entitled to the floor for three minutes.

Mr. TOWNSEND, of New York. Mr. Speaker, my first reason for voting against this amendment is this: almost immediately upon the assembling of this Congress I voted for a resolution by which I told the world that I would not vote for subsidies. I meant it; and before my God and before my country I propose to stand by it. Other gentlemen may do as they please.

Another reason why I shall vote against this amendment is because this service can be performed for less than John Roach expects to get for it. I so infer from this fact: when we cleared the lobby out of this House we cleared out John Roach and the hundred men that were under pay, leaning over our desks, occupying the floor, breathing their foul breath into our faces. These gentlemen who were on the outer tier were talking for John Roach and American commerce. They could not have been employed unless money was to be made out of this scheme. John Roach is not a charitable institution. [Laughter.]

Another reason why I shall vote against this proposition is that

I do not like its shape. It is proposed to run steamers from New York to Brazil, and from New Orleans to Brazil; but under this amendment one line is not to be run unless the other is run. Why is that? If one line should fail, does not the country need the other?

Another thing: they are not content to let this line run from New Orleans to Rio or to Para; it must go first to Galveston. They are not willing to let the line run from New York to Rio or Para; it must go to Norfolk. Why? I will not say what was meant by the committee; I will not say what was meant by the Senate; but I will say that those who concocted the idea wished to enlarge the number that would have a part of the "pork." [Laughter.] We know how "pork" makes men "holler." Saint Louis is going to have some of the "pork" indirectly; but it will not do any good. Sir, I am interested in the increased value of western produce; but western produce is not going to get any benefit from the New Orleans market until other auspices govern New Orleans. Up to the time of the war New Orleans was contending for her rights in the Territories. During the war New Orleans was fighting for her rights. Since the war New Orleans has taken care of the democratic party; and her trade is going to "eternal ballyhack." [Laughter.] But when New Orleans can fight for her interests then she will prosper; she will enjoy her rights with the rest of the country. Then Saint Louis as well as Iowa (where I am interested) will have some of the "pork."

[Here the hammer fell.]

Mr. BLOUNT. Mr. Speaker, there seems to be some trouble in the minds of gentlemen on this floor as to what they shall call this legislation. They have expended a great deal of labor in trying to determine how they shall denominate it, but they have failed to furnish any precise description. No matter what its name may be, it is important that this House should know the facts concerning it; and not only this House, but the country, our constituency, so that when we shall meet our people hereafter, they shall be able to say whether this legislation was right or wrong.

We are told, in the first place, that this is no subsidy. Why? Because the purpose is to carry the mails from several points in this country to Brazil. We are now paying about \$1,400 for carrying the mails to Brazil. John Roach is carrying a monthly mail from New York to Brazil now. Since September there have been three mails a month, one of them by steamship line and two by sailing-vessels; and I incorporate as part of my remarks the report of Mr. Blackfan on this subject.

The report referred to is as follows:

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., February 27, 1879.

SIR: In compliance with your verbal request, I have the honor to inform you that direct mails have been dispatched from this country to Brazil since July 1, 1878, as follows:

During quarter ended September 30, 1878, by four sailing-vessels, and three steamers of Roach's line, all from the port of New York.

During October, 1878, three dispatches from New York—one by Roach's steamer, one by Merchants' line steamer, and one by sailing-vessel.

During November, 1878, three dispatches from New York—one by steamer of Roach's line, one by steamer of North German Lloyd line, and one by sailing-vessel.

During December, 1878, three dispatches by sailing-vessels, one by steamer of Roach's line, and one by steamer of Merchants' line, all from the port of New York.

During January, 1879, one dispatch by Roach's steamer and two by sailing-vessels, all from New York.

During February, 1879, one dispatch by Roach's steamer and two dispatches by sailing-vessels from New York; also, one dispatch by steamer of Merchants' line from West Point, Virginia.

I am, very respectfully, your obedient servant.

JOSEPH H. BLACKFAN,
Superintendent.

Hon. J. H. BLOUNT,

Committee on Appropriations, House of Representatives.

Mr. ELLIS rose.

Mr. BLOUNT. I do not yield to the gentleman.

That is the service we are getting now. The proposition of this bill is that we shall pay \$3,000,000 in ten years to pay for what we are already getting—this and nothing more.

Mr. ELLIS again rose.

Mr. BLOUNT. I do not yield to the gentleman, and I hope he will not interrupt me.

Now, the gentleman from Massachusetts [Mr. BUTLER] and other gentlemen say this is not a subsidy because we are paying large sums for the star-route service. But, sir, that service is submitted to competition; it is open to the world; we get it at the cheapest rates we can. We advertise for bids, and we contract with the lowest responsible bidder. But I have yet to learn of a case in which we have appropriated money to pay for securing post-route service where we already had it.

Then, sir, it is not for a mail service. Let us be honest to the American people. We have got the mail service, and therefore do not allege that it is for a mail service. What, then, is it? It is pretended to be for the benefit of American commerce.

Mr. GIBSON. Will the gentleman allow me to ask him—

Mr. BLOUNT. I will not; and I wish the gentleman to understand that I cannot yield to him as I have not time to do so. If I had more time I would yield to him and other gentlemen for any questions they might ask.

Now, Mr. Speaker, we have had some experience in reference to this question of subsidies heretofore. In 1848 we voted \$16,000 a trip in the way of subsidies. Later on, we increased that to \$33,000; so that in

1855 it reached the enormous sum of \$858,000 per annum. But what was the result? The time of those subsidies expired, the money had been paid from the Treasury, and still American commerce had not revived. At that time there was a New York and Havre line. Where has that gone? At the expiration of its service it passed away.

I must be brief. Then, again, in 1865, we had the Pacific Mail subsidy. Its term ceased and it also has passed away. We had in 1864 the Garrison line. Its term expired and still American commerce was not revived. If subsidies truly revive our commerce, why did those subsidies not revive it? In those cases we had the same reasons urged for granting subsidies we have advanced here to-day in favor of this Roach subsidy.

Again we are told that it is necessary to grant this subsidy for the revival of American commerce. In that way the American people have been cheated and deceived and millions have been taken out of the Treasury under the false delusion of aid to American commerce.

Let this proposition, Mr. Speaker, be plainly stated to the people of this country. What is it? First, it is urged that this subsidy is for the benefit of the mail service. But that is disposed of, for we have the mails now, and therefore it is not necessary to us. It is to have, then, what we already possess. But in the second place it is said to be necessary for the revival of American commerce. I have shown that our experience in the past has proved that we have granted many subsidies, and in not a single instance has the result been to increase American commerce. Yet here to-day the old propositions are brought forward and the old arguments made before the House. Mr. Roach to-day, with a subsidy of \$120,000 for ten years from the Brazilian government, has a line running from New York to Rio Janeiro. The argument in favor of the bill in the first place, that it is in the interest of the mails, I have shown will not stand. Is it in the interest of American commerce? Let us see. It is proposed to start from New York and go down after my friend from Virginia [Mr. TUCKER] at Norfolk, and go by that way over to Rio, an additional distance to the extent of the difference between New York and Norfolk. Why go there at all? The question answers itself.

Then, again, it is proposed to start from New Orleans, but instead of going directly to Rio by the way of Mobile and Pensacola, the line is to go four hundred miles back and westward to Galveston, where the vessel will be unable to get over the bar, and return, making a distance of eight hundred additional miles.

We are told, sir, that we are not to argue or dispute the merit of either one of these two lines to Brazil. The revival of prostrate American commerce is pictured in glowing terms. A glorious future for it is painted to charm us. We are told in this proposition that American commerce shall die forever if these terminal points are not placed in it. There is to be no revival, notwithstanding all that has been said, unless these points are rigidly preserved. Now, what does all this mean? Will the people not understand it? Will they not suspect it? To my mind it is nothing in the world but the same John Roach, in reference to whom we have heard so much heretofore concerning naval contracts. He has invited us to Chester. Many members have had free rides, unlimited champagne, and altogether a jolly good time. After all this he comes here in a memorial presented in January, 1878, of course actuated by the most disinterested motives, and informs Congress he has been so much troubled in his mind about American commerce that at his own expense he sent an agent to Brazil to look into the subject and report upon it. From the information of that agent he is satisfied how the prostrate American commerce can be revived, and he then recommends the adoption of this very identical proposition for his own benefit.

Gentlemen may talk about being alarmed; they may say, Mr. Speaker, that they care not for the name of subsidy or for the name of jobs. Thank God, sir, the American mind does care for the name of subsidy and the name of jobs! No matter what this audience may care for, the great mass of the American people are interested in this subject. They have seen, under the pretense of patriotism, \$30,000,000 paid out of the Treasury for Pacific Railroad bonds. The people to-day are paying taxes to make good that payment from the Treasury to those Pacific Railroads. The people have seen the American Congress and American public men brought down low in the public esteem in this and other countries because of the scandals which grew out of the Pacific Mail subsidy.

But it has been said that New York is troubled because she wants free ships and because she wants free trade. Our pride should be excited because we have a great city which asks of the American people no subsidies, but only a free chance in the race of life.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. BLOUNT. I now demand the previous question.

Mr. ELLIS. I move that the discussion be continued half an hour.

Mr. BLOUNT. The gentleman has not the floor, and I do not yield it to him to make that motion.

Mr. MILLS. I hope the House will vote down the demand made by the gentleman from Georgia for the previous question.

The question being put on the motion for the previous question, the Speaker stated that in the opinion of the Chair the "ayes" had it.

Mr. MILLS. I move that the House do now adjourn.

The motion to adjourn was not agreed to.

Mr. ELLIS. I call for a division on seconding the previous question.

The House divided; and there were—ayes 137, noes 10.

So the previous question was seconded, and the main question was ordered.

Mr. BLOUNT moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Committee on Appropriations recommend non-concurrence in the amendment of the Senate.

Mr. WADDELL. I suppose the proper motion is to concur.

The SPEAKER. The gentleman from North Carolina has the right to make that motion.

Mr. WADDELL. I make the motion, and call for the yeas and nays.

The SPEAKER. A negative vote on concurrence is equivalent to a non-concurrence, and the practice is to submit the question of concurrence first.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 159, not voting 42; as follows:

YEAS—89.

Bagley,	Ellsworth,	Kelley,	Robinson, M. S.
Bailey,	Errett,	Ketcham,	Saylor,
Ballou,	Evans, I. Newton,	Killinger,	Sexton,
Blair,	Evans, James L.	Landers,	Shallenberger,
Buckner,	Franklin,	Loring,	Shelley,
Bundy,	Frye,	Mayham,	Sinnickson,
Burdick,	Garfield,	Metcalfe,	Slemmons,
Butler,	Ganse,	Money,	Small,
Cain,	Gibson,	Morgan,	Smith, A. Herr,
Campbell,	Giddings,	Morse,	Stone, John W.
Chalmers,	Goode,	Norcross,	Thompson,
Cladin,	Hanna,	O'Neill,	Van Vorhes,
Clark of Missouri,	Harmer,	Patterson, G. W.	Waddell,
Cole,	Harris, Benj. W.	Peddle,	Watt,
Crapo,	Hart,	Phillips,	Ward,
Cravens,	Haskell,	Pollard,	Warner,
Cutherson,	Hendee,	Pound,	White, Michael D.
Deering,	Hooker,	Price,	Willis, Benjamin A.
Denison,	Hubbell,	Rainey,	Yeates,
Dunnell,	Huntin,	Reagan,	Young, John S.
Eames,	Itiner,	Reilly,	
Elam,	Jamies,	Rice, William W.	
Ellis,	Jorgensen,	Robertson,	

NAYS—159.

Aiken,	Covert,	Hungerford,	Rea,
Aldrich,	Cox, Jacob D.	Hunter,	Reed,
Atkins,	Crittenden,	Jones, Frank,	Rice, Americus V.
Bacon,	Cutler,	Jones, James T.	Robbins,
Baker, John H.	Danford,	Jones, John S.	Roberts,
Banning,	Davidson,	Joyce,	Robinson, G. D.
Bayne,	Davis, Horace,	Kaiser,	Ross,
Beale,	Davis, Joseph J.	Keightley,	Sampson,
Bell,	Dibrell,	Kenna,	Sapp,
Benedict,	Durham,	Kimmel,	Scales,
Bicknell,	Dwight,	Knapp,	Singleton,
Blount,	Eden,	Lathrop,	Smith, William E.
Boone,	Evins, John H.	Ligon,	Sparks,
Bonck,	Felton,	Lockwood,	Springer,
Boyd,	Fleming,	Maish,	Starr,
Bragg,	Forney,	Majors,	Steele,
Brentano,	Fort,	Manning,	Stenger,
Brewer,	Foster,	Marsh,	Stewart,
Bridges,	Freeman,	Martin,	Swann,
Briggs,	Fuller,	McCook,	Tipton,
Bright,	Garth,	McGowan,	Townsend, Ames,
Brogden,	Glover,	McKenzie,	Townsend, M. I.
Browne,	Gunter,	McKinley,	Townsend, R. W.
Burchard,	Hale,	McMahon,	Tucker,
Cabell,	Hamilton,	Mills,	Turner,
Caldwell, John W.	Hardenbergh,	Mitchell,	Turney,
Caldwell, W. P.	Harris, Henry R.	Monroe,	Vance,
Camp,	Harris, John T.	Morrison,	Veeder,
Cannon,	Harrison,	Muldrow,	Watson,
Carlisle,	Hartzell,	Muller,	White, Harry,
Caswell,	Hatcher,	Neal,	Whitthorne,
Chittenden,	Hayes,	Oliver,	Williams, C. G.
Clark, Alva A.	Hazelton,	Overton,	Williams, James,
Clarke of Kentucky,	Henderson,	Page,	Williams, Jere N.
Clark, Rush,	Honkle,	Patterson, T. M.	Williams, Richard,
Clymer,	Henry,	Phelps,	Willits,
Cobb,	Herbert,	Potter,	Wood,
Collins,	Hewitt, Abram S.	Pridemore,	Wright,
Conger,	House,	Pugh,	Young, Casey.
Cook,	Humphrey,	Randolph,	

NOT VOTING—42.

Acklen,	Dean,	Lindsey,	Thornburgh,
Baker, William H.	Dickey,	Luttrell,	Throckmorton,
Banks,	Eickhoff,	Lynde,	Walker,
Beale,	Ewing,	Mackey,	Walsh,
Blackburn,	Finley, Ebenezer B.	Powers,	Wigington,
Bland,	Finley, Jesse J.	Riddle,	Williams, Andrew,
Bliss,	Gardner,	Ryan,	Willis, Albert S.
Calkins,	Hewitt, G. W.	Southard,	Wilson,
Candler,	Hiscock,	Stephens,	Wren.
Cox, Samuel S.	Knott,	Stone, Joseph C.	
Cummings,	Lapham,	Strait,	

So the amendment of the Senate was not concurred in.

During the roll-call the following announcements were made:

Mr. SOUTHARD. I am paired with Mr. BLAND on this question.

Mr. HARRIS, of Georgia. My colleague, Mr. STEPHENS, is paired upon this question with Mr. RYAN, of Kansas.

Mr. ELLIS. I am directed to announce that Mr. GARDNER, of Ohio, is paired with Mr. DICKEY; Mr. HEWITT, of Alabama, is paired with Mr. POWERS, and Mr. EWING is paired with Mr. JONES, of Ohio.

Mr. BLACKBURN. Upon this question I am paired with the gentleman from New York, Mr. WILLIAMS. If he were present, I should vote "no."

Mr. KENNA. I am requested to announce that my colleague, Mr. WILSON, is paired on this question with Mr. CUMMINGS, of Iowa.

Mr. HISCOCK. I am paired with my colleague, Mr. COX, of New York, who is absent on business connected with the census bill.

Mr. RYAN. I desire to state that I am paired with Mr. STEPHENS, of Georgia.

Mr. COX, of Ohio. I am requested to announce a pair between Mr. LYNDE and Mr. CANDLER, who are both absent on committee business. Had they been present, Mr. LYNDE would have voted "ay" and Mr. CANDLER "no."

Mr. CALKINS. Upon this question I am paired with Mr. ACKLEN, who is confined to his room by dangerous illness. If he were present, he would vote "ay" and I should vote "no."

Mr. BAKER, of New York. I am paired with my colleague, Mr. BEEDE. If he were present, I should vote "no."

Mr. GARDNER. I am paired generally with my colleague, Mr. DICKEY, to-day. If he were present, I should vote "no."

Mr. LAPHAM. Upon this question I am paired with Mr. KNOTT.

Mr. DEAN. I am paired with my colleague, Mr. BANKS. If he were present I should vote "no."

The result of the vote was announced as above recorded.

Mr. BLOUNT moved to reconsider the vote by which the amendment of the Senate was non-concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. BLOUNT. The other amendment upon which a separate vote was asked was the one in regard to the classification of mail matter.

The SPEAKER. Upon that amendment debate is allowed for one hour.

Mr. BLOUNT. I wish to say that so far as the discussion upon this amendment is concerned I desire that the gentleman from North Carolina [Mr. WADDELL] and the gentleman from Illinois [Mr. CANNON] shall divide the time as they see fit. Such is the recommendation of the Committee on Appropriations. This provision originally came from that committee in the form of a separate bill, and the Senate inserted it in this bill.

The SPEAKER. The gentleman from North Carolina [Mr. WADDELL] is recognized as controlling half of the hour.

Mr. BLOUNT. I believe the order of the House was that debate should be allowed for one hour under the five-minute rule.

Mr. WADDELL. That was the order.

The SPEAKER. Half the time will be under the control of the gentleman from North Carolina, [Mr. WADDELL] and the other half under the control of the gentleman from Illinois, [Mr. CANNON], who are both members of the Committee on the Post-Office and Post-Roads.

Mr. WADDELL. I have explained to the gentleman who has charge of this bill the various differences between the classification bill of the House and the amendment of the Senate. I do not know what his views in regard to that matter are. I will yield to the gentleman from Mississippi, [Mr. MONEY], my colleague on the Post-Office Committee.

Mr. CANNON, of Illinois. I rise to a question of order. My recollection of the order that the House made is that this should be considered under the five-minute rule and discussed and amended as in committee. If that be so, then it should be read for amendments.

The SPEAKER. It is competent prior to the seconding of the previous question to amend the amendment of the Senate; the House has that power.

Mr. BLOUNT. The recommendation of the Committee on Appropriations is to non-concur in the amendment of the Senate.

The SPEAKER. The Committee on Appropriations recommends non-concurrence, and that is before the House as the judgment of the committee, but it does not prevent the power of amendment prior to the previous question being ordered.

Mr. BLOUNT. The object of the committee in making the recommendation, and the object, as I understand it, of the order of the House, was to let the amendment be debated for one hour under the five-minute rule, and at the close of that hour there should be no further debate.

The SPEAKER. That is in accordance with what the Chair has stated.

Mr. BLOUNT. Gentlemen around me did not seem to understand it and differed about what the order of the House was.

Mr. CANNON, of Illinois. I hope the amendment will be read by paragraphs subject to amendment.

Mr. BLOUNT. I have no objection to that.

The SPEAKER. That can be done afterward. The Chair now recognizes the gentleman from Mississippi, [Mr. MONEY.]

Mr. MONEY. The question now before the House is concurrence or non-concurrence in the amendment by the Senate to the Post-Office

appropriation bill, that amendment being in substance the bill reported to the House some time ago by the Committee on the Post-Office and Post-Roads, for the classification of mail matter and the rates of postage thereon. That bill was discussed at some length in this House, but was not finished when the motion to adjourn prevailed at the night session when the bill was under consideration.

I do not propose to discuss this amendment, but I will take this opportunity to place before the House some matters in relation to the administration of the postal affairs of this country by the Post-Office Department. I would not do so now, but for the reason that I have heretofore failed to obtain an opportunity to lay before this House information which I think will interest the House, will interest the country, will interest the Department, and will very much interest divers and sundry mail contractors.

It has been charged in this House, and at the other end of the Capitol, and by the newspapers throughout the country, that the democratic party has refused appropriations to such an extent as to make it indispensably necessary to pass deficiency bills; that we are compelled, in order to meet a false economy, to pass at each session of Congress bills appropriating further sums of money for the public service.

Now, sir, the different Departments of the Government have proceeded to expend the public money as they choose, disregarding the appropriations made by Congress. In that way we on this side of the House are charged with having inadequate conceptions of the necessities of the public service. Now, I think I can show that these deficiencies arise not from lack of money appropriated, but because of gross abuse in the administration of public affairs.

I will say here that I shall confine my remarks simply to the Post-Office Department, because I have no familiarity with the other Departments of the Government. I can show in connection with the Post-Office Department gross abuses of administrative powers such as perhaps will astonish the House.

One great source of deficiency in the postal service is this: when the routes, throughout the West particularly, are let by contract to the lowest bidder, and the service goes into operation, they are doubled and trebled in their trips per week, and the rate of time is expedited, and for this immense sum, entirely disproportionate to the value of the service, is paid by the Department.

I have here a history of some twenty or more of the principal postal routes of the great West. I will take as sample bricks of the manner in which this branch of the service is conducted the largest and the smallest of the routes, which show an unwise and wasteful expenditure of the public money, done under color of law, but to the excessive profit of the contractor, the loss of the Government, and in violation of the spirit of the law.

I ask the attention of the House first to the route known as the Fort Worth and Fort Yuma route—on the books of the Department, No. 31454. This route was let to the lowest bidder at \$134,000, daily trips, with a schedule time of seventeen days. Operations were begun on the 1st day of July last. On the 5th day of August an order was entered upon the books of the Department increasing the pay of that route from \$134,000 to \$299,000. The time was shortened from seventeen days to thirteen days; and simply for expediting the mail four days on this wilderness route the pay was increased from \$134,000 to \$299,000.

I hold in my hand official copies of papers showing the agreement with the contractor, the sworn estimate of the contractor of the required increase of men and animals necessary for the expedited schedule, the bid of the contractor, and the orders of the Post-Office Department accepting the bid and ordering the expedition:

Advertisement of November 1, 1877.

(For service from July 1, 1878, to June 30, 1882.)

Texas route No. 31454, Fort Worth, Texas, to Yuma, Arizona:

1,560 miles and back, seven times a week.

Leave Fort Worth daily at six a. m.; arrive at Yuma in seventeen days.

Leave Yuma daily at six a. m.; arrive at Fort Worth in seventeen days.

Contractor: Jno. T. Chidester, \$134,000 per annum.

Order of August 5, 1878—No. 6391.

Expedite service so as to require it to be performed by a schedule of departures and arrivals not to exceed thirteen days' running time each way, from August 15, 1878, and allow contractor \$165,000 additional pay per annum, such additional compensation bearing a less proportion to the additional stock and carriers necessarily employed than the compensation under the original contract bears to the stock and carriers necessarily employed in its execution, but being in accordance with contractor's proposition.

BRADY.

Rate of speed under the contract, three and one-half miles per hour now; new order, five miles.

WASHINGTON, D. C., August 5, 1878.

SIR: I hereby agree to expedite the schedule on route 31454, from Fort Worth to Yuma, so as to transport the mails each way in thirteen days for an additional compensation of \$165,000 per annum added to my present pay.

I am, respectfully, your obedient servant,

J. T. CHIDESTER,
Contractor.

Hon. D. M. KEY,
Postmaster-General.

Now, to fully appreciate the extraordinary circumstances I have related, it is necessary to go further into this history. A part of this route was let out at \$124,000 in 1870, from Mesilla to San Diego, twice

a week. The speed was increased and the service was raised first to three times and then to seven times a week, and the price was raised from \$124,000 to \$218,460 per annum.

In 1874 the Department again let out this route to the lowest bidder and reduced the trips from seven times per week to three times. The contract was let for \$55,000. A short time afterward the trips were increased to seven times per week, the time expedited, and the price raised to \$233,333. The House will please take notice that this route was first raised from two to three trips a week and then to seven trips, and the amount paid the contractors for carrying the mails on the route was raised in proportion. Then, when the route was again let in 1874, the trips were reduced to three per week; and if it had been done for the sole purpose of enabling the contractor to realize an enormous bonus when the trips were afterward raised to seven per week, it could not have been better arranged.

The rate at which this last contract was carried was about five and one-half miles per hour. When the contract was let last July, instead of reducing the number of trips per week the schedule of time was made lower and the route was bid off at \$134,000.

[Here the hammer fell.]

The SPEAKER. The Chair did not understand at first that the gentleman was speaking under the five-minute rule. The gentleman has already spoken eight minutes, but the Chair will not charge it against the time allowed for debate. The Chair will suggest that some gentleman will take the floor and yield to the gentleman from Mississippi [Mr. MONEY] if he desires to continue his remarks.

Mr. WADDELL. I will take the floor and yield to the gentleman for five minutes; or, if I can control the time, I will yield to him as long as he wants.

The SPEAKER. The gentleman from Mississippi [Mr. MONEY] will proceed.

Mr. MONEY. Now, this route, let at \$134,000 a year to run over a length of route fifteen hundred and sixty miles in extent, according to the books of the Department, but fourteen hundred and fourteen miles according to estimates of a subcontractor, Mr. Taylor, as stated in his evidence, was to have the service performed in seventeen days. That seventeen days' service put the mails on the route at the rate of only three and two-thirds miles per hour. In a month and a half after the contract went into operation the time was shortened four days and the schedule made five miles per hour; and for that slight increase of speed, which at the best was but slow time, the contractor was paid out of the Treasury an extra amount of \$165,000.

The Department claims as its justification in the first place that it had numerous petitions from citizens of all the towns along the routes, from Representatives and Delegates in Congress, from Senators, from the leading public men in the country receiving its mail service by this route. Now, here are the recommendations. They are very numerous, and they are signed by Senators, Representatives, Delegates, and the most influential men in that part of the country. But let us see what these recommendations are. They are simply to expedite the time. They only ask the Department to give these people the same schedule that they enjoyed before this contract began to operate; nothing more. Nothing unusual was demanded, nothing excessive. A very moderate rate of speed—five miles per hour—is all that was asked. These numerous petitions simply ask that the old schedule be restored. I would print the petitions and recommendations, but they would occupy a great deal of space to no purpose. It is admitted that they were strong and many.

But it is to be observed that none of these petitions, none of the Senators, Representatives, and Delegates and leading citizens made any recommendation whatever as to the compensation. It is to be supposed that the contractor would get increased pay, but of that the petitioners took no notice. It could have been little expected that the increase of speed would call for an increase of pay from \$134,000 per annum to \$299,000 per annum. The increase, \$165,000, is largely over 100 per cent. of the original contract price. There had been much argument about this contract when made; it was said that it was not technically correct as to the requiring of the sureties, and also that it could not be profitably carried out at the price bid, but the technicalities were waived by the Department and the bid accepted, notwithstanding the irregularity, because it was cheap and a great saving to the Government. The saving, Mr. Speaker, just lasted six weeks. That exercise of economy was enough.

Now, the contractors under the previous schedule had made no complaint. The citizens along the route were perfectly satisfied with the old rate of speed. It was what a stage-coach drawn by four horses might reasonably be expected to make day after day. But for simply increasing the speed from three and two-third miles per hour to five miles per hour, the Department engages to give the contractor the extra sum of \$165,000 per annum.

Where is the law for this? The only law authorizing the increased pay at all is that which says, when the speed is expedited the increased pay shall be in exactly the same proportion to the original pay as the increase of stock is to the original stock. In other words, it is provided that the increased pay shall keep pace with the increased expense. Now, it must strike the mind of any business man that when a mail contractor on a long route like this, fifteen hundred miles in length, has stage-coaches, men, horses, and all the appliances necessary for the successful operation of the line, it would be impossible in the very nature of things for him to double the men, stage-coaches,

horses, &c., simply to increase speed from three and two-thirds miles to five miles per hour. But the increased pay in this case is more than 100 per cent. of the amount originally contracted for. This case is of a piece with many others. Time and again the Department has done this thing. I have here in brief a history of a great many routes in the West. They all show precisely the same history: an increase of speed, an increase of pay, an increase of trips.

The law provides definitely for the increased pay on increased trips. It says the pay shall be increased in the same ratio with the increase of trips—if one trip at \$1,000, two trips at \$2,000. When the schedule is expedited, then the proportion of the increased pay is to the original pay as the increased expense to the original expense. In the case of increased trips, the allowance of pay I find to be generally to the full limit allowed by law. The discretion of the Department goes to the benefit of the contractor.

Now, upon what sort of data can the Postmaster-General apportion to the contractor an increase of pay? Only upon the oath of the contractor that a certain increase of stock and appliances necessary for his business is demanded by the expedited schedule. Now, the contractor who goes into the office of the Second Assistant Postmaster-General and makes oath—

[Here the hammer fell.]

Mr. CALDWELL, of Tennessee, obtained the floor and said: I yield to the gentleman from Mississippi, [Mr. MONEY,] but I would like to ask him a question upon the point he is now discussing. In the course of his investigations at the Post-Office Department, has he had any reason to believe that as a rule service has been fixed upon various routes and those routes let out with the view of subsequently doubling the service and increasing the compensation?

Mr. MONEY. I cannot say what the intention of the Department was; I can only show the gentleman the history of these routes and the result.

Mr. CALDWELL, of Tennessee. Let me ask the gentleman an additional question: when increased service is allowed upon any route, if the service is doubled, is not the compensation doubled? If the service is trebled is not the compensation trebled? Has not the gentleman discovered this to be the uniform rule?

Mr. MONEY. That is about the rule; there may be exceptions. Here is the oath which the contractor makes:

Sir: To expedite the schedule upon route 31454, from Fort Worth to Yuma, will require increase as follows: Requirements of present schedule 92 carriers and 378 animals; requirements of thirteen-day schedule would be 180 carriers and 926 animals.

I solemnly swear that the above estimate is true and correct to the best of my knowledge and belief.

J. T. CHIDESTER.

To the Hon. POSTMASTER-GENERAL.

Sworn to and subscribed before me this 3d day of August, 1878.

[SEAL.]

S. F. AUSTIN,
Notary Public.

Speed under original contract 2½ miles per hour; by the expedited schedule 5 miles per hour.

Distance 1560 miles—by Taylor estimated at 1410.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry; has not the gentleman's time expired?

The SPEAKER. The gentleman from Mississippi had spoken eight minutes before the Chair was apprised that the five-minute rule was operating; then the gentleman from North Carolina [Mr. WADELL] obtained the floor and gave the gentleman his five minutes; and then, as the Chair understood, the gentleman from Tennessee [Mr. CALDWELL] yielded further time to the gentleman.

Mr. MONEY. Yes, sir. I am speaking by the kindness of my friends.

The SPEAKER. There are now three minutes remaining of the time of the gentleman from Tennessee.

Mr. CALDWELL, of Tennessee. I wish to call the attention of the gentleman to the fact that there are portions of this bill in regard to which the House requires some explanation; and I would suggest that the whole hour be not consumed in discussing the question to which he is now addressing his attention.

Mr. BLOUNT. Yes; the committee of conference would like to have the benefit of the discussion on this bill.

Mr. CALDWELL, of Tennessee. I know that the gentleman from Mississippi [Mr. MONEY] is conversant with the subjects embraced in the bill, and therefore we would like to hear him upon the Senate amendment.

Mr. MONEY. I will reach the Senate amendment in a moment. I have given one specimen of the manner in which contracts are let in the Department, which, I think, will explain something of the demand for deficiency appropriation bills. Here, for instance, is a little route over in Maryland. I take the smallest one I can put my hand on—from Edgewood to Bel Air. Between these two places there are every week twelve trips and six half trips. The distance is eleven and a half miles. For carrying the mails over that route and six miles beyond, to Hickory, the contractor gets \$779 per annum. There are twelve trips and six additional half trips every week. In other words, there are daily mails to the town of Bel Air, a town, I am informed, of about twelve hundred or fifteen hundred inhabitants. The inhabitants of that village receive three mails per day. The running time between Edgewood and Bel Air being three hours, to

quicken it to two hours for the eleven and a half miles, and give Bel Air its mails an hour earlier, the contractor is allowed \$1,070 additional. He carried the mails five and a half miles beyond Bel Air twelve trips per week, for \$779. To increase his speed he got \$1,070. Of course he made oath that his increase of stock and men were in proportion. But who cannot see that it is impossible for it to be so? The best men of the country signed a recommendation for increased speed, but not for this excessive and unreasonable pay. I include the papers in that case, that they may speak for themselves:

(No. 2032.)

Date: January 31, 1879; State: Maryland

No. of route: 10123.

Termini of route: Edgewood to Hickory

Length of route: Seventeen miles.

No. of trips per week: Twelve to Bel Air and six the residue, with six half trips additional between Edgewood and Bel Air.

Contractor: Emil S. Freidrich.

Pay: \$779.79 per annum.

Senator WHYTE incloses petition from citizens, indorsed by Senator DENNIS and Hon. C. B. ROBERTS, for an expedited schedule on this route, reducing the running time from three to two hours between Bel Air and Edgewood, which they each recommend and ask to be granted.

Contractor under oath states that it requires the labor and service of three men and three horses for the present service from Bel Air to Edgewood, and under the proposed expedited schedule five men and thirteen horses will be required. Said increase of speed will cost *pro rata* \$1,309.14 additional per annum; and contractor proposes to expedite as petitioned for at the rate of \$1,070.45 additional per annum.

Senator DENNIS personally urges that this be done.

Order contractor to perform service between Edgewood and Bel Air by an expedited schedule of two hours each way, instead of three hours each way, and in accordance with the sworn statement of contractor allow \$1,070.45 additional per annum, being less than *pro rata*, from February 1, 1879.

BRADY.

The SPEAKER. The gentleman's time has expired.

Mr. MONEY. I have not concluded my remarks, and if there be no objection will proceed to finish them.

Mr. CANNON, of Illinois. I cannot yield for a political or buncombe speech.

The SPEAKER. The Chair has nothing to do with that. The gentleman from Mississippi has control of his time, and it makes no difference whether he takes the whole of the thirty minutes or yields it to others. The gentleman from Illinois will not suffer, as he will have his thirty minutes to reply.

Mr. MONEY. I do not suppose it matters at all to the gentleman from Illinois how I put in my thirty minutes.

Mr. CANNON, of Illinois. But I understood we were under the five-minute rule.

The SPEAKER. Yes; but by general consent the gentleman from Mississippi has been allowed to go on, but he cannot proceed longer than the thirty minutes allowed by the order of the House.

Mr. CANNON, of Illinois. If there be unanimous consent that I shall also have thirty minutes to reply I do not object.

The SPEAKER. The gentleman can have thirty minutes if gentlemen yield to him on that side as gentlemen on the other side have yielded to the gentleman from Mississippi.

Mr. CANNON, of Illinois. But I object to anybody yielding.

The SPEAKER. It is not done by unanimous consent. The Chair cannot do that.

Mr. CANNON, of Illinois. We are proceeding under the five-minute rule, and when the gentleman's five minutes are up that is the end of it.

The SPEAKER. Members have been regularly recognized by the Chair at the end of every five minutes, and they have taken the floor and yielded their time to the gentleman from Mississippi. What remedy has the Chair against that?

Mr. CANNON, of Illinois. I ask by unanimous consent that I may control the last thirty minutes.

The SPEAKER. The Chair wishes to have that done for the gentleman. He thinks such is the understanding.

Mr. ELAM. I now take the floor, and will yield my five minutes to the gentleman from Mississippi.

Mr. MONEY. I now, Mr. Speaker, address myself to the bill under consideration, in order to relieve the anxiety of the gentleman from Illinois.

This is nothing but a simplification of the postal code. There are no new powers granted to the Department by this bill, none whatever. The only feature which has met with any considerable opposition in the bill is one requiring registration for public journals. I believe that is the only one upon which there has been any particular objection. In regard to that matter, there is no additional grant of power to any postmaster or to the Post-Office Department by this section. It is intended that the decisions made by the Post-Office Department upon the admission of matter to what is called the privileged rate should be logical and consistent. Under the present postal laws, as you are aware, a paper may be mailed at one point and it may go to a thousand different post-offices. First, the postmaster who mailed that paper must decide whether it can be admitted to the privileged rate, whether it comes under that description of mail matter which admits it to the postage of two cents per pound. But that does not settle the question by any means. At the thousand different offices of delivery each postmaster may set up his opinion in contravention to the opinion of the postmaster at the point of mailing, and the consequence is publishers of journals who have a sort of

doubtful right of admission to privileged rates are troubled and vexed by the illogical and inconsistent decisions of different postmasters all over the country.

At last, when these postmasters differ, all they can do is to forward to the Postmaster-General the paper which has been denied access to the mails as privileged matter, and he must at last decide whether it shall be admitted or shall not be admitted. So then it goes to the Post-Office Department, and this takes time, and in that time the publisher is harassed by a thousand letters from his subscribers all over the country asking him how it is their papers are not received. Then the advertisers who give him business to do, who display advertisements in his columns, come upon him for rebate and claim he did not circulate their advertisements in as many papers as he professed to be able to do.

All this deranges and vexes and confuses the business of the publisher. As I have said, at last they go to the Post-Office Department. This bill carries it at once to the Post-Office Department. If any postmaster should refuse to admit a paper at privileged rates an appeal is at once made to the Postmaster-General. By him it is referred to the proper officer in his Department, and a ruling is made which is according to law and consistent with other decisions on like points. It has been contended by some gentlemen, who I am persuaded have not thoroughly examined this question, there is established a censorship over the press. It does nothing of the sort. It does not enlarge in any particular the power of the Post-Office Department. It simply refers at once for logical and final decision of the question whether the paper in question is entitled to the privileged rate. There can be no difficulty about it.

It does keep from the mails a vast bulk of matter which would go at the privileged rate, and which is made up simply of advertising concerns not intended for public education. We know the reason for which papers are allowed to go at a low rate of postage, amounting almost to the franking privilege, is because they are the most efficient educators of our people. It is because they go into general circulation and are intended for the dissemination of useful knowledge such as will promote the prosperity and the best interests of the people all over the country. Then all this vast mass of matter is excluded from that low rate of postage. I say, instead of being a censorship upon the press, it is for the protection of the legitimate journals of the country.

There is one provision to which I wish to call attention. It is as follows:

Provided, however, That nothing herein contained shall be so construed as to prevent publishers of the second class and news agents from inclosing in their publications bills, receipts, and orders for subscriptions thereto; but such bills, receipts and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer.

Now, Mr. Speaker, that is one of the most illogical provisions in this bill. It just amounts to this: you publish a newspaper in the city of New York, and the letter-carrier cannot deliver that paper to a single subscriber within the limits of the free delivery of that city without the postage of one cent. But you can take that same newspaper and carry it over to Brooklyn or Jersey City and the letter-carrier is compelled to carry it to every solitary subscriber in the whole limits of his delivery. And more than that, that same newspaper can be put in the mail, can be transported to San Francisco, and there put in the hands of the letter-carrier and delivered free at the two-cents-a-pound rate to the citizen in San Francisco who is a subscriber. In other words, the Government will carry a newspaper two thousand miles and put it in the hands of the letter-carrier, who will deliver it to the subscriber, at the rate of two cents a pound. But right in the city where it is published the Government charges one cent for every copy, or about sixteen cents per pound.

Now you can see it is not only illogical and unjust but it is absolutely absurd; and how a bill with such provisions as that ever received the sanction of the two Houses of Congress is beyond my comprehension. And here, when the committee of which I have the honor to be a member has presented a bill which remedies this injustice and absurdity, that is amended again by the Senate and comes to us with the same old absurdity on its face. It does not need any argument to show the absurdity of the thing. It must be evident to every man who gives his mind to it for a moment.

Another provision of the amendment is to admit all classes of mail matter to the privileged rate of two cents a pound alike. As you are aware, publications issued less often than once a month are not admitted to this privileged rate of two cents a pound, but have to pay a rate of postage 50 per cent. higher. Now keep in view what was the original intention of the postal department: it was to disseminate useful information and to promote communication between the citizens from one end of their great domain to the other.

You must see there is an invidious distinction made in the bill against the very best class of periodical literature which has ever been offered to the American public. We have the daily newspapers, with their load of gossip and scandal and every-day topics that are floating through the press, carried at two cents a pound. But you have the higher class of periodical literature, which is an educator of the best kind, excluded from the privilege granted to the newspapers. The *Missionary Herald*, the oldest monthly in the United States, and a religious paper of the very first class, with a circulation of

100,000 copies, is excluded from the privilege which is enjoyed by the *New York Clipper*, the *Day's Doings*, and the *Police Gazette*. The agricultural journals, the school-teachers' journals, the Sunday-school journals, the journals devoted to bee culture, to fish culture, and all those others which tend to promote so much the education of the country, are excluded from the privileged rate at which this lower class of literature is admitted to the mails. I might instance also the reviews, the *North American* and the standard monthly magazines. They, too, are excluded from this rate of two cents a pound. *Littell's Living Age*, which is a periodical of the very highest merit, and is published fortnightly, is admitted to the rate of two cents a pound because it is published more frequently than once a month. But those other journals of the same class and character are denied the privileged rate.

I ask, gentlemen, is there any consistency in that? Is there any justice in that? Have we a right to levy a tax upon the very best periodical literature that this country furnishes to its people while we carry almost for nothing the lower class? If that is the intention of the House, I say they totally misconceive the object for which the Post-Office Department was originally organized and for which it is to-day supported by the contributions of the American people.

I, for one, have never objected to an appropriation to enable the Post-Office Department to carry on its operations and extend them in every direction. I believe it is the business and the duty of Representatives here to afford to the people of this country to its remotest corners a full and free and speedy communication with their brethren everywhere else in the Republic, and I have always, as a member of this House, supported the bills that come from that Department.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I desire to yield a few minutes of my time to the gentleman from Illinois [Mr. SPRINGER] and to the gentleman from Georgia, [Mr. BLOUNT,] and then I would like to reserve the balance of it for use when the amendments are read for a vote.

The SPEAKER. The Chair hears no objection.

Mr. CANNON, of Illinois. Now one word only as to the first portion of the speech of the gentleman from Mississippi, [Mr. MONEY,] containing, as it does, an attack upon the Post-Office Department for alleged increase of mail service upon certain routes. I admit, and I have myself called the attention of the House frequently heretofore to what appears to me to be an abuse under the law of the increase of service.

For instance, take the routes down South and at the West; there is where the devilment generally is done.

Representatives in Congress, governors of the States and Territories, and members of the Legislatures petition for the increase, and I have never yet seen a case where an alleged objectionable increase has been made but what you can find members of Congress or governors of States or Territories petitioning for such increase. I sometimes have thought that an increase has been made where it ought not to be made, but I am not here to discuss that question. I want to say I doubt as a matter of taste the propriety of the gentleman from Mississippi [Mr. MONEY] making an attack on the Department in this way at this time, for the reason that the Committee on the Post-Office and Post-Roads has been constantly investigating under a general resolution of this House for nearly two years and has never made a report as to the same.

Few of the matters to which the gentleman refers, I apprehend, have been investigated unless it be by the subcommittee of which he is a member.

I think the fair way would have been to have entered upon the investigation, call for persons and papers, and the recommendations to the Department; and if the Second Assistant Postmaster-General has done wrong you ought to have given him a chance to be heard, and if he has done wrong take the responsibility of making a report to the House.

Mr. MONEY. Will the gentleman from Illinois yield to me for a moment?

Mr. CANNON, of Illinois. Not just now; I will presently.

That committee has made no report; it has given this officer no chance to be heard, and now in the waning hours of the session, and for the purpose of making political capital, the gentleman prances in here to spread upon the *RECORD* this speech of his; and I apprehend it is purely for the purpose of making political capital. There I will dismiss it.

Mr. MONEY. I have here the certified copy of the increase of the mail service.

Mr. CANNON, of Illinois. Certainly; have you not also the recommendations for that increase by the democratic members of Congress?

Mr. MONEY. I have.

Mr. CANNON, of Illinois. Will you put them in the *RECORD*?

Mr. MONEY. Certainly I will; and I say that no single case of this recommendation that there be an increase of over 100 per cent. affects a single name on this petition.

Mr. CANNON, of Illinois. I yielded to the gentleman for a question, not a speech.

The law fixes these things. The law says what the increase of pay shall be for increase of speed and trips. The gentleman has been derelict in his duty as a member of the committee; if the law is

wrong in that, he has not proposed legislation to cure the evil. There I drop that subject, because it is a mere matter of political capital upon the other side.

I want to talk about this bill. Instead of half an hour being time enough to discuss it there should be six hours. It is an important measure. It touches the publishing interests of the country. It affects everybody, and I think the most of its provisions are unwise and, if enacted into a law, it would work very great harm, not only to the citizens, but to the publishers generally.

I wish gentlemen would send and get the bill, if they have not already got it.

The amendment commences on page 16 and runs to page 32, and is called the classification of mail matter amendment. I think it proposes to make a bureau in the Post-Office Department that ought not to be made, and I believe that but for the desire of some employé or employes of that Department for the additional bureau the classification bill would not have been heard of.

Now let us talk about it. Turn to section 32 of this bill, and you will find it there provides for the "nest-egg" of this bureau. What is it? Why, to detail somebody to assist the Attorney-General to construe this particular classification bill, and pay him a salary of \$2,250 a year. Now what is he to rule upon? Turn to page 16, and it divides the mail matter into first, second, third, and fourth classes. There are a few good amendments in it, but it does not make the law any plainer in this matter than it now is under the existing law.

But what else does it do? It provides that every newspaper before it shall pass through the mail as second-class matter shall be registered, and it is to be submitted to the postmaster, and if necessary an appeal may be taken to the Postmaster-General. Every year there is a one-dollar fee to be paid, and if the registry is refused, then the paper does not go through the mails at pound rates. Right there you can see the work that is to be done under this unnecessary and cumbersome machinery.

What for? Why to build up another bureau in the Department.

I commend my remark in that respect to the gentleman from Mississippi [Mr. MONEY] who is so anxious that this Department shall be properly conducted.

Mr. MONEY. The bill does not show any such thing.

Mr. CANNON, of Illinois. I am not yielding now. The bill shows for itself. I would ask now if any of your publishers in Minnesota, Illinois, Ohio, Alabama, and South Carolina have ever besieged you with letters—I mean your country publishers—to enact this registration system? I guess not. Mine never did me, and I have some thirty-five or forty newspapers published in my district.

Then who are the publishers who are in favor of this? I will tell you. There are two classes of second-rate mail matter; one class pays two cents a pound, consisting of publications appearing once a week or more frequently, and the other class consists of publications appearing less frequently than once a week, and pays three cents per pound. Now, it is the latter interest which seeks for this change, because its rate will be reduced to two cents a pound.

I apprehend the conventions that have been held upon this subject have been brought about to carry out these two ideas—on the one hand to provide for a new bureau in the Post-Office Department, and on the other hand to cut the postage down from three cents to two cents per pound on this class of second-rate mail matter. Some one may say, is not that right? I do not think it is; and I will tell you the reason why.

One-half of the mail matter carried in this country is second-rate matter, and it takes \$18,000,000 a year to transport it and distribute it. It pays, in round numbers, about \$1,000,000 postage. That is pretty near the franking privilege, is it not, for this matter?

Now if you reduce this second-rate mail matter from three cents a pound to two cents a pound you will impair the revenues \$70,000 a year, as has been stated by the Postmaster-General. Some one may say, ought not that to be so? I think not, because that class of publications go to comparatively few people, not to the many.

Well, says somebody else, if it would be fair to do it, then let all be served alike. Both rates are low; let us equalize them. Now there is no reason because one rate is too low that the other rate should be brought down to it, especially when a magazine is sent from New York to San Francisco, or from Philadelphia to South Carolina, twelve numbers a year, and distributed for twelve cents annual postage. Now it is proposed to cut them down to eight cents annual postage. That reduction will not cheapen the magazine to the subscriber. That reduction of four cents a year on each copy of the magazine will amount to \$70,000 a year, and all that will go into the coffers of the publishers.

Now, right there, this mutual-admiration society has been organized, and as the fruit of its organization there is to be on the one hand a reduction of the postage, and on the other hand a new bureau in the Post-Office Department. Now, I submit, if every newspaper in the United States is to be registered, is to be submitted to this bureau for examination, is to be passed upon, and there is to be correspondence about it, and it is to be ruled in or ruled out, one man will not be found enough to do the work, and in less than twelve months you will be called upon to provide eight, ten, twelve, yes, fifteen clerks to assist in that business. Now, the right place to put your foot on this proposition is before the egg is hatched—right here and now.

How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*, (Mr. SOUTHARD.) There are twenty minutes of the half hour remaining.

Mr. CANNON, of Illinois. Then I will yield five minutes to the gentleman from Illinois, [Mr. SPRINGER,] and the same length of time to the gentleman from Georgia, [Mr. BLOUNT,] and I will reserve the balance of the time for myself.

Mr. BLOUNT. If the gentleman from Illinois [Mr. CANNON] will yield to me to have a letter read he can have all the balance of my time.

Mr. CANNON, of Illinois. I will do so.

Mr. BLOUNT. Then I move to have read the letter which I send to the Clerk's desk.

The Clerk read as follows:

PHILADELPHIA, February 27, 1879.

DEAR SIR: Allow me to call your attention to the mail classification bill which has now been vigorously urged upon Congress for two sessions by the Post-Office Department. It passed the committee of your House in December, but failed to receive action in the House. The Department then caused it in a somewhat different shape to be attached in the Senate to the appropriation bill (H. R. No. 6143) which I understand is now before the House; and I presume that details will be settled in conference committee.

The feature to which I wish specially to call your attention, as that which is of chief public interest, is the plan of registration by which the whole press of the country will be subjected to the supervision of the Department. No newspaper or periodical is to have the advantage of privileged rates of postage unless it is registered by the postmaster, and registration is liable at any moment to be revoked. Although certain definitions are laid down for the guidance of postmasters in the discharge of their delicate duty, it is easy to see how power of this kind is liable, if irresponsible, to be abused through motives of partisanship, enmity, or corruption; and when the scheme was first proposed in the fall of 1877 the Editorial Association, of Pennsylvania, at its annual meeting denounced it unanimously as the commencement of a censorship of the press.

Convinced that the Department would persist in its plans until they were pushed through Congress, the publishers finally assented to registration, provided an appeal were allowed to the United States courts against the decision of a postmaster refusing or revoking registration. Against its will the Department embodied this provision in the bill introduced in the House at the commencement of this session, (H. R. No. 5428, section 6, lines 19-29, and section 7, lines 5-7,) in which shape it passed the committee. These provisions, however, are stricken out of the Senate amendment to H. R. No. 6143. Mr. Bissell, the representative of the Department in this matter, told me that he would have this done in the Senate or in conference committee, and he has thus far succeeded.

I regard the matter as one of so much public importance that although the bill as a whole has various provisions of advantage to me in my business, I would prefer to see it fail rather than that the registration scheme should become a law without some check upon the irresponsible power which it confers on officials.

I may add, as an excuse for thus intervening in the matter, that I am chairman of a committee of the publishers of Philadelphia appointed to look after this bill, and that I am acting in accordance with their action.

Mr. SPRINGER. I shall vote to non-concur in this amendment, because I am opposed to section 13 and section 17 of it. Section 13 provides:

SEC. 13. That publishers of newspapers and periodicals who may desire to have their publications transmitted through the mails as matter of the second class shall submit the same to the postmaster at the place of publication, under such regulations as the Postmaster-General may prescribe, together with the fee required for registration, which is hereby declared to be \$1 per annum, payable at time of registration, and on or before the 1st day of January, for the ensuing year. The publication thus submitted shall be examined, under such regulations as shall enable the postmaster to ascertain its true character; and, if found to be within the conditions named in section 17, a certificate of registration shall thereupon be issued to the publisher by the postmaster at the place where such publication is published, who shall place a duplicate of the same on file in his office, and shall renew the said certificate on its expiration, in the absence of reason to the contrary. A duplicate of such certificate shall also be filed in the Post-Office Department. A temporary permit shall be granted to a publication about to be issued, when a written statement shall be furnished to the postmaster, accompanied by an affidavit from the person intending to publish the same, that it will comply with the conditions named in section 17, and that he will submit the first issue of his publication for examination as in this section provided. Publications thus registered, or to which a temporary permit has been granted, except as provided in section 29, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at two cents a pound or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That no publication shall pass through the mails at the second-class rate unless a certificate of registration has been issued, or a temporary permit granted to it: *Provided, also*, That every publication admitted to the second-class rate shall have printed or legibly stamped upon each issue thereof the words "Registered" (or "Temporary permit granted," as the case may be) "for transmission in the mails," which words of registration or temporary permit shall be evidence to a postmaster at an office other than that of publication that the publication bearing them is entitled to transmission through the mail, at the second-class rate, when presented by a news agent, to be sent to regular subscribers or to other news agents.

Section 17 states the conditions upon which publications shall be admitted to registration, and is as follows:

SEC. 17. That the conditions upon which a publication shall be admitted to the privilege of registration are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguished printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

These provisions, it is claimed, are substantially existing law. If they are, then there is no necessity to re-enact them; if they are not existing law, then they ought not to be re-enacted.

Mr. MONEY. I stated in my remarks to the House that this prop-

osition was intended to simplify existing law and was for the benefit and protection of publishers.

Mr. SPRINGER. I stated that if this be the existing law we need no new legislation on the subject; and if it is not the existing law, I think no such provision should be enacted.

I am sorry to differ with the Committee on the Post-Office and Post-Roads about a matter of this kind; but it seems to me highly objectionable to delegate a power of this kind to postmasters in every county-seat and small town throughout the land. If it were exercised with proper regard for the provisions of the law, it might work very well. But I know and this House knows the great temptation to which local postmasters might be subjected. In many instances the postmaster is the editor or publisher of a paper in the town in which he is postmaster; and frequently there is a rival paper of the opposite party. Under this proposed legislation that rival publisher must go to the postmaster and submit his paper for inspection—for the censorship of the postmaster, from whose decision there is no appeal. If the postmaster decides unfavorably, the paper cannot go through the mails. A decision against the publisher in many cases would amount to the ruin of his business, because when you stop the circulation of a paper through the mails the publication of it ceases to be remunerative.

Mr. CALDWELL, of Tennessee. It would not be excluded from the mails; it would only pay a higher rate of postage as an advertising sheet.

Mr. SPRINGER. That would practically amount to exclusion, if other papers of the same character were circulated at lower rates.

Mr. CANNON, of Illinois. I now yield for a minute to the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. WHITTHORNE. Mr. Speaker, I have sought the floor for the purpose only of saying that I concur in the views expressed by my friend from Illinois, [Mr. SPRINGER.] If this amendment cannot be amended in the particular to which he has referred, I shall feel it my duty to vote against the entire proposition. This may in the future prove to be a very dangerous measure. It may be the inception of a censorship of the press of the United States. We had better meet the question at once and defeat the proposition, than hereafter regret our acquiescence in it.

Mr. CANNON, of Illinois. I reserve the remainder of my time, and ask that the amendment of the Senate be read for amendment.

The Clerk read as follows:

SEC. 9. That mailable matter shall be divided into four classes: first, written matter; second, periodical publications under registration; third, miscellaneous printed matter; fourth, merchandise.

Mr. CANNON, of Illinois. I move to amend by striking out the words "under registration."

Mr. MONEY. I rise to a question of order. The pending motion is to non-concur in the Senate amendments. I wish to know whether pending that motion it is in order for the gentleman from Illinois to move an amendment to the Senate amendments.

Mr. CANNON, of Illinois. I have asked the Speaker repeatedly about this point, both publicly and privately; and he has stated to me that when the time for debate had expired, the amendment of the Senate would be open to amendment.

Mr. MONEY. We are proceeding now under a motion to non-concur. The gentleman from Illinois moves to amend a certain section of the Senate amendment. Is that in order?

The SPEAKER. The motion made on behalf of the Committee on Appropriations is to non-concur; but any member can rise in his place and move to concur simply, or to concur with an amendment. The House might desire to amend the Senate amendment, and it should not be deprived of the power to do so.

Mr. MONEY. My question is whether, pending a motion to non-concur, a motion to amend the Senate amendment is in order?

The SPEAKER. The Chair recognizes a motion to concur with an amendment as having priority of a motion to non-concur. If the previous question were pending the vote would be upon concurrence or non-concurrence, and amendments would be cut off, as was the case upon the question with reference to the Brazilian steamship line.

Mr. MONEY. Is it in order to amend the Senate amendments?

The SPEAKER. It is until the previous question is sustained upon concurrence or non-concurrence. Non-concurrence in this case is the recommendation of the Committee on Appropriations; but any individual member may move to concur; and under the rule that question is first taken, for the reason that it tends to bring the two Houses to an agreement.

Mr. MONEY. Will the amendment proposed be subject to debate?

The SPEAKER. That right was reserved, the Chair thinks.

Mr. BLOUNT. I do not so understand. I understood the debate was limited to an hour absolutely.

The SPEAKER. For the time remaining the amendment would be subject to debate.

Mr. BLOUNT. But that time belongs to the gentleman from Illinois.

Mr. MONEY. My point is that if an amendment is now entertained the gentleman from Illinois who controls the remainder of the hour may consume the whole time in debating only one side of the question upon that amendment.

The SPEAKER. The Chair thinks that would be very unreasonable.

Mr. BLOUNT. But the gentleman from Illinois has the disposition of his own time.

Mr. CANNON, of Illinois. The gentleman from Mississippi had his half hour, and I am occupying another half hour. I stated twice to the Speaker and to the House that I would consume all but ten minutes of my time, and would reserve the remainder for use when the sections were read for amendment. No objection was made.

The SPEAKER. The gentleman from Illinois has nine minutes remaining.

Mr. CANNON, of Illinois. Certainly; and the bill is now being read for amendment. I do not propose to use my nine minutes now.

Mr. WADDELL. I rise to ask whether it would be in order to move to substitute for the amendment of the Senate the House bill in relation to the classification of mail matter and rates of postage?

The SPEAKER. If the gentleman moves it as an amendment he can do so after the previous question is moved and seconded. The House may not want to accept the Senate amendments, and may wish to accept only a part of them or to modify them, and it ought not to be placed beyond the power of the House to do so.

Mr. WADDELL. I should like to state that the House bill, which I will propose if some one else does not, as a substitute for this Senate proposition, is a bill we have had for eighteen months under consideration. The difficulty was to reconcile the conflicting interest of the publishers and the Department—the interests of the Department and various classes of publishers. Finally they harmonized on this proposition reported from the Committee on the Post-Office and Post Roads after eighteen months' consideration of it. That committee is satisfied it is the best presentation of the case yet made. I should like to have that moved as a substitute for the Senate amendment as a whole. If it is proper, as I have already stated, I will make that motion.

The SPEAKER. The part of the bill relating to the classification of mail matter is now open to amendment, commencing with page 16 of the printed bill.

The Clerk read as follows:

SEC. 9. That mailable matter shall be divided into four classes: first, written matter; second, periodical publications under registration; third, miscellaneous printed matter; fourth, merchandise.

Mr. CANNON, of Illinois. I move in line 4, section 9, to strike out the words "under registration;" so it will read: "second, periodical publications." If, however, gentlemen desire to vote on striking out the registration scheme in section 13, I will let my amendment stand for the present and come back to it afterward.

The SPEAKER. If that paragraph be stricken out, of course it needs no machinery to carry out the registration.

Mr. BLOUNT. Let us go on regularly with the sections.

The House divided; and there were—ayes 60, noes 25.

Mr. MONEY demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment of Mr. CANNON, of Illinois, was agreed to.

Mr. CANNON, of Illinois, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read as follows:

SEC. 10. Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing, except as hereinafter provided.

No amendment was offered.

The Clerk read as follows:

SEC. 11. That on mailable matter of the first class, except postal cards and drop letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof; postal cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture; and drop letters shall be mailed at the rate of two cents per half ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each half ounce or fraction thereof where free delivery by carrier is not established. The Postmaster-General may, however, provide, by regulation, for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destinations, to be paid on delivery.

No amendment was offered.

The Clerk read as follows:

SEC. 12. That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and which have been duly registered as hereinafter provided.

Mr. CANNON, of Illinois. I move to strike out all of section 12 after the word "year," in line 4; that is, to strike out the words "and which have been duly registered as hereinafter provided."

The amendment was agreed to.

Mr. CANNON, of Illinois, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read as follows:

SEC. 13. That publishers of newspapers and periodicals who may desire to have their publications transmitted through the mails as matter of the second class shall submit the same to the postmaster at the place of publication, under such regulations as the Postmaster-General may prescribe, together with the fee required for registration, which is hereby declared to be \$1 per annum, payable at time of registration, and on or before the 1st day of January for the ensuing year. The publication thus submitted shall be examined under such regulations as shall enable the postmaster to ascertain its true character; and, if found to be within the conditions named in section 17, a certificate of registration shall thereupon be issued to the publisher by the postmaster at the place where such publication is published, who shall place a duplicate of the same on file in his office, and shall renew the said cer-

tificate on its expiration, in the absence of reason to the contrary. A duplicate of such certificate shall also be filed in the Post-Office Department. A temporary permit shall be granted to a publication about to be issued, when a written statement shall be furnished to the postmaster, accompanied by an affidavit from the person intending to publish the same that he will comply with the conditions named in section 17, and that he will submit the first issue of his publication for examination as in this section provided. Publications thus registered, or to which a temporary permit has been granted, except as provided in section 29, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at two cents a pound or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That no publication shall pass through the mails at the second-class rate unless a certificate of registration has been issued, or a temporary permit granted to it: *Provided, also*, That every publication admitted to the second-class rate shall have printed or legibly stamped upon each issue thereof the words "Registered" (or "Temporary permit granted," as the case may be) "for transmission in the mails," which words of registration or temporary permit shall be evidence to a postmaster at an office other than that of publication that the publication bearing them is entitled to transmission through the mail at the second-class rate when presented by a news agent, to be sent to regular subscribers or to other news agents.

Mr. CANNON, of Illinois. I suggest, Mr. Speaker, in pursuance of former action, that all machinery for registration be stricken out of the remaining sections of the Senate bill.

The SPEAKER. The gentleman will state them, as the Chair hears no objection.

Mr. CANNON, of Illinois. After the word "shall," in line 3 of section 13, page 17, strike out down to the word "publications," in line 25, page 18, as follows:

Submit the same to the postmaster at the place of publication, under such regulations as the Postmaster-General may prescribe, together with the fee required for registration, which is hereby declared to be \$1 per annum, payable at time of registration, and on or before the first day of January, for the ensuing year. The publication thus submitted shall be examined, under such regulations as shall enable the postmaster to ascertain its true character; and, if found to be within the conditions named in section 17, a certificate of registration shall thereupon be issued, to the publisher by the postmaster at the place where such publication is published, who shall place a duplicate of the same on file in his office, and shall renew the said certificate on its expiration, in the absence of reason to the contrary. A duplicate of such certificate shall also be filed in the Post-Office Department. A temporary permit shall be granted to a publication about to be issued, when a written statement shall be furnished to the postmaster, accompanied by an affidavit from the person intending to publish the same, that it will comply with the conditions named in section 17, and that he will submit the first issue of his publication for examination as in this section provided.

Then strike out all after the word "publications," in line 25, to the word "except," in line 26, as follows:

Publications thus registered, or to which a temporary permit has been granted.

And strike out all after the word "thereof," in line 31, to the end of the section, as follows:

Such postage to be prepaid, as now provided by law: *Provided, however*, That no publication shall pass through the mails at the second-class rate unless a certificate of registration has been issued or a temporary permit granted to it: *Provided, also*, That every publication admitted to the second-class rate shall have printed or legibly stamped upon each issue thereof the words "registered" (or "temporary permit granted," as the case may be) "for transmission in the mails," which words of registration or temporary permit shall be evidence to a postmaster at an office other than that of publication that the publication bearing them is entitled to transmission through the mail, at the second-class rate, when presented by a news agent, to be sent to regular subscribers or to other news agents.

The SPEAKER. In other words, as the paragraph in relation to registration has been stricken out, the gentleman now proposes to strike out all machinery provided in the bill for the carrying out of that registration.

Mr. CANNON, of Illinois. Yes, sir; and I wish to add an additional amendment.

The SPEAKER. The gentleman can reserve that.

The amendment of Mr. CANNON, of Illinois, was agreed to.

Mr. CANNON, of Illinois. I now move, in line 31, section 13, page 18, after the word "thereof," to insert as follows:

When published as often as once a week, when published less frequently than once a week and as often as four times a year, three cents a pound or fraction thereof.

That leaves the law as it just now is.

The amendment was agreed to.

Mr. CANNON, of Illinois. Now I move to strike out all of section 14, which is still an additional part of this machinery.

Section 14 was as follows:

SEC. 14. That the certificate of registration granted as in the preceding section shall be revoked by the postmaster in case the publication shall have so changed its character as to make it no longer within the conditions named in section 17.

The motion to strike out the section was agreed to.

Mr. CANNON, of Illinois. I offer the following amendment to section 15:

In line 4 strike out the word "register" and add to the paragraph the following: And provided further, That the transmission of matter through the mails as second class shall be evidence to a postmaster at an office other than that of publication that the same is entitled to delivery at the second-class rate.

So that it will read:

SEC. 15. That matter of the second class shall be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject: *Provided*, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same: And provided further, That the transmission of matter through the mails as second class shall be evidence to a postmaster at an office other than that of publication that the same is entitled to delivery at the second-class rate.

The amendment was agreed to.

Mr. CUMMINGS. I offer the following amendment to section 15:

In line 1 strike out "shall" and insert "may;" so that it will read: That matter of the second class may be examined, &c.

The amendment was agreed to.

Mr. WADDELL. I think these amendments are getting this matter into inextricable confusion. It would be better to make the whole amendment at once.

Mr. BLOUNT. I hope the House will agree to non-concur in the Senate amendments. That will be the simpler course.

Mr. HAYES. There are some amendments in which we should concur.

Mr. CANNON, of Illinois. I ask gentlemen to agree to a couple more of formal amendments intended to strike out this machinery as to registration.

Mr. BLOUNT. I desire to say to the gentleman from Illinois that the sense of the House has been pretty well taken upon this matter. We are very much pressed for time, and I hope he will agree that a vote to non-concur be taken.

Mr. CANNON, of Illinois. I think I can fix this in a moment. I ask that by unanimous consent sections 16, 18, and 19, which provide the machinery for registration, be stricken out.

The motion to strike out sections 16, 18, and 19 was agreed to.

Mr. CANNON, of Illinois. I have one further amendment to offer. It is to section 29, line 1.

Mr. PAGE. I rise for the purpose of objecting to any more amendments being made by unanimous consent.

The SPEAKER. None have been adopted by unanimous consent. The amendments have been adopted by votes of the House.

RECUSANT WITNESS—GEORGE F. SEWARD.

The Sergeant-at-Arms appeared at the bar of the House and said:

Mr. Speaker, as Sergeant-at-Arms of the House, in obedience to the order of the House, I have now at its bar George F. Seward.

The SPEAKER. Mr. Seward, you are presented at the bar of the House, upon the order of the House, under arrest on an alleged breach of the privileges of the House in refusing to answer certain questions propounded to you by a committee of the House, which questions that committee was authorized by the House to ask, and for standing mute when tendered an oath as a witness, and for failing to produce certain books as required by a *subpoena duces tecum* duly served on you. It is my duty now, by authority of the House, to ask whether you are ready to take the oath tendered to you by the chairman of the committee, to answer the questions propounded to you by the committee, and to produce the books as required by the *subpoena duces tecum* served on you.

Mr. GEORGE F. SEWARD (the witness) said: I have prepared, with the assistance of my counsel, a statement of the law affecting this question, which I beg leave respectfully to hand in to the House, with the request that it may be read.

The SPEAKER. Does the gentleman desire to read it, or does he desire to have it read?

Mr. SEWARD. I think it would be better for the Clerk to read it, as I am not used to speaking here.

The SPEAKER. The Clerk will read the statement.

The Clerk read Mr. Seward's statement, as follows:

The answer of George F. Seward to the order of this honorable House requiring him to show cause why he should not be punished for contempt, respectfully submits:

The alleged contempt of the House consists, as he understands, in his failing to comply with the requirements of a *subpoena duces tecum*, purporting to command him to produce certain books before the Committee on Expenditures in the State Department and to testify before that committee.

The respondent is now minister of the United States to China, having formerly held the office of consul-general at Shanghai.

On the 23d of January, 1878, he was charged, in a communication addressed to the honorable Speaker, by one John C. Myers, with the commission of various acts of the character of high crimes and misdemeanors during the time he occupied the office of consul-general at Shanghai. On the 5th of February, 1878, this honorable body referred that communication to the Committee on Expenditures in the State Department for an investigation of the charges therein contained.

On that day the chairman of the committee addressed a letter to the President inclosing the communication of John C. Myers, together with other accusations against the respondent, and stating that the papers embodied charges affecting the official conduct of the respondent; that under the resolution of the House it was made the duty of the committee to institute an investigation into the truth of those charges; and that, before instituting such investigation, the committee desired that he be informed that an opportunity would be afforded him to appear before the committee in person or by counsel if he desired.

The record of the committee shows that it convened for the investigation of the charges preferred against the respondent on the 26th of February, 1878, when the parties appeared by their respective counsel, Mr. M. H. Carpenter appearing on behalf of John C. Myers and Messrs. R. T. Merrick and J. Hubley Ashton on behalf of the respondent; and it was then directed by the committee that the counsel of the prosecutor should formulate the charges contained in

his communication to the Speaker, and any others he might have to make against the respondent. The record further shows that the prosecutor did so formulate his charges, numbering the allegations or specifications from one to thirteen, inclusive, and presented the same to the committee on the 27th of February, 1878.

The case was thereupon proceeded with before the committee, and during its entire progress, from that time to the present, it has been conducted according to the forms, methods, and procedure of criminal investigation, with the view and purpose of determining whether the respondent should be impeached for high crimes and misdemeanors. Before the evidence for the prosecution closed, the counsel of John C. Myers applied to the committee for a *subpoena duces tecum*, requiring the respondent to produce certain books described in an affidavit of the said Myers, presented to the committee as laying the foundation for the application, and in which it was alleged that the said books would show that the respondent had been guilty of various acts of crime and malversation in office while consul-general at Shanghai.

The committee thereupon issued a *subpoena duces tecum*, purporting to command the respondent to produce the books mentioned in the affidavit of John C. Myers, and to testify before the committee. The respondent, through his counsel before the honorable committee, respectfully insisted that inasmuch as the object of such subpoena was to compel him to be a witness against himself upon the charges under investigation by the committee, it was inoperative and void under the provisions of the fifth amendment of the Constitution of the United States, and that he ought not to be compelled, and could not lawfully be compelled, to obey its mandate.

Since the subpoena was served upon him, the committee has heard arguments by the counsel of the respective parties upon the question whether articles of impeachment should be presented by this honorable House against the respondent, under the evidence before the committee, and the committee are now deliberating upon that question.

The respondent is advised by his counsel, and respectfully submits, that he is protected by one of the sacred guarantees of individual right and personal liberty contained in the fifth article of the amendments of the Constitution of the United States from being compelled to comply with the supposed requirement of the subpoena which has been issued and served upon him in this case; and he respectfully claims the protection of that guarantee before this honorable body, for whom just authority he entertains the most sincere respect, and by whom his just rights as a citizen and officer of the United States will not be willfully or willingly infringed.

The fifth amendment of the Constitution of the United States declares that—

No person * * * shall be compelled in any criminal case to be a witness against himself.

This declaration embodies and expresses a fundamental maxim of the enlightened jurisprudence of England and America—*Nemo tenetur se ipsum accusare*; and incorporated as it is in the national bill of rights, was intended to bind and control all tribunals and all departments of the Government of the United States.

The maxim declares that investigations, whether by judicial tribunals or legislative bodies, into cases of alleged crime shall not be inquisitorial in their character, by compelling parties charged with offenses against law to give evidence against themselves.

The most enlightened jurists of modern times agree that it is a peculiar excellence of the common law of England and America that the accused in any criminal inquiry shall never be compelled to be a witness against himself.

Judge Cooley, in his work on Constitutional Limitations, has declared that a legislative body has no more right than a court to make its examination of parties or witnesses inquisitorial. (Constitutional Limitations, 3d ed., p. 313.)

The learned jurist cites as authority for this principle the judgment of the supreme court of Massachusetts in the celebrated case of *Ex parte Emery*, which involved the inquiry whether a like guarantee of the bill of rights of the State of Massachusetts applied to investigations before a legislative body, (107 Mass.) The argument by the attorney-general in that case proceeded upon the ground that the provision of the declaration of rights was designed simply to embody the common-law rule and not to affect the parliamentary law.

A legislative investigation, it was said, was not for the purpose of punishing any specific crime, but of purifying the public service. In such an investigation there is reason for dispensing with the rules applicable to the ordinary prosecutions for crimes. The constitutional provision had no reference to such a rare and extraordinary occasion. This is shown, it was said, by various considerations. All the other provisions of this article in the declaration of rights relate only to ordinary prosecutions. The marginal clause is simply "prosecutions regulated." No speech, debate, letter, or conversation of any of the framers of the Constitution is known which shows an intention to change the existing rule of parliamentary law. The rule requiring witnesses to testify before Parliament, even though it might criminate them, had existed in England side by side with the rule of the common law. It might well, it was argued by Attorney-General Allen, stand here side by side with the constitutional provision, which had reference only to prosecutions in the courts of law.

This argument was met and successfully answered by Mr. Justice

Wells, of the Supreme Court, declaring the unanimous judgment of that great tribunal, and the respondent would respectfully ask the attention of this honorable body to the following passages from the opinion of the court in that case. The court said:

"The question then comes, 'Do these provisions apply to investigations before a legislative body?' No one will contend, of course, that the Legislature is not limited in its power by the provisions of the constitution equally with all other departments of the government and the whole body of the Commonwealth, whether undertaken to be exercised in the ordinary form of laws enacted, or by those orders and requirements which are incidental to its functions and are adopted as means of their performance. There is nothing in the terms of the article in question to except legislative bodies from its operation. The nature and purpose of the provisions are equally applicable to investigations conducted by the Legislature itself, or by one of its branches, or by a committee of its own members, as when conducted before the courts or by commissioners or other tribunals established by law. Such tribunals can in no case disregard this rule of protection. The Legislature cannot by the most formal and solemn enactments of law authorize them to do it. If, then, the Legislature cannot by the formal enactment of all its branches subject a citizen to such compulsory disclosure, it is difficult to see on what ground of argument or inference from necessity, propriety, or the nature of constitutional republican government, an authority can be deduced for either branch of the Legislature to do so by its mere order.

"The protection of the subject is not secured by the constitution if it may be so invaded. The range of investigation which is open to inquiry by the Legislature is limited. It is the general court of the Commonwealth entitled to inquire into the condition and efficiency and mode of operation of all administrative departments of the government of the State, the proper execution of the laws, and all that concerns the public welfare. If other means of discovering offenses and convicting offenders are thought to be inefficient or unsatisfactory, investigations by direct authority of the Legislature, prompted by public complaints and intended primarily to furnish information upon which that body may act in remedying abuses in the administration of public affairs, may easily be perverted into an effective means of procuring material to aid in the institution and maintenance of criminal prosecutions. Committees of the Legislature or commissioners acting under its order to inquire into any supposed failure to enforce the laws, if freed from the restrictions of the Constitution in this particular, may be found useful and efficient as auxiliaries of the grand juries of the Commonwealth. In this way parties exposed to prosecutions would find their constitutional protection to have failed them. It is the capability of abuse and not the probability of it which is to be regarded in judging of the reasons which lie at the foundation and guide in the interpretation of such constitutional restrictions.

"It is argued by the attorney-general that the article in question is merely the adoption of a rule which prevailed at the common law; that, along with that rule, there always existed in the Parliament of England a practice to disregard it in investigations pertaining to the business of that body; and that the rule of legislative investigation remains unaffected by the constitutional article. But the rule of the common law did not control parliamentary inquiries, for the simple and obvious reason that the authority of Parliament was more potent than the common law, and might change, annul, or suspend its restrictions, as that body should determine. The example is not confined to investigations relating to the business of Parliament, but extends to all those in which it authorizes a disregard of the common-law rule, before whatever tribunal they are authorized to be conducted. It is because the constitution of Massachusetts is more potent and above, not only the common law, but the Legislature also, controlling all tribunals and all departments of the government alike, as well as all inhabitants of the Commonwealth, that this safeguard of individual rights cannot be suspended or invaded, either by general laws or the special order of the legislative body, or of any of its branches.

"It is to be observed that the provision relates to the privileges of the subject, and not to the authority of any tribunal or body before which inquiry may be made. It places a limit upon all inquiry to which he may be subjected, not by defining the extent of the authority by which it is made, but by surrounding him with a privilege of exemption, which cannot be set aside by any authority without his own consent. It excludes the Legislature as well as the courts. It follows, also, that in its exercise it is regulated by the same rules in legislative investigations as in judicial or other inquiries."

What is the rule of interpretation that should be applied to the solemn guarantees contained in the amendments of the Constitution?

Shall it be narrow, limited, and technical, disappointing the just expectation and belief of the citizen, and leaving him to become the victim of arbitrary power, and justifying itself by sophistries; or shall it be large and broad and liberal according to the common understanding of men, reaching to substance, and illustrating the glory of personal liberty by a generous application of the great principles upon which our system of constitutional freedom reposes?

These questions have been frequently considered and adjudged by courts of the highest authority.

In the case of *The People against Hackley*, (24 New York Reports, p. 82,) Justice Denio, in delivering the opinion of the court, says:

Constitutional provisions devised against governmental oppression, and especially against such as may be exercised under pretense of judicial power, ought to be construed with the utmost liberality, and to be extended so as to accomplish the full object which the author apparently had in view, so far as it can be done consistently with any fair interpretation of the language employed.

Referring to the fourth, fifth, and sixth articles of amendment to the Constitution, the Supreme Court, in *Milligan's case*, (4 Wall., p. 120,) uses the following language:

These securities for personal liberty thus embodied were such as wisdom and experience had demonstrated to be necessary for the protection of those accused of crime. And so strong was the sense of the country of their importance, and so jealous were the people that these rights, highly prized, might be denied them by implication, that when the original Constitution was proposed for adoption it encountered severe opposition; and but for the belief that it would be so amended as to embrace them, it would never have been ratified.

And in the case of *Cummings against The State of Missouri* (same volume) the court, dealing with this same class of constitutional guarantees, says:

The court deals with substance, not shadows. The inhibitions of the Constitution are leveled at the thing, not the name.

The rule of interpretation thus declared, the respondent is advised and submits, must be applied in the consideration of every question arising upon the construction of the declaration of the Constitution, upon which he relies before the House in the present case.

That the present is a criminal case within the just meaning of the

constitutional amendment, the respondent submits is manifest from the character and object of the proceedings before the House and the committee to which he has referred.

Those proceedings were instituted and have been conducted in the exercise and execution of the power of impeachment, vested by the Constitution in the House of Representatives, and for the purpose of ascertaining and determining whether the respondent has been guilty of high crimes and misdemeanors justifying his impeachment by this honorable body.

He respectfully submits that the rule laid down by the honorable gentlemen who concurred in the report of the minority of the Committee on Expenditures in the State Department states the true and just construction to be given to the constitutional guarantee under consideration, and it is this, "that when distinct charges of the commissions of officers constituting high crimes and misdemeanors are preferred against a public officer, and such charges are before a committee for investigation with reference to the exercise of the power of impeachment conferred by the Constitution upon the House, and proceedings are conducted for the purpose of ascertaining his probable guilt or innocence of the offenses imputed to him; according to the forms of law there is presented a 'criminal case,' which is subject to the prohibition in the fifth amendment of the Constitution that 'no person shall be compelled in any criminal case to be a witness against himself.'"

The respondent respectfully submits, in regard to the nature and character of the books in question, that the following portions of the report of the minority of the honorable committee correctly represent the evidence before the committee, and accurately state the law applicable to the evidence upon that subject:

The undersigned desire also to express their views in regard to the character of the books mentioned in the subpoena, under the evidence which has been presented to the committee.

This question is to be considered in connection with the provisions of statutes and executive regulations which prescribe the number and kind of books which a consul is required to keep for the purpose of showing the monetary transactions at his consulate.

The statutory provisions on this subject are found in the eighteenth and twenty-seventh sections of the act of August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States." (11 Statutes at Large, 52.)

The executive regulations are contained in article 25 of Consular Regulations of 1874, entitled "Record Books and Archives." (Regulations, page 100.)

"ARTICLE XXV.

"RECORD BOOKS AND ARCHIVES.

"398. The following record books are to be kept at all inland consulates of the United States:

"399. A *dispatch-book*, into which are to be copied all official communications written by the consular officer to the Department of State. Press copy-books are not to be considered as permanent records.

"400. A *letter-book*, into which are to be copied all other official communications written by the consular officer.

"401. A *fee-book*, in which the consular officer shall register all fees received by him in the order in which they shall be received, specifying in such register or fee-book each item of service, the amount received therefor, from whom and the date when received, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts, respectively, so that the receipts and register shall correspond with each other. The consular officer will specify the name of the person for whom and the date when he shall verify any passport, certify any invoice, or perform any other official service, in the entry of the receipt of the fees therefor in such register; and also number each consular act so receipted for with the number of such receipt as shown by such register. The fee-book is to be ruled and kept in accordance with form No. 101 or 102.

"402. A *passport-book*, in which are to be registered all passports issued or visaed by the consular officer. (No. 132.)

"403. An *invoice-book*, to be ruled and kept in accordance with form No. 133, and with the instructions prescribed in the article on verification of invoices.

"404. A *miscellaneous record book*, for the entry of those official papers and records which cannot conveniently be classified and entered in the record-books above named.

"405. A *register of official letters received at the consulate*, which shall embrace the following information: name of the writer, number and date of letter, when received, its import, and remarks thereon, as prescribed in form No. 118.

"406. A *register of official letters sent from the consulate*, stating the date and import of the letter, and the name of the person to whom sent, as prescribed in form No. 119.

"407. A *register of landing or debenture certificates*, stating the name of the consignee, the date of the certificate, the merchandise, the name of the vessel, the port of shipment, and the date of shipment, (form 134.) A similar form will answer for tobacco or snuff.

"408. In reports the following additional books will be used: A *record-book of commercial returns*, to be kept in accordance with form No. 120, in which must be stated, in respect of vessels, the number, date of arrival, class, name, and tonnage of all American vessels, where belonging, whence from, whither bound, when and where built, master and owner's names; and in respect of cargoes, both inward and outward, under distinct heads, as nearly as possible, the description, quantity, and value of the same, and where produced or manufactured.

"409. A *seamen's register*, in which shall be recorded a detailed list of all seamen shipped, discharged, or deceased at the consulate or commercial agency, and the payments made on account of each, according to form No. 124.

"410. A *relief-book*, showing the number and names of all seamen relieved, from what vessel discharged, date and cause of discharge, and date of leaving the consulate; embracing also the several amounts disbursed on their account, as particularly described in form No. 94.

"411. A *quarterly account-current book*, in which shall be recorded the account-current furnished quarterly to the Fifth Auditor, as per form No. 100.

"412. A *protest-book*, for the entry of notes of marine protests, in accordance with form No. 37.

"413. A *book for the entry of extended protests*. (See form No. 38.)

"414. A *daily journal* is to be kept, as prescribed in form No. 135.

The evidence seems to indicate that Mr. Seward kept all the books above mentioned with the exception (for a period of time) of the book entitled "ship's daily journal," and further that the books so required to be kept and so kept by him are in the possession of the Government and a part of the archives of the consulate at Shanghai. (See the testimony of Mr. Lewis, page 577 printed evidence.)

As to the book called ship's daily journal and the statement that this book was not kept at Shanghai, attention is called to that part of Mr. Lewis's evidence which shows that all the entries of money transactions affecting the Government which ought to be entered upon that book appear upon other books, and to the fact that Mr. Seward informed the Government in 1864 that he could not comply with certain requirements of the regulations, for the reason that he had not sufficient clerical force, and tendered his resignation because of the want of means to obtain it.

Besides the books thus authorized and required by law to be kept by Mr. Seward, it seems that he kept certain other books in which entries were made in reference to official business, and also in reference to his private and personal affairs. These books are not within the designation of "public books," but are to be denominated *private books*, as distinguished from public books, which constituted no part of the archives of the consulate under the statutes and regulations to which reference has been made.

It cannot justly be said that the United States have a proprietary interest in the writings and entries contained in those books, while so far as the entries relating to official matters are concerned, they were of assistance to Mr. Seward and his clerks in preparing the public accounts and returns; they were apparently devoted also to the credits given by the office to persons having business with it.

The Government thus received a certain benefit from the employment of the books in question; and whatever may be the state of the title to the books, considered as stationery, it would seem under the authorities that the contents of the books stand upon no different footing from the contents of any other books, papers, or documents in the possession of Mr. Seward.

The law as to what are public books which an officer is required to turn over to his successor is declared in the decision of the supreme court of New York in 11 Wendell, 545, and the decision of the supreme court of Pennsylvania in 14 Sergeant & Rawle, 440. In the former case it was held that the docket of a justice of the peace was not a public book but was a private book, because no law required it to be kept, while in the latter case the court held such a docket to be a public book, and should remain in the office upon the express ground that justices of the peace were ordered by act of Assembly to keep a docket.

Whatever might be the value or effect of the contents of the books of account in question as evidence against Mr. Seward, it does not appear to the minority of the committee that there is anything in the legal character of the books themselves which would warrant the exercise of any power in respect to them not applicable to other private writings of Mr. Seward which were in the consulate at Shanghai while he was consul-general.

It is impossible to perceive upon what grounds of justice or right Mr. Seward can be affected with a responsibility beyond that attaching to him under the laws, regulations, and instructions to which he was at the time subject, by reason of having kept a set of books not provided for or even authorized by the Government. If new laws, regulations, or instructions are deemed necessary it would be appropriate for the competent department of the Government to make and issue them. The Government has heretofore proceeded upon the theory that consular officers should be required to keep books of certain kinds specified in the regulations and intended to exhibit the condition of accounts as between the consuls and the Government. It has nowhere prescribed that books necessary to keep the current credits given by consular officers to individuals, or by them to him, should be kept as public books, or that returns of such credits should be made.

The statement in the report of the majority that the accounts for the interpreters', marshals', and clerks' salaries and for the expenses of the consular court appear only in the books in question does not appear to be sustained by the evidence.

All accounts rendered by Mr. Seward are now filed in the Treasury and State Departments, and are open for the investigation of the committee. The greater part of them, indeed, have been furnished to the committee, and are in the evidence. There was no instruction or regulation requiring the accounts named to be entered upon any book of record at the consulate. Nor does it appear to be a matter of special concern to the Government in what form the data from which these accounts were made up were kept by the consul. No instructions apparently were issued to him in the matter. The reports of the auditing officers are directed to individual officers, and Mr. Seward's accounts with those connected with the office may be supposed to have related in whole or in part to particulars and details which were of concern to them and to him only.

The statement again that the books in question were kept by clerks appointed by the Government is not unqualifiedly sustained by the evidence. No clerk in Mr. Seward's office was paid by the Government until 1866, when one of those employed and paid by Mr. Seward was commissioned and in part paid by the Government, (\$1,000 out of a total salary of \$2,300.) In 1867 another clerk employed by Mr. Seward was commissioned and in part paid by the Government, the rate of pay given by the Government and by Mr. Seward being the same as in the first instance.

In view of the facts thus presented, and the law applicable thereto, the respondent respectfully submits that he is not in contempt of the House. He therefore asks that he be discharged from his present arrest.

GEORGE F. SEWARD,
R. T. MERRICK,
J. HUBLEY ASHTON,
Of Counsel for George F. Seward.

WASHINGTON, February 28, 1879.

Mr. SPRINGER. In order that the question raised by the witness to the House may be fully understood, I desire to have read that portion of the report of the majority of the committee which states the questions that were put to Mr. Seward and which he refused to answer.

The Clerk read as follows:

On the 20th day of February, 1879, Mr. Seward appeared in the committee-room in person and by his counsel, and thereupon the chairman of the committee submitted to him (Mr. Seward) the following questions: "Are you ready to produce the books mentioned in the subpoena *duces tecum* served upon you on the 19th instant, and submit them to the examination of the committee?"

Mr. Seward said that he would answer by his counsel. Thereupon the following question was propounded to him: "Will you at the next meeting of the committee—on to-morrow—or within a reasonable time produce the books and submit them to the inspection of the committee?" To which question he made the same response as to the other.

The committee, having heard argument of counsel as to the authority of the House of Representatives to compel the production of books described in the subpoena *duces tecum*, and having carefully considered the facts applicable thereto, adopted the following resolutions:

"First. That the blotters, cash-books, journals, and ledgers described and called for by subpoena *duces tecum* served on George F. Seward by order of this committee are books belonging to the United States, and contain official records of the consulate-general at Shanghai and of the United States; and said books also contain records of consular fees received by George F. Seward, which he claimed to be unofficial fees, and to belong to him individually, and to that extent he has claimed the books to be private. Also, that said books were used as general-account books for all the money transactions of the office, whether they were on Mr. Seward's private account or on the Government account.

"Second. That said blotters, cash-books, journals, and ledgers are the books of

original entry of all fees and other moneys received and paid at the consulate-general at Shanghai from 1863 to 1871, inclusive, during which time George F. Seward was consul-general at Shanghai, and that no certain and complete examination of the receipts and payments at said consulate-general during said Seward's occupancy of said office can be made without the possession of said books.

"Third. That George F. Seward, after his appointment as United States minister plenipotentiary to China, took said blotters, cash-books, journals, and ledgers from the said consulate-general and carried them to Peking, the place of his residence as minister to China, and the said George F. Seward now has the possession and control of said blotters, cash-books, journals, and ledgers.

"Fourth. That the committee have applied to the State Department for said books, and have been informed by said Department that the books are not in the State Department.

"Fifth. That the said George F. Seward illegally and without right retains and deprives this committee of the use of said blotters, cash-books, journals, and ledgers. That the demurrer and answer of said George F. Seward, made through his counsel, be overruled; and that said George F. Seward be directed and commanded to forthwith produce the said blotters, cash-books, journals, and ledgers in obedience to the said *subpœna duces tecum*.

"Sixth. That should the aforesaid George F. Seward fail to produce the books referred to in the *subpœna duces tecum*, the chairman of the committee shall tender to the said George F. Seward the following qualified oath, to wit:

"You do swear that you will true answer make to such questions as may be put to you touching the possession, custody, and whereabouts of the books called for by the *subpœna duces tecum* served upon you."

"And that the said chairman shall also tender to the said George F. Seward the usual general oath tendered to witnesses before investigating committees of Congress."

The foregoing resolutions were read in Mr. Seward's hearing and in the presence of his counsel, and he was requested by the chairman to comply with the order requiring him to produce the books mentioned in the *subpœna duces tecum*.

To this request he made no response, but did not produce the books as required. The chairman thereupon, in pursuance of the last resolution above set forth, tendered to Mr. Seward the following qualified oath, to wit:

"You do swear that you will true answer make to such questions as may be put to you touching the possession, custody, and whereabouts of the books called for by the *subpœna duces tecum* served upon you."

The foregoing oath having been tendered by the chairman to Mr. Seward, he made no response, but stood mute.

The chairman thereupon tendered Mr. Seward the following general oath, to wit: "You do solemnly swear that the evidence you will give touching the matters of inquiry committed to this committee, and the answers you will give to the questions propounded to you by or on behalf of this committee touching such matters, shall be the truth, the whole truth, and nothing but the truth, so help you God."

This oath having been tendered by the chairman to Mr. Seward, he made no response, but stood mute.

The SPEAKER. Mr. Seward, do you desire it to be understood that you decline to produce the books as required by the *subpœna duces tecum* which the committee have required you to produce? And do you decline to take the qualified or the general oath tendered to you by the chairman of the committee?

Mr. SEWARD. I stand here, Mr. Speaker, for my rights as a citizen and an officer. So long as persons who are my personal enemies are pursuing me before that committee, I shall hold all books and papers which I now hold. I say this with perfect respect and perfect deference for the House. But I shall stand for all the rights which I am guaranteed by the Constitution.

But I want to say this to this House that when the committee say that they are done with my persecutors they can have my books, and whenever the Administration, either the Treasury Department or the State Department, demands my books they shall have them, but not at the instance of my enemies.

Mr. SPRINGER. I move the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That George F. Seward having been heard by the House, pursuant to the order heretofore made requiring him to show cause why he should not respond to the *subpœna duces tecum* by obeying the same so far as the same requires the production of the books described in the *subpœna duces tecum*, be, and is therefore, considered in contempt of the House because of his failure to produce said books.

Mr. BUNDY. I desire to offer a substitute for the resolution offered by the gentleman from Illinois.

Mr. SPRINGER. I will hear it read for information.

The Clerk read the proposed substitute, as follows:

Resolved, That the answer of George F. Seward in response to the order voted by the House and issued by the Speaker, requiring him to show cause why he should not be declared in contempt, and all evidence and papers pertaining thereto, together with the reports of the committee, be referred to the Committee on the Judiciary, with instructions to report as early as practicable what action in their judgment should be taken by the House in relation thereto.

Mr. SPRINGER. I am not authorized to yield for the introduction of this substitute. I would do so, however, if it were necessary to raise any question which involves the rights of this citizen. I desire to state in answer to the remarks which Mr. Seward has made in regard to his having been pursued by enemies before the committee—

Mr. HANNA. I desire to make a parliamentary inquiry. When Mr. Seward is brought to the bar of the House to show cause and he does show cause, I inquire whether or not it is then competent for a member to rise and attempt to answer him; whether it is competent for any member to proceed with an argument to answer the questions of law and fact embodied in his reasons presented to the House why he should not be punished? According to every rule of law known to the courts, it would be incompetent for such a thing to be done.

The SPEAKER. The Chair hardly thinks that a parliamentary inquiry. It is a question of propriety to be considered by the House.

Mr. SPRINGER. That is a refinement in regard to evidence which I never heard before, that the witness may make an answer to the

House and that no member of the House or the House itself can say whether that answer is sufficient or not.

Mr. TIPTON. Is the question open to debate?

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has control of the floor, and the House has control of the subject.

Mr. SPRINGER. I wish to say in reply to a remark which fell from the witness, that the only witnesses before the committee were persons now in the Government service, and who were appointed by the late President Grant or by the present occupant of the presidential chair.

Mr. WILLIAMS, of Oregon. I ask that the gentleman be required to confine himself to the subject-matter of the resolution.

The SPEAKER. The Chair is unable to draw the line as to what debate would be proper upon this question.

Mr. LUTTRELL. I hope the House will let the matter go to the Committee on the Judiciary. The liberty of a citizen is at stake.

Mr. SPRINGER. I hope the gentleman from California [Mr. LUTTRELL] will contain himself for a moment. There is no heathen Chinese in this case, although this person is from China.

Mr. HUMPHREY. There may be a negro on the fence.

Mr. SPRINGER. The chief witnesses in the case were men who were appointed either by the last or the present President. [Loud cries of "Order!" and "Vote!"]

Mr. BUNDY. I hope the House will hear the gentleman from Illinois.

Mr. WILLIAMS, of Oregon. The question before the House is whether the party arraigned at the bar has made sufficient answer or not, and to that the gentleman from Illinois should address himself and to no other.

The SPEAKER. The House is proceeding under the rules.

Mr. SPRINGER. I will not detain the House but for a moment. I should not have felt it my duty to have said anything had not Mr. Seward stated that he was pursued by enemies, as if the committee had been used for the purpose of allowing his enemies to pursue him. Mr. Myers, the principal witness against him, was appointed by President Grant and confirmed by the Senate. He was a distinguished citizen of Pennsylvania, a constituent of the gentleman from Pennsylvania before me, [Mr. CLYMER,] who certifies that he is a man of good reputation.

The other witness was Mr. G. Wiley Wells, appointed consul-general by the present occupant of the presidential office. He went there and investigated this consulate. These are the two witnesses who Mr. Seward says are his enemies and are pursuing him. They are officials who went there in the service of the Government for the purpose of discharging public duties. Mr. Seward has been offered every opportunity before the committee for a fair hearing upon every question presented.

Mr. CONGER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CONGER. My point of order is that no member of this House sitting in judgment on this question, as a judge and not as a prosecutor, can attack the statement of Mr. Seward here as a witness against him; but he must do it by testimony outside of the knowledge of that member, and by proper testimony presented to this House.

The SPEAKER. The Chair thinks that it was quite natural for the witness to say what he did. And the Chair sees no impropriety in the chairman of a committee which has been attacked as to its course in this case making a statement before the House in refutation of the reflections upon his committee.

Mr. SEWARD, (the witness.) I desire to say that I have had no intention of attacking the chairman of the committee. I had not the slightest intention of doing so.

Mr. CONGER. Mr. Seward stated that he was persecuted by his enemies. A member of the House rises here and testifies to this House that these enemies are respectable.

The SPEAKER. The Chair understood the gentleman from Illinois—

Mr. SPRINGER. Mr. Seward has expressly stated to the House that he has been treated with the utmost fairness by the committee— [Cries of "Vote!" "Vote!"] I shall not delay the House.

Mr. McMAHON. I desire to ask the gentleman a question if he will allow me.

Mr. SPRINGER. Certainly.

Mr. McMAHON. I would inquire of the gentleman if the witness made answer under oath that these are private or public books?

Mr. SPRINGER. I desire to explain that matter. The answer is just this: the witness was not required to be sworn at all before the committee in the first instance; he was only asked to produce these books, and a *subpœna* was directed to him. I declined to ask that he be sworn; but as chairman of the committee I put the question to him whether he would produce the books. To that question he made no response except that he would answer by his counsel.

I then asked him the other question whether he would produce the books at some convenient time, at a meeting of the committee to be held thereafter. To that question he made no other response than an answer by his counsel.

Then, by order of the committee, I asked him to take a qualified oath as to where the books could be found. He declined to be sworn and sat mute. Another general oath was tendered to him, not because the committee wanted to ask him any question, but to save a

point which was raised by a member of the committee, that unless he was sworn he could not be regarded as a witness. He refused to take both oaths, and the only object of this proceeding is to secure the books; that is all.

Mr. KELLEY. I would like to ask the gentleman a question.

Mr. SPRINGER. Certainly.

Mr. KELLEY. I would like to ask the gentleman whether, before pressing Mr. Seward, the defendant, to testify and furnish evidence, he admonished him that the Constitution of the United States prohibited any citizen from being used as a witness against himself in a criminal case?

Mr. SPRINGER. I will state that Mr. Seward was represented by distinguished counsel before that committee, and he did not need to be advised by the chairman or any member of it as to his rights. I will state that when the question was put to him I distinctly stated to him that he could confer with his counsel before making answer.

Mr. LUTTRELL. I desire to ask a question.

Mr. SPRINGER. Very well.

Mr. LUTTRELL. Do you know that he has any other books except those that he has surrendered?

Mr. SPRINGER. I do, by overwhelming evidence. And it is not disputed in this answer that he has made here to-day that he has a set of books, running from 1863 to 1872, in his possession, and which he has declined to produce. He has admitted in his statement that he had them, and would at some other time produce them—when his enemies ceased to pursue him. [Cries of "Vote!" "Vote!"] Furthermore, I desire to answer the gentleman from Ohio [Mr. McMAHON] by stating that it has never been said by Mr. Seward that these books, if produced, would criminate him.

Mr. LATHROP. I desire to ask the gentleman a question.

Mr. CARLISLE. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. I will yield to the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. CARLISLE. I desire to inquire of the gentleman from Illinois, the chairman of the committee, [Mr. SPRINGER,] whether the committee put to Mr. Seward any question which required him to give testimony concerning the merits of the matter of this investigation, or concerning the merits of the charges against him?

Mr. SPRINGER. I will answer the gentleman. No question of that kind was put to him; nor was it the intention of the committee to do anything except to secure the production of these books, which belong to the Government and contain the only original entries of the Government business at that consulate.

I now yield to the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. Mr. Speaker, I had not expected to say a word in regard to this matter. But unexpectedly I have been referred to by the chairman of the committee as to the character of the principal witness in this case.

Mr. HUMPHREY. I object to any member on this floor rising to vindicate the character of any witness.

Mr. CLYMER. Mr. Speaker—

Mr. CONGER. I make my point of order against this proceeding.

Mr. CLYMER. When a constituent and a friend of mine is charged with being an enemy and a pursuer of a high public functionary, I claim it as my just privilege to bear my testimony in regard to his general character; and I know that the fair men of the House will listen to me.

Mr. CONGER. I insist on my point of order.

Mr. CLYMER. I shall say nothing which will offend the ear of the most earnest advocate of Mr. Seward.

Mr. CONGER. Before the gentleman proceeds, I desire the Chair to rule on the point of order I have made.

The SPEAKER. The gentleman will state his point of order.

Mr. CONGER. I make the point of order—

Mr. BUNDY. I trust the gentleman from Michigan [Mr. CONGER] will not press the point of order, hoping that after the gentleman from Pennsylvania has been heard upon the question which it seemed to be understood by the gentleman from Illinois in yielding to him should be the subject of his remarks, the minority of the committee will be heard for at least five minutes, and only upon the question that may be discussed by the gentleman from Pennsylvania.

Mr. CONGER. My point of order is that none of the judges in this case should appear before this body to testify as to the character of witnesses.

The SPEAKER. That is not a parliamentary question. It is a question of propriety, to be decided by the gentleman addressing the House.

Mr. CONGER. It is a question of order which the Chair must decide; otherwise we might spend months here in testifying about the character of witnesses.

Mr. SPRINGER. I will say that as soon as the gentleman from Pennsylvania is through, I desire to move the previous question.

The SPEAKER. The Chair will say to the gentleman from Michigan [Mr. CONGER] that he knows no rule which allows him to stipulate with a member what he shall say.

Mr. CONGER. But when the gentleman has gone so far as to show that he is going outside of the question to talk about the character of witnesses—

The SPEAKER. If the Chair interposed to prevent all debate

which went outside of the questions before the House, debate would be very much more limited than it is.

Mr. CONGER. I think the Chair should keep the remarks of gentlemen within the limits of the subject-matter.

The SPEAKER. The Chair will try to do so; but it is a very hard task.

Mr. CLYMER. I am sorry the gentleman from Michigan [Mr. CONGER] declines to hear my statement with reference to this matter.

Mr. BUNDY. I again request the gentleman from Michigan to withdraw his point of order. [Cries of "Vote!" "Vote!"]

Mr. CLYMER. Now, Mr. Speaker, with reference to John C. Myers, the principal witness in this case. I have known him from boyhood. He has been my friend, my associate, although always my political opponent. A more just, a more upright, a more conscientious man I do not know; and if he has done anything here which may have offended any one I believe it was done under a misapprehension of the facts, although with a conscientious desire to do his duty to his country and to himself.

Mr. BUNDY. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from New York, [Mr. BUNDY?]

Mr. SPRINGER. No, sir; I cannot yield further.

Mr. HUMPHREY. Then I rise to another point of order. I submit that no more extraordinary proceeding could take place than for a member to rise here and testify to the good character of a witness in this case. Every member of the House might undertake to testify on that question. I say it is an extraordinary proceeding, and I protest against it.

Mr. TURNER. Will the gentleman from Illinois yield to me?

Mr. SPRINGER. No, sir; I cannot yield to any one. I demand the previous question; but before that is voted on, I will ask that the resolution, as modified, be read.

Mr. BUNDY. I rise to a parliamentary inquiry. If the resolution submitted by the gentleman from Illinois should be voted down, will it not be in order to move the proposition offered by myself to refer the legal and constitutional question here involved to the Committee on the Judiciary?

The SPEAKER. The object of the gentleman from New York [Mr. BUNDY] can be reached, if the House so desires, by voting down the demand for the previous question.

Mr. SPRINGER. If my resolution is voted down, the House declares that the witness is not in contempt, and that ends the question.

Mr. CONGER. Why may not the resolution of the gentleman from New York be offered as a substitute?

The SPEAKER. The gentleman from Michigan must be quite aware of the reason. The gentleman from Illinois has demanded the previous question upon the resolution submitted by himself, and that cuts off any amendment.

Mr. CONGER. I had not understood the gentleman as demanding the previous question, or I should not have made the inquiry.

Mr. SPRINGER. I ask for the reading of the resolution.

Mr. MILLS. I desire to ask a question for information. I have been informed that the defendant admits these are the public books of the Government. I wish to know whether I am correctly informed in that regard?

Mr. BAYNE. I should like to answer that question.

The SPEAKER. The gentleman is not in order unless he rises for the purpose of asking a parliamentary inquiry.

Mr. SPRINGER. I ask for order in the House.

The SPEAKER. The Chair asks that, too, and means to have it. Gentlemen will make up their mind that the public business shall not proceed further until order is restored.

Mr. BAYNE. Now, Mr. Speaker—

The SPEAKER. The Chair will not recognize anybody until order prevails so the public business may proceed intelligently. [After a pause.] The gentleman from Pennsylvania rises to a parliamentary inquiry, and will state it.

Mr. BAYNE. If the minority is entitled to be heard at all, I desire to reply to the question put by the gentleman from Texas.

Mr. SPRINGER. That is not a parliamentary inquiry.

The SPEAKER. It is not a parliamentary inquiry, and can only be done by unanimous consent.

Mr. BUNDY. I rose to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUNDY. In my humble way I failed to secure the attention of the House or Speaker.

The SPEAKER. The Chair begs to correct the gentleman; the Chair recognized the gentleman to a parliamentary inquiry.

Mr. BUNDY. But I did not finish it. I now wish to finish that parliamentary inquiry, and it is this: if the previous question is not seconded, then will the resolution submitted by myself be in order?

The SPEAKER. In answer to that question the Chair states that if the call for the previous question be not seconded it will throw this whole subject open for further debate and amendment.

Mr. BUNDY. Then the proposition to send the subject to the Committee on the Judiciary will be next in order.

Mr. SPRINGER. Of course it will be.

Mr. BUNDY. Very well, I want that perfectly understood.

Mr. SPRINGER. I now ask for the reading of the resolution as modified.

The Clerk read as follows:

Resolved, That George F. Seward having been heard by the House, pursuant to the order heretofore made requiring him to show cause why he should not respond to the *subpoena duces tecum* by obeying the same so far as the same requires the production of the books described in the *subpoena duces tecum*, be, and is therefore, considered in contempt of the House because of his failure to produce said books.

Mr. BUNDY. I desire tellers on seconding the demand for the previous question. [Cries of "No!" "No!"]

Mr. BUNDY. Yes, I want tellers.

The SPEAKER. Not one-fifth of a quorum has voted for tellers and they are not ordered.

Mr. MILLS. Let us have a division on the question.

The House divided; and there were—ayes 105, noes 106.

Mr. SPRINGER. I demand tellers.

Mr. CONGER. Tellers were refused.

Mr. SPRINGER. Tellers were refused on a *cave voce* vote, but not on a division.

The SPEAKER. Tellers were refused prior to the division, and there has been intervening business.

Mr. CONGER. The question was put and the Chair decided tellers were refused.

The SPEAKER. There must of necessity be some time when the House can of itself review the count of the House by the Speaker, and that right it has in ordering tellers. However, the gentleman from Illinois could reach his object in another way by moving to reconsider the vote by which tellers were refused.

Tellers were ordered; and Mr. SPRINGER and Mr. BUNDY were appointed.

The House again divided; and the tellers reported—ayes 107, noes 110.

The SPEAKER. Before announcing the result the Chair desires to state that in this case primarily there was a demand for tellers refused, but there are two modes by which the House has the right to review the count of the Chair—one is by tellers and the other is by the yeas and nays. To suppose the declaration of a vote by division under the count by the Chair is not susceptible of review would be to cut off one of the rights of the House. The House has refused to second the demand for the previous question, and the Chair recognizes the gentleman from New York, [Mr. BUNDY.]

Mr. BUNDY. Now I offer as a substitute the resolution I send to the desk, and upon that I call the previous question.

The Clerk read as follows:

Resolved, That the answer of George F. Seward, in response to the order voted by the House and issued by the Speaker, requiring him to show cause why he should not be declared in contempt, and all evidence and papers pertaining thereto, together with the reports of the committee, be referred to the Committee on the Judiciary, with instructions to report as early as practicable what action, in their judgment, should be taken by the House in relation thereto.

The previous question was seconded and the main question ordered.

Mr. SPRINGER. I call for the yeas and nays on the substitute. We may as well have a test vote on this amendment. If voted down, the question will immediately recur upon the resolution. Therefore, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TUCKER. I ask that the amendment and the resolution for which it is a substitute be read.

The resolution and amendment were again read.

The question was taken; and there were—yeas 112, nays 108, not voting 70; as follows:

YEAS—112.

Aldrich,	Cox, Jacob D.	Kelley,	Robinson, G. D.
Bacon,	Culbertson,	Ketchum,	Robinson, M. S.
Bagley,	Cummings,	Killinger,	Ryan,
Bailey,	Davis, Horace	Lathrop,	Sampson,
Baker, John H.	Deering,	Lindsey,	Sapp,
Baker, William H.	Denison,	Loring,	Shallenberger,
Bailon,	Dunnell,	Luttrell,	Simickson,
Bayne,	Dwight,	Lynde,	Smalls,
Beale,	Eames,	Majors,	Smith, A. Herr
Boyd,	Evans, I. Newton	Manning,	Starr,
Brentano,	Foster,	Marsh,	Stewart,
Brewer,	Frye,	McCook,	Stone, John W.
Briggs,	Gardner,	McGowan,	Stone, Joseph C.
Brogden,	Hanna,	McKinley,	Straft,
Browne,	Harmer,	Mills,	Tipton,
Bundy,	Harris, Benj. W.	Mitchell,	Townsend, Amos,
Burchard,	Hart,	Norcross,	Townsend, M. I.
Burdick,	Hayes,	Oliver,	Van Vorhes,
Butler,	Henderson,	Overton,	Wait,
Cain,	Hubbell,	Page,	Ward,
Camp,	Humphrey,	Patterson, G. W.	Watson,
Campbell,	Hungerford,	Peddle,	White, Harry
Cannon,	Hunter,	Price,	Williams, C. G.
Caswell,	Ittner,	Pugh,	Williams, Richard
Chittenden,	James,	Rainey,	Willis, Benj. A.
Claffin,	Jones, John S.	Randolph,	Willits,
Clark, Rush	Jorgensen,	Rice, William W.	Wilson,
Conger,	Keifer,	Robbins,	Wren,

NAYS—108.

Aiken,	Bouck,	Chalmers,	Crittenden,
Atkins,	Bragg,	Clark, Alvah A.	Cutler,
Banning,	Bridges,	Clarke of Kentucky,	Davis, Joseph J.
Bell,	Bright,	Clymer,	Dean,
Benedict,	Cabell,	Cobb,	Dibrell,
Bicknell,	Caldwell, John W.	Collins,	Dickey,
Blackburn,	Caldwell, W. P.	Cook,	Durham,
Bloom,	Candler,	Covert,	Eden,
Boone,	Carlisle,	Cravens,	Elam,

Ellis,	Hartzell,	Money,	Steele,
Evins, John H.	Hatcher,	Morrison,	Stenger,
Ewing,	Henkle,	Morse,	Townsend, R. W.
Finley, Ebenezer B.	Henry,	Muldrow,	Tucker,
Finley, Jesse J.	Herbert,	Pridemore,	Turner,
Fleming,	Hooker,	Reagan,	Turney,
Forney,	House,	Reilly,	Vance,
Fuller,	Jones, Frank	Rice, Americus V.	Veeder,
Gause,	Jones, James T.	Robertson,	Waddell,
Gibson,	Kenna,	Ross,	Warner,
Giddings,	Kimmel,	Saylor,	Whitthorne,
Glover,	Landers,	Scales,	Wigington,
Goode,	Ligon,	Singleton,	Williams, James
Gunter,	Mackey,	Slemous,	Williams, Jere N.
Hamilton,	Maish,	Smith, William E.	Willis, Albert S.
Hardenbergh,	Mayham,	Southard,	Wright,
Harris, Henry R.	McKenzie,	Sparks,	Yeates,
Harrison,	McMahon,	Springer,	Young, John S.

NOT VOTING—70.

Acklen,	Felton,	Knott,	Reed,
Banks,	Fort,	Lapham,	Riddle,
Boebe,	Franklin,	Lockwood,	Roberts,
Blair,	Freeman,	Martin,	Sexton,
Bland,	Garfield,	Metcalfe,	Shelley,
Bliss,	Gauth,	Munroe,	Stephens,
Buckner,	Hale,	Morgan,	Swann,
Calkins,	Harris, John T.	Muller,	Thompson,
Clark of Missouri,	Haskell,	Neal,	Thornburgh,
Cole,	Hazleton,	O'Neill,	Throckmorton,
Cox, Samuel S.	Hendee,	Patterson, T. M.	Walker,
Crapo,	Hewitt, Abram S.	Phelps,	Walsh,
Danford,	Hewitt, G. W.	Phillips,	White, Michael D.
Davidson,	Hiscock,	Pollard,	Williams, Andrew
Eickhoff,	Huntton,	Potter,	Wood,
Ellsworth,	Joyce,	Pound,	Young, Casey.
Errett,	Keightley,	Powers,	
Evans, James L.	Knapp,	Rea,	

So the amendment was agreed to.

During the vote the following announcements were made:

Mr. HARTZELL. I am requested to announce that Mr. DAVIDSON is paired with Mr. KEIGHTLEY.

Mr. COVERT. My colleague, Mr. WOOD, is paired with Mr. POUND.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. HAZELTON.

Mr. BEALE. I wish to announce that my colleague, Mr. HUNTON, is paired with Mr. HENDEE.

Mr. COBB. I desire to announce that Mr. REA is paired with Mr. NEAL. If present, Mr. REA would vote "no."

Mr. BLAIR. I am paired with Mr. THROCKMORTON. If he were present, he would vote "no" and I should vote "ay."

Mr. COLE. I am paired with Mr. JOHN B. CLARK, jr. If he were present, he would vote "no" and I should vote "ay."

Mr. BENEDICT. I am paired with Mr. WILLIAMS, of Wisconsin. Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT. If he were present, he would vote "ay" and I should vote "no."

Mr. RYAN. I am paired with Mr. STEPHENS, of Georgia, on the Post-Office appropriation bill; that was the extent of my pair to-day, and I vote "ay" upon this question.

Mr. HASKELL. I am paired with Mr. FRANKLIN. If present, he would vote "no" and I should "ay."

Mr. FRYE. My colleagues of the Judiciary Committee, Mr. KNOTT and Mr. LAPHAM, are paired, and are attending to the duties of their committee.

Mr. THOMPSON. On this question I am paired with the gentleman from New York, Mr. HEWITT. If present, he would vote "no" and I should vote "ay."

The result of the vote was then announced as above recorded.

Mr. BUNDY. I move to reconsider the vote by which this amendment was adopted; and also move that the motion to reconsider be laid on the table.

Mr. EWING. I ask for a division on the motion to lay on the table the motion to reconsider.

Mr. SPRINGER. Pending that motion I move that the House take a recess until half past seven o'clock.

Mr. RICE, of Ohio. I would suggest eight o'clock.

Mr. BUNDY. I desire to withdraw my motion to lay on the table the motion to reconsider.

Mr. RICE, of Ohio. It is now half past six o'clock; make the recess until eight o'clock.

Mr. BUNDY. Do not let the matter go over until to-morrow. I withdraw my motion to reconsider and lay on the table.

Mr. MILLS. Has the gentleman a right to withdraw it until the House has taken action upon it?

The SPEAKER. The Chair will have Rule 40 read.

The Clerk read as follows:

A motion may be withdrawn at any time before a decision or amendment, but not after the previous question is seconded; it may, however, be withdrawn while the House is dividing on a demand for the previous question, and all incidental questions fall with such withdrawal.

The SPEAKER. The Chair decides that the gentleman has a right to withdraw the motion.

Mr. BLOUNT. I desire to move that the House non-concur in the balance of the amendments on the Post-Office appropriation bill.

Mr. BURCHARD. Let us finish the privileged question first.

Mr. BUTLER. I move that, pending further proceedings in the case, the respondent at the bar be discharged on his personal recog-

nizance to attend when called for. I think there can be no objection to that.

Mr. FINLEY, of Ohio. I desire to renew the motion to reconsider and lay on the table.

The SPEAKER. Did the gentleman vote on the prevailing side?

Mr. FINLEY, of Ohio. I did not.

The SPEAKER. Then the gentleman has no right to make the motion to reconsider and lay on the table.

The gentleman from Massachusetts [Mr. BUTLER] moves that pending the further consideration of the case the respondent at the bar be discharged on his personal recognizance to attend when called for.

Mr. SPRINGER. I will agree to that if the gentleman will allow the resolutions to be so amended as to require the Judiciary Committee to report to-morrow, for there are but two legislative days remaining.

The SPEAKER. It is a question of privilege, and the Committee on the Judiciary can report it back at any time.

Mr. SPRINGER. But I want to instruct the committee to report at a particular time. I do not want the House to dodge the question, but to settle it squarely and fairly. [Loud cries of "Order!"] If the object in referring the resolution is to kill it, then I am opposed to the discharge of the respondent.

Mr. BUNDY. I desire to say that while I duly appreciate what the gentleman from Illinois [Mr. SPRINGER] says in this matter, I do not know that any instructions we can give the Committee on the Judiciary would be any more emphatic than those contained in the substitute which has been adopted by the House. That substitute provides that the Committee on the Judiciary shall report at the earliest practicable moment. Is it necessary to instruct them to report earlier than that?

The SPEAKER. The committee on such a subject as this would have the right to report at any time.

Mr. SPRINGER. If we leave the question to them as to the earliest practicable moment, we may not get the report to-morrow. I want to say to them that they shall report to-morrow.

Mr. CONGER. When the gentleman charges that the House will dodge on this question he is simply making a charge that is impertinent.

Mr. BUNDY. I hope I will not be understood by the gentleman from Illinois as intimating any desire for delay. After hearing the eloquent speech of the accused to-day, in which he stated that he is ready to meet his accusers—[cries of "Vote!" "Vote!"]—I only ask to be heard long enough to say that I second the suggestion of the gentleman from Illinois. And if the Committee on the Judiciary have given this matter any consideration, and are ready to do so, I hope they will report here and now.

The SPEAKER. The Chair does not understand that the gentleman from New York [Mr. BUNDY] objects to the committee reporting at any time.

Mr. BUNDY. I do not.

The SPEAKER. The question then is upon agreeing to the resolution as amended by the adoption of the substitute.

Mr. SPRINGER. I want to hear that read.

The SPEAKER. The Chair supposed that it was satisfactory to the gentleman that the committee should report at any time.

Mr. SPRINGER. No; I said that I would agree to the motion of the gentleman from Massachusetts, [Mr. BUTLER,] provided the Committee on the Judiciary were instructed to report on this question to-morrow, as there are but two legislative days of this session after to-day. I will agree to his motion upon that condition and upon no other.

The resolution, as amended, was read, as follows:

Resolved, That the answer of George F. Seward in response to the order voted by the House and issued by the Speaker, requiring him to show cause why he should not be declared in contempt, and all evidence and papers appertaining thereto, together with the reports of the committee, be referred to the Committee on the Judiciary, with instructions to report as early as practicable what action, in their judgment, should be taken by the House in relation thereto.

Mr. SPRINGER. I want that amended so as to instruct the committee to report to-morrow.

The SPEAKER. The question is upon agreeing to the resolution as amended by the adoption of the substitute.

The resolution, as amended, was agreed to.

Mr. BUNDY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTLER. I now move that, pending the consideration of this question by the Committee on the Judiciary, the respondent at the bar of the House be allowed to depart on his own recognizance, to return upon notice.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I now move that the remaining amendments of the Senate to the Post-Office appropriation bill be non-concurred in, and that a committee of conference be asked on the disagreeing votes of the two Houses on said bill.

Mr. CANNON, of Illinois. The committee of conference should have the views of the House touching this bill; and as this is a safe time to non-concur, I am willing that should be done.

The motion of Mr. BLOUNT was agreed to.

Mr. BLOUNT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 852) granting a pension to Mary E. Pauley;

An act (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States; and

An act (H. R. No. 4414) to amend the laws relating to internal revenue.

Mr. SAMPSON, from the Committee on Enrolled Bills, also reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy;

An act (H. R. No. 1162) for the relief of Alfred Muller, late acting assistant surgeon United States Army;

An act (H. R. No. 1301) for the relief of Henry E. Wilkinson, late first lieutenant of Company I, Ninety-ninth Regiment Pennsylvania Volunteers; and

An act (H. R. No. 4289) for the relief of Thomas W. Segar.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, as follows:

To Mr. DAVIDSON, for this evening's session;

To Mr. HEWITT, of Alabama, during the remainder of the session, on account of important business; and

To Mr. TURNER, for this evening's session.

WITHDRAWAL OF PAPERS.

Unanimous consent was given for the withdrawal of papers in the following cases:

To Mr. ALDRICH, in the case of Benjamin L. Britten; no adverse report;

To Mr. WILLIAMS, of Wisconsin, in the case of Sarah B. Topping; no adverse report; and

To Mr. CHALMERS, in the case of Adeline Shirley; no adverse report.

LEAVE TO PRINT.

Mr. EVINS, of South Carolina, obtained unanimous consent to print in the RECORD, as a portion of the debates of the House, remarks upon the contested-election case of Richardson vs. Rainey. [See Appendix.]

Mr. ELLSWORTH obtained leave to print remarks upon the alcoholic liquor traffic. [See Appendix.]

EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. GLOVER asked unanimous consent to have printed and recommended to the committee, not to be brought back on a motion to reconsider, the report and testimony taken by the Committee on Expenditures in the Treasury Department, relating to the Mint Bureau, Marine Hospital Service, Secret Service, Engraving and Printing Bureau, captured and abandoned property, customs frauds at Norfolk, Virginia, and unclaimed interest.

Mr. DUNNELL. I object.

NATIONAL ENLISTMENT LABOR ASSOCIATION.

Mr. HARMER asked and obtained unanimous consent to have printed in the RECORD the following memorial of the National Enlistment Labor Association of Washington, District of Columbia:

To the honorable members of the Senate and House of Representatives in Congress assembled:

GENTLEMEN: Your memorialists respectfully represent that they are members of an association known as the Enlistment Labor Association, organized for the purpose of securing such information as will enable them to work in the most effective manner for the success of such measure or measures as will relieve the present widespread distress among the workmen of our common country; and in order that the legitimate objects and causes which originally led to the establishment of the above-named organization may be more clearly defined and thoroughly understood, and to remove at the same time any doubts, apprehensions, or suspicions regarding the purity of the motives which have actuated the membership in the formation of the organization referred to, it is deemed best to state in the outset that it is entirely free from affiliation with any civil, political, or kindred association of whatsoever name, character, or creed, its main object now and in the future being purely and exclusively in the interests of philanthropy in its broadest and most comprehensive sense, and to this end will all its labors and efforts be especially directed.

In stating this much by way of introduction and explanation, the next thing in order is to show the urgent necessity existing for some immediate action either on the part of the General Government or through organized effort of individuals to provide the means whereby prompt and efficient relief may be secured to the large army of unemployed laborers throughout the country, whose idle hands cannot at present find honest and honorable means to provide food, shelter, and clothing for themselves and families.

The following brief epitome of reasons will, it is hoped, clearly and forcibly demonstrate the necessity for some comprehensive plan that will meet successfully the requirements of the situation. All will agree that the wheels of industry are almost at a stand-still; "that the sound of the grinding is low;" that the doors of the workshops are shut; that the cities are overcrowded with idle men, both white and black; that fathers are wandering far from home and loved ones in the wild and fruitless search for employment; that non-success on the one hand, and starvation of the family on the other, not infrequently lead to lunacy, crime, demoralization, and suicide—the legitimate fruit of enforced idleness.

In addition to this comes up the wall from the plague-stricken South—the suffering and horrors of which, during the past few months, can never be told. But why continue this enumeration of details further; they are apparent to every thinking man and woman, and are evidence conclusive that some plan must of necessity be

devised that will be comprehensive enough to absorb this idle element. It is a mistaken idea and sheer folly to attempt to underrate the grave consequences that must inevitably ensue if some action looking in this direction is not soon taken.

Your memorialists, in the pursuit of their inquiries, have carefully examined the various plans heretofore submitted for your approval, and from a comparison of the same are led to the conclusion that the plan of colonization upon the enlistment plan, as embodied in the bill (H. R. No. 5839) introduced by Hon. A. C. HARTMAN, of Pennsylvania, on January 16, 1879, offers the most prompt and effectual remedy for the prevailing distress, and therefore most respectfully urge and request your honorable body to take prompt and favorable action upon the same, for the following reasons: The exposed condition of our frontiers is such, as shown by the reports of the governors of the Territories made to the honorable Secretary of the Interior during the past year, as to offer to the emigrant contemplating a removal with his family thereto, the hard alternative of jeopardizing the lives of himself and family by a residence in his lonely cabin upon the Government lands, liable at any time to attack from roving bands of savage Indians; or, by remaining in his present position vainly seeking employment, of seeing his dear ones perish by hunger or become objects of charity.

The objections to a life on the frontier will in a great measure be obviated by organized colonization on the above plan. The greatest objection urged against it is the expense. It is estimated that to put the plan proposed into active operation will require an expenditure of \$38,000,000. This amount will cover the entire expense necessary, as the enterprise will virtually become self-supporting after the first year. The apparently large sum involved will appear insignificant when compared with the great savings that will accrue through the instrumentality of the enterprise, as will be observed by an examination of the following statement obtained from official sources:

Annual cost maintaining regular Army	\$40,962,000
Annual cost maintaining Indians	6,914,000
Total yearly cost	47,876,000
Total for five years	239,380,000
Add claims for Indian depredations passed	2,000,000
Add claims for Indian depredations presented, but not yet adjudicated	8,000,000
Total	249,380,000
Deduct cost of enlistment plan	38,000,000
Balance to credit of plan	211,380,000
Add to this sum the amount in value of annual yield, estimating for the cultivation of one million acres, (which, by the way, is a very low one, if improved machinery is to be used,) producing an average in value of, say, \$15 per acre, or \$150 in value as the result of each man's labor	15,000,000
Add the probable enhancement in value of land cultivated (one million acres) at an average of \$10 per acre	10,000,000
Also, the approximate value of stock on hand	3,000,000
And we have a total grand aggregate to credit of plan of	239,380,000

The enlistment feature of the plan operates:
First. To place the whole enterprise under the direct control of the General Government.

Second. To establish or demand peace and protection to settlers on the frontier, a boon hitherto unknown; and last, to be available for duty in a military capacity whenever their services might be required.

Fixing the number at fifty thousand at any one time instead of a less aggregate was for the purpose of making the enterprise of sufficient magnitude to absorb the major portion of the unemployed element throughout the country, as well as to form a permanent barrier against future Indian troubles.

By reference to the foregoing statement it will be observed that the enormous expense incurred annually of maintaining the Indians may be obviated through the agency of the plan proposed—in this wise: To surround the various tribes with civilization on their different reservations; or compel the entire race, which consists of only four hundred and ten thousand, to locate on the Indian Territory proper, (which was originally intended to be their exclusive place of abode, and which contains over thirteen millions of acres more than the State of New York, and would, therefore, after all the Indians were placed thereon, support a less population, by four millions, than the State referred to,) and thus compel them to be self-supporting after the first year. This element could, therefore, be speedily transformed into a productive instead of a destructive, troublesome, and expensive one.

The plan proposed is fully capable, in every single particular, of bringing about these happy results. If it should, therefore, be adopted by the Government all this large expense which would be saved thereby ought to be placed to its credit as a partial offset.

Already we have seen that the cost of maintaining the Army and Indians foots up for five years in the neighborhood of \$250,000,000.

This enterprise could not possibly, at the most extravagant estimate, cost over \$75,000,000, because after the first year, as previously stated, it would be virtually self-supporting.

Hence, taking into consideration the amount saved from the settlement of the Indian question; the rapid enhancement of the public lands; the annual yield of products, embracing in variety not only the cereals, but also live stock, lumber, wool, and minerals, &c., it will be observed that the plan is not only capable of self-support, but has a large margin to place to the profit or credit side of its account with the Government.

The foregoing ought to be argument sufficient that the plan is not only practicable, but opens up a new source of wealth in the country, besides being immensely profitable in various ways. Other reasons, however, than those already presented argue in favor of its adoption, and are as follows:

By acts of July, 1862 and 1864, Congress authorized the issue of guaranteed bonds to the several railroad companies amounting in the aggregate to..... \$64,623,000

Amount of interest already paid since this issue

Total..... 100,835,000

These bonds have thirty years to run.

Congress has also granted to the several railroad companies, since 1862, an area of 285,000,000 acres of public lands, which, valued at \$1.25 per acre, (the price at which the Government holds it,) amounts in value to \$356,250,000.

Appropriations are also made, in addition to the above, for mail subsidies, steamboat companies, private war claims, transits of planets, grasshopper plagues, Mexican claims, public charities, overflows of rivers, and a great variety of similar objects, the aggregated cost of which makes the enlistment labor enterprise fade into comparative insignificance when compared therewith.

As to there being a sufficient quantity of arable land left of the public domain wherewith to operate a project on a scale of the magnitude described, it is necessary to refer, briefly, to the report of the Commissioner of the General Land Office for the year ending June 30, 1878, which says that during that period there were 8,041,011 acres of Government lands surveyed, while the total number of acres surveyed since the beginning of public surveys is given as 734,311,477. There yet remains unsurveyed in the States and Territories an area of 1,000,461,171 acres.

As to the constitutionality of the project, the Constitution of the United States plainly states that Congress shall legislate for the general welfare of the people.

It may be well to state in this connection that petitions, containing over two hundred thousand persons, were received by the last Congress asking for some plan to be provided whereby work could be given to the unemployed.

There need be no serious apprehensions concerning a probable overproduction of any single commodity. As for instance: foreign papers state that Europe can take two million cattle from the United States every year, the limit of cattle raising having been reached in many parts of Europe. In regard to other products Great Britain is now importing three million bushels of grain per week. France two millions in the same time. The exportation of American fruit has increased in value from \$209,000 in 1872 to over \$3,000,000 in 1877. Therefore, it is believed that the Government can easily afford to make this valuable experiment with credit to itself in many, very many directions. The spirit of magnanimity and benevolence shown in this sore hour of trial will not be lost, but, on the contrary, it will reappear again in many new and substantial forms. Men's thoughts will be turned in a new channel, and the paternal care exhibited on the part of the General Government will tend to endear, identify, and wed to its liberties and interests by the most lasting bonds every true lover of his country.

In view, therefore, of all this array of incontrovertible facts and figures, we are willing to rest the case with your honorable body, believing that you will not fail to endorse the adaptability, constitutionality, and practicability of the enterprise, and appreciate the wisdom and necessity of lending it all the aid and encouragement possible, to the end that peace and prosperity may speedily give place to the universal feeling of discontent and despondency, so unmistakably prevalent at this time.

In conclusion, your memorialists would respectfully state that they are in receipt of communications from persons of large experience and fully acquainted with the frontier and unsettled portions of the public domain, the value and resources of the same, among others from John C. Fremont, the great "Pathfinder," cordially approving the plan of organized colonization as embodied in said bill, and they are thereby encouraged to request your attention to the provisions thereof, confident that the measure only requires a candid, impartial examination in order to meet with approval and support, and feeling certain that at a time like the present, when foreign governments are assisting their unemployed laborers to emigrate to the unoccupied lands of our public domain, paying their passage across the seas and by rail to the West, our own Government will not refuse to lend a helping hand in like manner to those of its own citizens willing and anxious to obtain homes for themselves, and who in return for such aid are willing to serve as enlisted soldiers at any and all times when such service may be required.

The people who contribute by their taxes to assist their fellow-laborers to become self-supporting and tax-payers also will promptly sanction your action as their representatives in enacting the required legislation to afford the desired relief. And your memorialists will ever pray, &c.

OFFICERS OF THE ASSOCIATION.

President—Samuel R. Stratton, of Pennsylvania.
Vice-President—Frank Bell, of Pennsylvania.
Recording Secretary—M. C. Rordell, of Arkansas.
Corresponding Secretary—Morris J. Foote, of Ohio.
Treasurer—L. H. Pike, of Illinois.
Attorney—J. W. Starr, of New Jersey.
Executive Committee—John R. Miner of Ohio; Dr. John Theo. Stratton, of Pennsylvania; John Love, of Arkansas; William Cowan, of Pennsylvania.

JOSEPH BAUMER.

Mr. HERBERT, by unanimous consent, submitted a resolution to pay, out of the contingent fund of the House, Joseph Baumer for services as messenger; which was referred to the Committee of Accounts.

IMPROVEMENT OF YELLOWSTONE AND MISSOURI RIVERS.

The SPEAKER, by unanimous consent, laid before the House a memorial of the Legislature of the Territory of Montana, asking for an additional appropriation for the improvement of the Yellowstone and Missouri Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

UNION PACIFIC RAILROAD.

The SPEAKER also laid before the House a resolution of the Legislature of the State of Kansas, instructing the Senators and requesting the Representatives from that State to vote against any proposition extending Government aid to the Union Pacific Railroad; which was referred to the Committee on the Pacific Railroad.

NORTH AMERICAN ETHNOLOGY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to an estimate for an appropriation for the prosecution of researches in North American ethnology; which was referred to the Committee on Appropriations.

EXPENDITURES FOR WESTERN SURVEYS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement in regard to the total amount expended in the prosecution of surveys west of the one hundredth meridian; which was referred to the Committee on Appropriations, and, on motion of Mr. CONGER, ordered to be printed.

PAY OF LETTER-CARRIERS.

The SPEAKER also laid before House a letter from the Postmaster-General, relative to an increase in the clerical force in the free-delivery division, made necessary by the passage of House bill No. 5271 increasing the pay of letter-carriers; which was referred to the Committee on Appropriations.

THE COINAGE OF SILVER.

The SPEAKER also laid before the House a memorial of the Legislature of the Territory of Idaho, in favor of free coinage of silver; which was referred to the Committee on Coinage, Weights, and Measures.

INDIAN AGENTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, suggesting an amendment to section 2056 of the Revised Statutes, relating to Indian agents; which was referred to the Committee on Indian Affairs.

JAMES GLEASON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Quartermaster-General on the claim of James Gleason, late of Company D, First New York Volunteers; which was referred to the Committee on War Claims.

IMPROVEMENT OF WAGON-ROAD IN MONTANA.

The SPEAKER also laid before the House a memorial of the Legislature of the Territory of Montana, in favor of improvement of the Mullan wagon-road; which was referred to the Committee on Military Affairs.

SURVEY OF LICKING RIVER, KENTUCKY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of Major William E. Merrill, Corps of Engineers, of a survey of Licking River, Kentucky; which was referred to the Committee on Commerce, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

The SPEAKER also laid before the House the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers for the year 1878; which was referred to the Committee on Military Affairs, and, on motion of Mr. CONGER, ordered to be printed.

FUNERAL EXPENSES OF HON. FRANK WELCH.

Mr. MAJORS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That there be paid out of the contingent fund of the House the necessary funeral expenses of Frank Welch, late a Representative from the State of Nebraska; such payment to be subject to the approval of the Committee of Accounts.

ORDER OF BUSINESS.

Mr. RICE, of Ohio. I now move that the House take a recess until eight o'clock this evening.

Mr. REAGAN. I move that the House adjourn.

Mr. PAGE. What will be the business at the evening session?

The SPEAKER. The evening session has been ordered for the consideration of pension bills and political disability bills, exclusively.

The question being taken on the motion of Mr. REAGAN, it was not agreed to, there being—ayes 34, noes 73.

The question then recurred on the motion of Mr. RICE, of Ohio, for a recess until eight o'clock.

Mr. LATHROP. I suggest to the gentleman to modify his motion so as to fix half past eight o'clock as the hour of meeting this evening.

Mr. RICE, of Ohio. I will do so.

The motion of Mr. RICE, of Ohio, as modified, was agreed to; and accordingly (at six o'clock and fifty-five minutes p. m.) the House took a recess until half past eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past eight o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. The order fixing the business for this evening will be read.

The Clerk read as follows:

On motion of Mr. AMERUS V. RICE, by unanimous consent,

Ordered, That there be a session of the House on Friday evening, commencing at seven o'clock and thirty minutes p. m., for the consideration of business in the following order:

First. The consideration of House pension bills on the Speaker's table, with Senate amendments thereto.

Second. Senate pension bills.

Third. Political disability bills.

Mr. WHITE, of Pennsylvania. Are we to understand that nothing else is in order but the bills indicated in the order just read?

The SPEAKER. Nothing except what is literally embraced in the order.

Mr. WHITE, of Pennsylvania. A bill, for instance, to place some person on the retired list, or some other bill of that character.

The SPEAKER. That would not be in order.

Mr. RICE, of Ohio. I ask unanimous consent that the clerk of the Committee on Invalid Pensions be allowed on the floor this evening. There was no objection, and leave was granted.

Mr. CHALMERS. I desire to make an inquiry. Would it be in order to move to go to the Speaker's table to take up a Senate bill?

The SPEAKER. The first bills in order will be House bills with Senate amendments.

Mr. CHALMERS. I made the inquiry with a view of reaching a disability bill.

The SPEAKER. The bills for the removal of political disabilities will come up last.

WILLIAM W. STEPHENSON.

The first pension bill on the Speaker's table was the bill (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Twenty-fourth Regiment of Indiana Volunteers.

The amendments of the Senate were read, as follows:

Line 3 strike out "Twenty-fourth" and insert "Thirty-fourth."

Line 5 strike out "from and after this date."

At the end of the bill insert "from and after the passage of this act."

Amend the title so as to read: "An act granting a pension to William W. Stephenson, captain of Company H, Thirty-fourth Regiment Indiana Volunteers."

Mr. HANNA. That is a bill which I introduced, and the error of describing the regiment as the Twenty-fourth instead of the Thirty-fourth was an error of my own. I know the man personally, and know this is a meritorious case. The pension is granted on account of deafness. The man is entirely deaf.

The amendments were agreed to.

HENRY BROWN.

The next pension bill on the Speaker's table was the bill (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill add the following: "And pay him a pension from and after the passage of this act."

The amendments were agreed to.

DANIEL MIDDOUGH.

The next pension bill on the Speaker's table was the bill (H. R. No. 529) granting a pension to Daniel Middough:

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

MARY A. ALLEN.

The next pension bill on the Speaker's table was the bill (H. R. No. 550) granting a pension to Mary A. Allen.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay her a pension from and after the passage of this act."

The amendments were agreed to.

DANIEL C. PUTNAM.

The next pension bill on the Speaker's table was the bill (H. R. No. 585) for the relief of Daniel C. Putnam.

The amendments of the Senate were read, as follows:

Strike out all after "pension-roll" in line 2 down to and including "laws" in line 4.

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

NATHAN UDELL.

The next pension bill on the Speaker's table was the bill (H. R. No. 698) granting a pension to Nathan Udell.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

ELIZABETH TEAGARDEN.

The next pension bill on the Speaker's table was the bill (H. R. No. 830) granting a pension to Elizabeth Teagarden.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay her a pension from and after the passage of this act."

The amendments were agreed to.

THOMAS C. YOUNG.

The next pension bill on the Speaker's table was the bill (H. R. No. 846) for the relief of Thomas C. Young, late private of Company F, Thirty-ninth Iowa Infantry.

The amendment of the Senate was read, as follows:

Lines 5 and 6 strike out "subject to the provisions and limitations of the pension laws" and insert "and pay him a pension from and after the passage of this act."

The amendment was agreed to.

MRS. ELIZA A. SEMPLE.

The next pension bill on the Speaker's table was the bill (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple.

The amendment of the Senate was read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

GEORGE W. BROWNING.

The next pension bill on the Speaker's table was the bill (H. R. No. 1045) to place George W. Browning on the pension-roll.

The amendment of the Senate was read, as follows:

Strike out "subject to the provisions and limitations of the pension laws" and insert "and pay him a pension from and after the passage of this act."

The amendment was agreed to.

SAMUEL B. ROBERTSON.

The next pension bill on the Speaker's table was the bill (H. R. No. 1055) granting a pension to Samuel B. Robertson.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."
At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

CATHARINE BRENNAN.

The next pension bill on the Speaker's table was the bill (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late private of Company B, Fifty-eighth Illinois Volunteers.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "but nothing in this act contained shall entitle said Catharine Brennan to arrears of pension."

The amendments were agreed to.

HENRY GROSSMAN.

The next pension bill on the Speaker's table was the bill (H. R. No. 1842) granting a pension to Henry Grossman, late a private in Company G, of the One hundred and fifty-fourth Regiment of Illinois Infantry Volunteers.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill add "and pay him a pension from and after the passage of this act."

The amendments of the Senate were agreed to.

JOHN HALEY.

The next pension bill on the Speaker's table was the bill (H. R. No. 1959) granting a pension to John Haley.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "but nothing in this act contained shall entitle the said John Haley to arrears of pension."

The amendments of the Senate were agreed to.

DE FOREST DOTY.

The next pension bill on the Speaker's table was the bill (H. R. No. 2172) granting a pension to De Forest Doty, of Tinmouth, Vermont, late a private in Company B, Ninth Regiment, Vermont Volunteer Infantry.

The amendment of the Senate was read, as follows:

Strike out "subject to all provisions of law regulating the granting and paying of pensions" and insert "and pay him a pension from and after the passage of this act."

The amendment of the Senate was agreed to.

MRS. MARIA L. MAXWELL.

The next pension bill on the Speaker's table was the bill (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers.

The amendment of the Senate was read, as follows:

Lines 2 and 3, strike out "subject to the provisions and limitations of the pension laws."

The amendment of the Senate was agreed to.

JOHN GAVIN.

The next pension bill on the Speaker's table was the bill (H. R. No. 2459) granting a pension to John Gavin, Sixteenth New York Cavalry.

The amendment of the Senate was read, as follows:

Strike out "subject to the pension laws" and insert "and pay him a pension from and after the passage of this act."

The amendment of the Senate was agreed to.

ANDREW A. GOODING.

The next pension bill on the Speaker's table was the bill (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments of the Senate were agreed to.

MRS. JULIA H. TOTTEN.

The next pension bill on the Speaker's table was the bill (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general United States Army.

The amendment of the Senate was read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

The amendment of the Senate was agreed to.

THOMAS BOURGHS.

The next pension bill on the Speaker's table was the bill (H. R. No. 2711) granting a pension to Thomas Bourghs, late a private in Company G, First Vermont Cavalry Regiment.

The amendment of the Senate was read, as follows:

Lines 3 and 4 strike out "subject to the provisions of the pension laws" and insert "and pay him a pension from and after the passage of this act."

The amendment of the Senate was agreed to.

MICHAEL S. CORL.

The next pension bill on the Speaker's table was the bill (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael S. Corl, late a private in Company K, Fifty-fifth Regiment of Pennsylvania Volunteers.

The amendment of the Senate was agreed to.

CATHARINE H. GALLAGHER.

The next pension bill on the Speaker's table was the bill (H. R. No. 2769) granting an increase of pension to Catharine H. Gallagher, widow of Captain John Gallagher, late of United States Navy.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "from and after the passage of this act."

The amendments of the Senate were agreed to.

JACOB PARROTT.

The next pension bill on the Speaker's table was the bill (H. R. No. 2944) granting an increase of pension to Jacob Parrott.

The amendment of the Senate was read, as follows:

In lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

The amendment was concurred in.

WILLIAM REYNOLDS.

The next pension bill on the Speaker's table was the bill (H. R. No. 2975) granting a pension to William Reynolds, late a private in Company G, Thirteenth Regiment Indiana Volunteers.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill add "and pay him a pension from and after the passage of this act."

The amendment was concurred in.

HUGH B. MAKIN.

The next pension bill on the Speaker's table was the bill (H. R. No. 3108) granting a pension to Hugh B. Makin, late private of Company A, Eighth Regiment United States Volunteers.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and add at the end of the bill the following: "but nothing in this act contained shall entitle the said Hugh B. Makin to arrears of pensions."

The amendment was concurred in.

HENRIETTA STRINGHAM.

The next pension bill on the Speaker's table was the bill (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill add "pay her a pension from and after the passage of this act."

The amendment was concurred in.

JOSEPH WARD.

The next pension bill on the Speaker's table was the bill (H. R. No. 3150) granting a pension to Joseph Ward.

The amendment of the Senate was read, as follows:

At the end of the bill add "and pay him a pension from and after the passage of this act."

The amendment was concurred in.

WILLIAM H. GARRETT.

The next pension bill on the Speaker's table was the bill (H. R. No. 3196) granting a pension to William H. Garrett, late private in Company B, Fifty-sixth Regiment Illinois Infantry Volunteers.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill add "and pay him a pension from and after the passage of this act."

The amendment was concurred in.

NATHAN A. WINTERS.

The next pension bill on the Speaker's table was the bill (H. R. No. 3362) granting a pension to Nathan A. Winters.

The amendment of the Senate was read, as follows:

In lines 5 and 6 strike out "according to the provisions and limitations of the general pension laws" and insert "but nothing in this act contained shall entitle the said Nathan A. Winters to arrears of pensions."

The amendment was concurred in.

SAMUEL V. ADAMS.

The next pension bill on the Speaker's table was the bill (H. R. No. 3408) granting a pension to Samuel V. Adams.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill add "and pay him a pension from and after the passage of this act."

The amendment was concurred in.

BENJAMIN SANDERS.

The next pension bill on the Speaker's table was the bill (H. R. No. 3676) for the relief of Benjamin Sanders.

The amendment of the Senate was read, as follows:

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendment was concurred in.

MRS. MARY G. HARRIS.

The next pension bill on the Speaker's table was the bill (H. R. No. 3676) granting a pension to Mrs. Mary G. Harris.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws,"

The amendment was concurred in.

JOHANNA KUHLMAN.

The next pension bill on the Speaker's table was the bill (H. R. No. 4368) granting a pension to Johanna Kuhlman:

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill add "and pay her a pension from and after the passage of this act."

The amendment was concurred in.

EMILIE R. HOOE.

The next pension bill on the Speaker's table was the bill (H. R. No. 4366) granting a pension to Emilie R. Hooe, widow of the late Brevet-Major Alexander S. Hooe, Fifth Infantry, United States Army.

The amendment of the Senate was read, as follows:

In line 1 strike out "Treasury" and insert "Interior."

The amendment was concurred in.

LUDWIG UEBER.

The next pension bill on the Speaker's table was the bill (H. R. No. 4371) granting a pension to Ludwig Ueber.

The amendment of the Senate was read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws," and at the end of the bill add "but nothing in this act shall entitle the said Ludwig Ueber to arrears of pension."

The amendment was concurred in.

MARY BRADLY CROSS.

The next pension bill on the Speaker's table was the bill (H. R. No. 4379) granting a pension to Mary Bradley Cross.

The amendment of the Senate was read, as follows:

And in lines 2 and 3 strike out the words "subject to the provisions and limitations of the pension laws," and at the end of the bill add "and pay her a pension from and after the passage of this act."

The amendment was concurred in.

SUSAN HUMES.

The next pension bill on the Speaker's table was the bill (H. R. No. 4391) granting a pension to Susan Humes.

The amendments of the Senate were read, as follows:

Lines 1 and 2, strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay her a pension from and after the passage of this act."

The amendments were agreed to.

JOHN GRUBBINS.

The next pension bill on the Speaker's table was the bill (H. R. No. 4434) granting a pension to John Grubbins.

The amendment of the Senate was read, as follows:

Lines 5, 6, and 7 strike out "subject to the provisions and limitations of the pension laws" and insert "and that he be paid a pension of \$8 per month from and after the passage of this act."

The amendment was agreed to.

GEORGINE THOMAS.

The next pension bill on the Speaker's table was the bill (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles Thomas, deceased.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay her a pension from and after the passage of this act."

The amendments were agreed to.

HANNAH HALLAM.

The next pension bill on the Speaker's table was the bill (H. R. No. 4691) granting a pension to Hannah Hallam.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay her a pension of \$8 per month from and after the passage of this act."

The amendments were agreed to.

JAMES RILEY.

The next pension bill on the Speaker's table was the bill (H. R. No. 4694) granting a pension to James Riley, late private in Company D, Fourth Regiment United States Infantry.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

JAMES BUCHANAN.

The next pension bill on the Speaker's table was the bill (H. R. No. 4695) granting a pension to James Buchanan.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

CYNTHIA SPRADLIN.

The next pension bill on the Speaker's table was the bill (H. R. No. 4696) granting a pension to Cynthia Spradlin.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "but nothing in this act contained shall entitle the said Cynthia Spradlin to arrears of pension."

The amendments were agreed to.

PHILIP THON.

The next pension bill on the Speaker's table was the bill (H. R. No. 4697) granting a pension to Philip Thon.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

HELEN CRABBE.

The next pension bill on the Speaker's table was the bill (H. R. No. 4698) granting a pension to Helen Crabbe.

The amendment of the Senate was read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

GEORGE W. STAPLIN.

The next pension bill on the Speaker's table was the bill (H. R. No. 4701) granting a pension to George W. Staplin.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments were agreed to.

CATHARINE GEMMILL.

The next pension bill on the Speaker's table was the bill (H. R. No. 4702) granting a pension to Catharine Gemmill and children.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

Lines 8 and 9 strike out "subject to the provisions and limitations of the pension laws" and insert "from and after the passage of this act."

The amendments of the Senate were agreed to.

JAMES MAHEW.

The next pension bill on the Speaker's table was the bill (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

PETER YARNELL.

The next pension bill on the Speaker's table was the bill (H. R. No. 4794) granting a pension to Peter Yarnell, late a private in Company D, Twelfth Virginia Volunteers.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the line insert "and pay him a pension from and after the passage of this act."

The amendments of the Senate were agreed to.

SARAH H. BRADFORD.

The next pension bill on the Speaker's table was the bill (H. R. No. 4983) granting a pension to Sarah H. Bradford.

The amendments of the Senate were read, as follows:

Lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay her a pension from and after the passage of this act."

The amendments of the Senate were agreed to.

JAMES H. COOK.

The next pension bill on the Speaker's table was the bill (H. R. No. 4957) granting a pension to James H. Cook.

The amendments of the Senate were read, as follows:

Lines 3 and 4 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill insert "and pay him a pension from and after the passage of this act."

The amendments of the Senate were agreed to.

The SPEAKER. The Chair will now proceed to the second class of bills.

ABIGAIL S. TILTON.

The next pension bill on the Speaker's table was the bill (S. No. 399) granting a pension to Abigail S. Tilton.

Mr. RICE, of Ohio. I ask that that bill be referred to the Committee on Pensions. I know nothing about the bill, and it has not been considered by the committee. We do not propose to take action on bills which have not been properly examined.

The SPEAKER. The bill will go, then, to the Calendar.

A MEMBER. Is it a Senate bill?

The SPEAKER. It is.

The question was put on Mr. RICE's motion; and it was agreed to

MARY LEGGETT.

The next pension bill on the Speaker's table was the bill (S. No. 460) granting a pension to Mary Leggett.

Mr. RICE, of Ohio. I make the same motion in regard to that bill. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

HARDIE HOGAN HELPER.

The next pension bill on the Speaker's table was the bill (S. No. 1051) for the relief of Hardie Hogan Helper.

Mr. RICE, of Ohio. I make the same motion in regard to that bill.

The motion was agreed to.

MICHAEL MEENAN.

The next pension bill on the Speaker's table was the bill (S. No. 1359) granting pensions to the widow and minor children of Michael Meenan, deceased.

Mr. RICE, of Ohio. I make the same motion in regard to that bill.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I understood that the object of the session of this evening was to pass House and Senate bills. There is no possible advantage in coming here to refer pension bills at this stage of the session to the Committee on Pensions.

Mr. SINICKSON. I shall ask the House to pass some bills which we have examined and the passage of which we recommend, but there are some that we know nothing about.

Mr. RICE, of Ohio. I move to reconsider the several votes by which the amendments of the Senate to the bills of the House have been agreed to; and also move to lay that motion on the table.

The latter motion was agreed to.

Mr. CONGER. Are we not to pass any pension bill if objection is made to it because it has not been examined?

The SPEAKER. The Chair supposed that under the order of the House an opportunity would be offered to-night for the passage of the Senate bills which grant pensions.

Mr. CONGER. I suppose so. It was stated by the Chair that some seventy pension bills had come from the Senate, and if they were to be referred to the Committee on Pensions I certainly misunderstood the object of to-night's session.

Mr. FORT. I suggest that if there be any member present who can explain a bill and vouch for its correctness we ought to consider it.

Mr. RICE, of Ohio. I wish to say on my own behalf and on behalf of the committee that we have examined some of these Senate bills and can vouch for them, and those we have examined we propose to ask the House to pass, but I am unwilling that a bill which has not been considered by the committee shall be passed.

Mr. CONGER. Do not the reports of the Senate committee accompany the reports?

Mr. RICE, of Ohio. Sometimes they do and sometimes they do not.

The SPEAKER. The Chair will send for them. They are generally on file in the document-room.

Mr. CONGER. Then I suggest that these bills which we have passed over be considered as laid aside until we get the reports of the Senate.

Mr. RICE, of Ohio. I presume the suggestion of the Speaker is the better one, that they be laid aside for the present.

The following bills were then taken from the Speaker's table, and the reports not being present were passed over:

A bill (S. No. 1400) granting a pension to Mrs. Lucy Bassett; and

A bill (S. No. 1465) granting a pension to Theodore Halberstadt.

The bill (S. No. 1509) granting a pension to John Willans was then taken up and read by its title.

Mr. RICE, of Ohio. I ask that that bill be passed over for the present. The committee of the House have been trying for one

month to get the papers in that case. They seem to have been lost somewhere, and as there has been no report from the committee of this House we are not willing to recommend action upon it.

Mr. CLARK, of Iowa. In regard to that bill I will say that there was a report made in the Senate upon it.

Mr. RICE, of Ohio. I have examined the report made by the Senate committee, and upon that I cannot say that I am willing to report favorably upon this bill.

Mr. CLARK, of Iowa. It is hard that a party should suffer here because the papers have been lost. I have myself no personal knowledge in this case, but the report of the Senate committee is exceedingly full and satisfactory. If the committee will allow this bill to be passed, I think it would be doing but an act of justice.

Mr. RICE, of Ohio. I think that in all probability the papers will be found before the close of the session, and, if so, I have no doubt the Speaker will recognize the gentleman to call up the case.

The SPEAKER. The papers have been sent for.

Mr. McMAHON. I would suggest that the bill be either passed or rejected, and then a motion to reconsider entered. If that is done the case can be called up at any time.

Mr. CLARK, of Iowa. I am informed that this is a case that ought really to be acted upon at this session.

Mr. RICE, of Ohio. There are twenty-four hundred cases that ought to be acted upon if we can do it. The Committee on Pensions are unwilling to take the responsibility of recommending the passage of a bill unless they have examined the papers in the case.

Mr. CLARK, of Iowa. If the committee is unwilling to act upon this bill, of course I cannot get them to do otherwise.

Mr. PRIDEMORE. I shall certainly object to this bill.

Mr. CLARK, of Iowa. Then let the bill be passed over.

The bill was accordingly passed over.

The following bills were then read by their titles and passed over:

A bill (S. No. 1511) granting a pension to Dederick Blank;

A bill (S. No. 1512) granting a pension to Peter Gettert;

A bill (H. R. No. 1513) granting a pension to Charles Reed;

A bill (H. R. No. 1514) granting a pension to Simeon Ingalls;

A bill (H. R. No. 1515) granting a pension to James H. Poland; and

A bill (H. R. No. 1571) for the relief of William W. Ross.

LOUISA BAINBRIDGE HOFF.

The next bill on the Speaker's table was the bill (S. No. 1602) granting a pension to Louisa Bainbridge Hoff.

The SPEAKER. The bill will be read.

The bill directs the Secretary of the Interior to place on the pension-roll the name of Louisa Bainbridge Hoff, widow of Henry Kuhn Hoff, late rear-admiral United States Navy, and daughter of William Bainbridge, late commodore of United States Navy, and pay her a pension at the rate of \$50 a month from and after the passage of this act.

The bill was read a first and second time, ordered to a third reading, and read the third time.

The question was upon the passage of the bill.

Mr. DURHAM. Is the \$50 a month the amount allowed by law in such cases, or is that only an arbitrary amount fixed by the committee?

Mr. SINICKSON. This is the daughter of old Commodore Bainbridge and the widow of Rear-Admiral Hoff. The Senate committee was unanimously in favor of this bill, and our committee have passed several such bills.

Mr. DURHAM. It does not make any difference whose daughter she is. The question is, whether this is the amount fixed by law or not.

The SPEAKER. The Chair thinks that the amount of \$50 a month is never exceeded.

Mr. RICE, of Ohio. The committee are in favor of this bill.

Mr. WHITE, of Pennsylvania. How old is this lady?

Mr. DURHAM. It looks to me like a very extraordinary sum.

Mr. RICE, of Ohio. This is according to the old law.

Mr. WHITE, of Pennsylvania. There may be some reason for giving so large a pension in this case. If we pass this bill it will establish a precedent for fixing this rate of pension which may come up hereafter to annoy us.

Mr. DURHAM. All I desire to know is whether this amount is all right.

Mr. RICE, of Ohio. It is.

Mr. FORT. I understand that the House committee are unanimously in favor of this bill, and I do not see why we should stop to debate the matter. The longer we consider this bill the longer we will be delaying the case of some other poor widow.

Mr. WHITE, of Pennsylvania. The point is to do justice, not to give this widow more than we give the widow of some soldier who performed meritorious service in the Army. I do not object to this bill, but \$0 a month is the largest sum allowed.

Mr. LATHROP. I would like to inquire whether this pension is payable out of the naval pension fund?

The SPEAKER. The Chair is unable to answer that question.

Mr. SINICKSON. All naval pensions are paid out of the naval pension fund.

Mr. RICE, of Ohio. The amount fixed by the old law was \$50 a month, and most of the old cases have been readjusted at that rate.

Mr. FORT. Let the bill be passed; the committee are unanimously in favor of it.

The question was taken upon the passage of the bill; and upon a division there were—ayes 45, noes 11.

Mr. PRIDEMORE. No quorum has voted.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. EDEN. I suggest that this bill be laid aside by consent and that we do not break up the session for the want of a quorum. It is evident there is no quorum here.

Mr. RICE, of Ohio. I do not desire to press the bill.

Mr. PRIDEMORE. I insist that at this late stage of the session we should not be brought here at night sessions to consider public business without a quorum. I think that from now until the end of the session I will make the point that there is no quorum present at every night session when there is no quorum.

Mr. BANNING. It was hardly expected that there would be a quorum here to-night.

Mr. PRIDEMORE. I have never heard a stump-speech made in my life when it was not always said that all the obnoxious legislation of Congress was passed at sessions like this when there was no quorum present.

Mr. BANNING. Stump-speeches of that kind should not be believed; they are not believed in my country.

Mr. MCMAHON. I have had a great deal of experience in regard to these pension bills, and I think I can say truly that when a bill has gone through such a scrutiny as this it ought to satisfy gentlemen that it should be passed. I have had charge of at least one hundred bills which have passed the House and gone to the Senate, and I have not got through more than six of them.

Mr. TUCKER. I desire to make a suggestion to the gentleman who has these bills in charge; that is, if there is any serious objection made to any one of the bills, we pass it over and go on to the next, and let as many be passed as can be without objection.

Mr. RICE, of Ohio. I have made that suggestion.

Mr. PRIDEMORE. I raise the point that there is no quorum here, and I insist upon it.

Mr. RICE, of Ohio. It is agreed that this bill be laid aside.

Mr. BANNING. Does the gentleman from Virginia [Mr. PRIDEMORE] make the point of order that there is no quorum present, if it is understood that this bill be laid aside and passed over?

Mr. PRIDEMORE. I have no particular objection to this bill; my objection is to legislating in this House without a quorum. I intend to raise that point from now until the close of the session.

Mr. CONGER. Let this bill be passed over, and let us go on until we reach some bill to which there is no objection.

The SPEAKER. The Chair hopes the gentleman from Virginia [Mr. PRIDEMORE] will not object.

Mr. TUCKER. If my colleague continues to raise his point of order in regard to all these bills, that is an objection to any legislation to-night, and we might as well adjourn.

The SPEAKER. That will amount to an objection to the third class of business to be acted upon to-night, disability bills.

Mr. CONGER. If we can get through with these pension bills, then we will reach the disability bills, to which there will be no objection unless soldiers are cut off from having their pension bills passed. I think we should go on until we reach some bill to which there is an objection. I do not object to this bill being laid aside and passed over unless there is some objection to it. The gentleman who raises the point that there is no quorum present stated that he had no objection to this bill.

Mr. STEELE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. What is the question now before the House?

The SPEAKER. It is as to whether there is a quorum present.

Mr. STEELE. Why does not the House then test the question as to whether there is a quorum or not?

The SPEAKER. The Chair is satisfied there is not a quorum present.

Mr. STEELE. Is that so? [Laughter.]

The SPEAKER. The Chair does not want to break up the session.

Mr. RICE, of Ohio. I am sure there will be no objection to going on with the pension bills and passing such as there is no objection to.

Mr. WHITE, of Pennsylvania. I understand that this bill has been laid aside and passed over. Let us go on.

The SPEAKER. That is not the difficulty. If the point of order is raised that there is no quorum present the Chair cannot go on with other bills.

Mr. RICE, of Ohio. I believe that point is withdrawn.

Mr. REILLY. I understood the gentleman from Virginia [Mr. PRIDEMORE] to say that he would only raise the question of no quorum in those cases where the committee of this House had not examined the bills.

The SPEAKER. On the contrary the gentleman said that he had no earthly objection to the bill under consideration, but he raised the question that less than a quorum had no right to legislate.

Mr. FORT. Is it in order to move to commit this bill?

The SPEAKER. The question is whether there is a quorum present. If that point is insisted upon the Chair will appoint tellers.

Mr. PRIDEMORE. At the last night session here, I objected to the consideration of a bill, and then, at the suggestion of friends, I withdrew it. It was not more than five minutes before somebody

else got into a discussion, and we came very near passing a very important bill which, I have been informed by letter to-day from the city of New York, would have been a very improper bill had we passed it.

The SPEAKER. But the gentleman from Virginia prevented the passage of the bill.

Mr. PRIDEMORE. I understand that; but just previously, when I made the same point, I was induced to withdraw it, and by renewing the objection I offended the gentlemen who desired the passage of the bill.

I will say now, that if these bills are to be considered as liable to a single objection, I will withdraw the point of order in regard to a quorum. It is proper for me to say that I know nothing in the world about this bill. I do not make my point against this bill particularly.

The SPEAKER. The bill will be again read.

The bill was again read.

Mr. BRAGG. I object to the bill.

The SPEAKER. The bill will be laid aside.

ORDER OF BUSINESS.

Mr. SINNICKSON. I call for the reading of the order under which we are proceeding to-night. I think that all these bills are within the order made for to-night.

Mr. RICE, of Ohio. The gentleman is mistaken.

Mr. SINNICKSON. I understand that the order was that we should consider House bills passed by the Senate with amendments and such Senate bills as the committee of this House had acted on.

The SPEAKER. The order does not so read.

The order of business for the evening session was again read.

JAMES C. DAGGETT.

The next pension bill on the Speaker's table was the bill (S. No. 1705) granting an increase of pension to James C. Daggett.

Mr. RICE, of Ohio. Let that bill be laid aside.

MRS. JANE DULANEY.

The next pension bill on the Speaker's table was the bill (S. No. 1723) granting arrears of pension to Mrs. Jane Dulaney.

The bill directs the Commissioner of Pensions to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Dulaney, widow of Colonel William Dulaney, late of the United States Marine Corps, and to pay her a pension at the rate of \$30 a month from July 4, 1868, when her husband died, less the pension heretofore paid her.

Mr. RICE, of Ohio. The gentleman from Louisiana [Mr. ELLIS] wishes to make a statement in regard to this bill. I will say that the bill has been considered by a majority of the committee.

Mr. ELLIS. Mrs. Dulaney is a very old lady, the widow of a hero of three wars. A bill of this kind passed the House in the Forty-second Congress and the Forty-third.

The SPEAKER. The Chair suggests that the report of the Senate committee be read.

Mr. ELLIS. I would be glad to have it read. This is a most meritorious case.

The Clerk read the report of the Senate Committee on Pensions, as follows:

Jane Dulaney is the widow of the late Colonel William Dulaney, of the United States Marine Corps, who died on the 4th of July, 1868. This officer entered the service of the corps July 10, 1817, as second lieutenant. He served continuously on shipboard and at different naval stations to July, 1828, having been promoted in the mean time to first lieutenant, captain by brevet, captain, and commanded the guard of the United States frigate Constitution in December, 1825. He was the first officer of the Marine Corps to volunteer his services for field duty at the breaking out of the Florida war, and served with conspicuous gallantry and untiring energy and devotion throughout that war, commanding the marines and a portion of the Army. He was complimented by Major-General Jesup in General Order No. 102, and tendered the thanks of the country therein, and General P. F. Smith also testified in the highest terms to the Navy Department his appreciation of Dulaney's brilliant services, and in his honor Fort Dulaney was named. During these campaigns he was prostrated by disease and advised by a surgeon that to remain longer in that malarious climate would endanger his life; but, notwithstanding this advice, he continued in the field until the close of the war, when he returned in command of his force.

When in command of Fort Pickens, in 1846, he again tendered his services for the Mexican war, and commanded the marines in that war with marked gallantry, and was at the storming and capture of the castle of Chapultepec and the capture of the Belen Gate and the City of Mexico, and in the mean time was promoted and commissioned major by brevet and major, and, for gallant and meritorious conduct, received, after the capture of the City of Mexico, as a high appreciation of his splendid and noble services, the brevet of lieutenant-colonel.

After the close of the Mexican war he served continuously in command of the marine barracks at New York, Boston, and Portsmouth; and, although a native of Virginia, at the firing of the first gun at Fort Sumter he again offered his services to his country for duty in the field, and he was at once commissioned, by the lamented President Lincoln, colonel, and placed in command of the marine battalion at Norfolk, Virginia, and continued in active service until after the close of the late civil war.

On the 8th of November, 1865, after having served his country faithfully for almost half a century, he was retired under the act of Congress retiring officers of forty-five years' service. He died upon the retired list, July 4, 1868, as before stated, leaving no blot upon his name. The physician who attended him in his last sickness certifies that he died of congestion of the brain, arising from causes produced while in the service of his country and in the line of duty.

His widow, Mrs. Jane Dulaney, is poor, and entirely dependent upon others for support in her old age.

This bill has twice passed this House, Forty-second and Forty-third Congresses, without any opposition.

In consideration of the foregoing facts, all of which are established beyond any

doubt by the evidence submitted to the committee, your committee are of opinion that Mrs. Jane Dulaney is entitled to a pension, and they report back said House bill 1118, and recommend that it do pass with the following amendment:

After the word "pension," in the eighth line, insert the following: "at the rate of \$30 per month."

Mr. CONGER. There is no objection to that.

Mr. DURHAM. I would like to offer an amendment.

Mr. HANNA. The effect of an amendment at this stage of the session will be to defeat the bill.

Mr. DURHAM. I move to amend by striking out all after the words "\$30 a month," in the eighth line, and inserting "from the passage of this act." The bill in its present form runs back for ten years from this date.

Mr. POWERS. It gives this lady \$4,000 at once.

Mr. HANNA. I suggest to my friend from Kentucky [Mr. DURHAM] that, as I am informed, the arrears of pensions bill, now under consideration in the Senate, will be so amended as to provide that where pensions are granted by special act such pensions will not be upon the same footing as those to persons who have made application and had their pension granted upon claims regularly filed. Hence when that bill comes up from the Senate, as it will most likely to-morrow or Monday, and becomes a law, it will meet the difficulty which my friend from Kentucky suggests.

Several MEMBERS. Oh, no.

Mr. POWERS. The gentleman is mistaken.

Mr. HANNA. To amend this bill now would be equivalent to its defeat. I hope, therefore, that the amendment will not be made.

Mr. DURHAM. My amendment simply puts this lady upon the same footing with all other pensioners we have provided for to-night.

Mr. SPARKS. This bill makes provision to go back and cover arrears in the same way as the arrangements of pensions bill passed by the House would have done. But the Senate has amended that bill, so that as to all pensions granted by special law the arrearage of pension act will not apply.

Mr. RICE, of Ohio. That is correct.

Mr. ELLIS. I ask to be heard a moment on the amendment. The gentleman from Maine [Mr. POWERS] objects that the bill would pay to this aged and necessitous relict of the hero of three wars nearly \$4,000. Now, suppose it does; how inadequate, how utterly inadequate to her maintenance is \$30 per month? How is she to be taken care of on such an allowance? I know her necessitous condition; and I know that \$30 per month will not be any adequate provision for her. Considering the distinguished services of her husband, considering her absolute want and great age, I think this bill ought to pass as it comes from the Senate. If we amend it, requiring it to go back to the Senate for concurrence, it may never be acted on in the pressure of business, the adjournment being so near. I appeal to the patriotism, I appeal to the humanity, I appeal to the charity of the House of Representatives to vote down the amendment and pass the bill as it comes from the Senate.

Mr. POWERS. Onemoment. I have examined this bill now for the first time. I find that it proposes to give this widow some \$4,000 the first time she draws her pension, and to place her on the pension-roll at the rate of \$30 a month. Now, I know not what may be the reason why she has not drawn the pension for the last ten years, but I apprehend she did not come within the general purview of the pension laws. I do, however, know this: that there have been hundreds of bills considered by us for the relief of soldiers who have lost their health in the service, and that in every instance we have placed them on the pension-rolls to draw their pensions from and after the passage of the act. Since the passage of the general law would have permitted some of them to have gone back for arrears, the Senate has amended all our bills, so that they should not go back.

Now, why we should make a special exception in this case and pay this widow \$30 a month for nearly eleven years, amounting to some \$4,000, when we do not give it to any other widow of a soldier or to the soldier himself, I do not see. I believe in letting them all stand and fall together, and must object to passing the bill in this form.

Mr. CONGER. What the gentleman from Maine has just stated may be true about all former bills, but we have supplied the deficiency in other bills by passing an arrearage bill to pay back as this does; and that law provides that in case of a special pension dating back from the commencement of the disability the arrearage law shall not apply. This bill is in accordance with the rule which has been adopted. It is a special bill, giving the arrears by a special law, and the case cannot come under the operation of the general law. If this is amended, we know the bill cannot go back to the Senate and be passed. There is no use of passing it at all unless we pass it as it came from the Senate. In either event, under the operation of the law, this pensioner will receive the same amount, either as arrears under the general law or the arrears provided for in this bill; no more and no less.

The question being put on Mr. DURHAM's amendment, there were—ayes 17, noes 42.

Mr. SPARKS. A quorum has not voted.

Mr. BANNING. Making the point that a quorum has not voted amounts to an objection to the bill; and that being the case, I hope it will be withdrawn that we may go on with other bills.

Mr. SPARKS. I am willing that the bill should pass if it is amended so as to put this case on the same basis as others. When it is insisted

that a discrimination shall be made in favor of this pensioner, I object.

Mr. DURHAM. I hope gentlemen will consent to this amendment being adopted. It will relieve us of all difficulty and risk.

Several members called for the regular order.

The SPEAKER. The bill will be laid aside and the next bill will be read.

Subsequently,

Mr. ELLIS said: I understand that the point made against Senate bill No. 1723, granting arrears of pension to Mrs. Dulaney, will not be insisted upon. I ask that the bill be taken up and passed.

The SPEAKER. It is understood that the amendment was voted down.

Mr. ELLIS. Yes, sir.

There being no objection, the bill was taken up, read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES C. DAGGETT.

Mr. JOYCE. When the bill granting a pension to James C. Daggett was called my attention was diverted for the moment. I intended to ask the House to pass that bill. Mr. Daggett, who seeks this pension, was before the Committee on Invalid Pensions, and all the members of the committee who were present at the time saw the helpless condition in which the man was. His arms and legs are completely paralyzed so that he has to be drawn around in a little cart, and he requires to have a man constantly in attendance upon him. He came from the section of country where I live. Although I had no personal acquaintance with the man until I saw him here, I know his people, and I know his is a very meritorious case.

Mr. RICE, of Ohio. Let the bill be again read. When it was read before the circumstances had passed out of my mind.

The bill (S. No. 1705) granting an increase of pension to James C. Daggett was again read. It authorizes and directs the Secretary of the Interior to place on the pension-roll the name of James C. Daggett, late private Company E, United States Signal Service, and to pay him a pension of \$72 per month from and after the passage of the act.

Mr. RICE, of Ohio. My recollection is that our committee favored \$50 a month.

Mr. JOYCE. The man is totally and absolutely helpless.

Mr. RICE, of Ohio. He is in a terrible condition; there is no doubt about that.

Mr. JOYCE. My impression is that it was understood at the time that the bill should be favorably reported. The committee said "all right; the man ought to have that money."

Mr. RICE, of Ohio. What is he getting now?

Mr. JOYCE. I do not remember the amount he draws at present.

Mr. DENISON. This Daggett is wheeled around in a chair, and is compelled to employ two men to take care of him. He cannot walk or lift his hands to his mouth. Every particle of food that is put into his mouth is put there by a hired person. He cannot live without two persons taking care of him. Rather than live without the pension, if I were in his place, I would die.

Mr. EDEN. Let it pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. JOYCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN SMITH.

The next business on the Speaker's table was the bill (S. No. 1723) granting a pension to John Smith.

Mr. RICE, of Ohio. I know nothing about this case; I move that it be laid aside.

The motion was agreed to.

MATTHEW O. REGAN.

The next business on the Speaker's table was the bill (S. No. 1739) granting a pension to Matthew O. Regan.

Mr. RICE, of Ohio. I move that it be laid aside.

The motion was agreed to.

REBECCA WILLIAMS.

The next business on the Speaker's table was the bill (S. No. 1740) granting a pension to Rebecca Williams.

Mr. RICE, of Ohio. I move that it be laid aside.

The motion was agreed to.

ELIZABETH McNEIL BENHAM.

The next business on the Speaker's table was the bill (S. No. 1741) granting a pension to Elizabeth McNeil Benham.

Mr. RICE, of Ohio. I move that it be laid aside.

Mr. CONGER. I hope that bill will be passed. It is a bill for the relief of the daughter of a soldier who spent forty or fifty years in the service of his country, and who is herself the widow of another soldier. I know the parties myself.

The SPEAKER. If there is no objection, the question is on the third reading of a Senate bill. The Chair hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCES M'NEIL POTTER.

The next business on the Speaker's table was the bill (S. No. 1742) granting a pension to Frances McNeil Potter.

Mr. RICE, of Ohio. I move that the bill be laid aside.

The motion was agreed to.

SARAH E. WEBB.

The next business on the Speaker's table was the bill (S. No. 1759) granting a pension to Sarah E. Webb and minor children.

Mr. RICE, of Ohio. I move that it be laid aside.

The motion was agreed to.

JOHN M'NULTA.

The next business on the Speaker's table was the bill (S. No. 1841) granting a pension to John McNulta.

Mr. FORT. I hope there will be no objection to that bill. General McNulta served gallantly in the Army during the late war and was since a member of this House. He has lately, from the effects of wounds and exposure while in the Army, been paralyzed, and unless he gets a pension very soon it will in all probability be too late. He may not live until another Congress meets.

In reply to questions of gentlemen around me here, I will again state that I understand he was badly wounded and suffered extreme exposure, by which his health was broken down, during the late war, and has since been shattered by a severe paralytic stroke, and must now with unsteady step march his remaining journey of life, and is now almost helpless physically. General McNulta was a brave soldier and is an honorable man, and would not apply for national relief till misfortune and extreme affliction overtook him. He has a family and is needy, and I hope this bill may now pass.

The SPEAKER. He was a former member of this House.

Mr. FORT. Yes, Mr. Speaker, he was a former member of the House, and served faithfully and honorably. He was always patriotic, and sacrificed his physical powers upon the altar of his country; and, sir, I do hope that there may be no objection to this bill, and that it may now pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FORT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES C. SMITH.

The next business on the Speaker's table was the bill (S. No. 1848) granting an increase of pension to Charles C. Smith.

The bill was read.

Mr. EWING. I call for the reading of the report.

The report was read.

Mr. EWING. I hope the bill will be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. EWING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCES M'NEIL POTTER.

Mr. STEELE. I beg leave to state that the case of Frances McNeil Potter (S. No. 1742) is of the same character, and I think that if there is no objection to the passage of the bill in one case there should be none in the other.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. L. E. M'CAULEY.

The next business on the Speaker's table was the bill (S. No. 1849) granting a pension to Mrs. L. E. McCauley.

Mr. RICE, of Ohio. I move that it be laid aside.

The motion was agreed to.

HANNAH M'LAUGHLIN.

The next business on the Speaker's table was the bill (S. No. 1854) granting a pension to Hannah McLaughlin.

Mr. RICE, of Ohio. I move that it be laid aside.

The motion was agreed to.

MARY W. JONES.

The next business on the Speaker's table was the bill (S. No. 1855) granting a pension to Mary W. Jones.

Mr. RICE, of Ohio. I move that it be laid aside.
The motion was agreed to.

MRS. ELIZABETH WIRT GOLDSBOROUGH.

The next business on the Speaker's table was the bill (S. No. 1733) granting Mrs. Elizabeth Wirt Goldsborough, widow of the late Admiral Goldsborough, a pension of \$50 per month, to be paid out of the naval pension fund.

Mr. RICE, of Ohio. I ask for the reading of that bill.

The bill directs the Secretary of the Navy to place on the pension-roll the name of Elizabeth Wirt Goldsborough, widow of the late Admiral Goldsborough, and pay her a pension of \$50 a month during her widowhood out of the naval pension fund, not to be entitled to arrears of pension.

Mr. BRAGG. I object to that bill.

The SPEAKER. Is the objection on the ground that there is no quorum present?

Mr. RICE, of Ohio. This bill is certainly right.

Mr. BRAGG. As I understand it, all naval officers share in the prize-money and I suppose Admiral Goldsborough had some of it. Besides, this naval fund is a humbug.

The SPEAKER. The bill being objected to, it will be passed over.

ORDER OF BUSINESS.

The SPEAKER. The House will now proceed to the next class of business, being bills for the removal of political disabilities.

Mr. SINICKSON. There are some pension bills which the committee have acted upon.

The SPEAKER. This is the third class of business.

Mr. PAGE. It is a very strange state of affairs that a pension bill cannot be passed through the House for want of a quorum, while disability bills, requiring a two-thirds vote to pass them, can be passed through without objection. I do not desire to object.

The SPEAKER. Those gentlemen who objected to pension bills are not gentlemen who are likely to be interested in disability bills. About sixty pension bills have been passed to-night. The disability bills will now be acted upon.

Mr. CONGER. I suppose that in all these cases the petitions accompany the bills.

The SPEAKER. They are all here. The Senate requires a petition in every case.

DISABILITY BILLS.

The following bills were then taken from the Speaker's table, read three several times, and passed, two-thirds voting in favor thereof:

A bill (S. No. 1844) to remove the political disabilities of S. W. Ferguson, of Mississippi;

A bill (S. No. 1775) to remove the political disabilities of Isaac R. Trimble, of Baltimore County, Maryland;

A bill (S. No. 1625) to remove the political disabilities of William T. Welcker, of California; and

A bill (S. No. 1776) to remove the political disabilities of Henry H. Lewis, of Baltimore, Maryland.

Mr. BEALE introduced a bill (H. R. No. 6524) to remove the political disabilities of H. B. Littlebridge, of King William County, Virginia; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. DUNNELL. I desire to inquire if there is a petition accompanying this bill?

Mr. BEALE. There is.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

PENSION BILLS.

The SPEAKER. The House will now receive reports of pension bills from the Committee on Invalid Pensions and the Committee on Revolutionary Pensions.

Mr. RICE, of Ohio. I have a bill here which I am instructed by the Committee on Invalid Pensions to report favorably to the House.

The SPEAKER. The Chair would suggest that Senate bills be first taken up and acted upon, for the reason that House bills passed now will have but little chance to become laws during this session.

Mr. RICE, of Ohio. That is a Senate bill which I have reported.

Mr. SINICKSON. We do not want to report anything but Senate bills.

The following bill, reported by Mr. RICE, of Ohio, was then read a third time, and passed:

A bill (S. No. 1040) granting a pension to Richard Middleton.

Mr. SINICKSON, from the Committee on Invalid Pensions, reported, with a favorable recommendation, the following Senate bills; which were severally ordered to a third reading, read the third time, and passed:

A bill (S. No. 1309) granting an increase of pension to Isabella H. Silvey;

A bill (S. No. 932) granting a pension to Cornelius Le Roy;

A bill (S. No. 1419) granting a pension to Mrs. Rosa Gale; and

A bill (S. No. 663) granting a pension to William H. H. Buck.

Mr. POWERS, from the Committee on Invalid Pensions, reported the following bill, with a favorable recommendation:

A bill (S. No. 1310) granting a pension to Edmund R. Batchelder.

Mr. RICE, of Ohio. That bill provides for arrears of pension, and I move to amend it so as to strike out that provision.

The SPEAKER. Quite a number of bills have been passed to-night reported from the Committee on Pensions which do not seem to correspond with the amendments which the Senate have put on such bills.

Mr. RICE, of Ohio. I always move such an amendment to a bill when my attention is called to it, so that the pension shall run from and after the passage of the act.

The SPEAKER. There can be unanimous consent given to make that change in the bills which have already passed.

Mr. SINICKSON. I object so far as my bills are concerned.

Mr. MORRISON. It means the same thing under the law.

The SPEAKER. The Chair thought it due to the House to state the fact. If it means the same thing the Chair has no objection.

Mr. POWERS. It does.

Mr. LATHROP. Have these bills the unanimous recommendation of the committee?

Mr. POWERS. They have.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. POWERS, from the same committee, reported, with a favorable recommendation, the following Senate bills; which were respectively read the third time, and passed:

A bill (S. No. 929) granting a pension to Hiram Howard; and

A bill (S. No. 1189) granting a pension to Ellen Devlin.

Mr. RAINEY, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the following Senate bills; which were respectively read the third time, and passed:

A bill (S. No. 969) granting a pension to Mrs. N. E. Belrichards; and

A bill (S. No. 889) granting a pension to John Etzell.

ADVERSE REPORTS.

Mr. RAINEY, from the same committee, reported back adversely Senate bills of the following titles; which were laid on the table, and, with the accompanying reports, ordered to be printed:

A bill (S. No. 962) granting a pension to William H. Criddle; and

A bill (S. No. 1646) granting a pension to Phoebe C. Dossie.

BILLS PASSED.

Mr. MACKEY, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the following Senate bills; which were read the third time, and passed:

A bill (S. No. 362) granting a pension to A. G. Ege;

A bill (S. No. 687) granting a pension to William H. Bagley; and

A bill (S. No. 872) granting a pension to Mrs. Ann W. Steele.

Mr. MACKEY also, from the same committee, reported back, with a favorable recommendation, the following bills; which were objected to:

A bill (S. No. 1454) granting a pension to Ann M. Paulding, widow of Hiram Paulding, late senior rear-admiral United States Navy;

A bill (H. R. No. 5241) granting a pension to Ann M. Paulding, widow of Rear-Admiral Hiram Paulding; and

A bill (H. R. No. 5963) to increase the pension of Captain Samuel C. Schoyer, late of Company G, One hundred and thirty-ninth Regiment Pennsylvania Volunteers.

Mr. METCALFE, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the following Senate bills; which were respectively read the third time, and passed:

A bill (S. No. 971) granting a pension to William Leibig;

A bill (S. No. 1163) granting a pension to Mary E. Parker; and

A bill (S. No. 1214) granting a pension to Amos Argle.

Mr. JOYCE, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the following Senate bills; which were respectively read the third time, and passed:

A bill (S. No. 1137) granting a pension to Harmon Vann;

A bill (S. No. 996) granting a pension to Edmund Woog; and

A bill (S. No. 1380) granting a pension to Josiah Kellogg.

Mr. BLAIR. Senate bill No. 399, granting a pension to Abigail S. Tilton, was passed over by inadvertence. I ask now that it be taken up. This bill has been passed by the Senate and reported favorably in the House. It grants a pension, at the rate of \$8 per month, to the surviving widow of a soldier of the Revolution—probably the only case of the kind in the country. She is a lady some eighty-six years of age.

There being no objection, the bill was taken up, read the third time, and passed.

Mr. POWERS. I desire to call up Senate bill No. 1759, granting a pension to Sarah E. Webb and minor children.

The bill was read.

Mr. POWERS. This bill was laid aside at the request of the gentleman from Ohio, [Mr. RICE,] as we had not then considered it. Since that time we have looked over the bill and agree that it should be passed.

The bill was passed.

Mr. JONES, of New Hampshire, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN WILLANS.

Mr. RICE, of Ohio. I desire to call up the bill (S. No. 1509) granting a pension to John Willans. There is no objection to it, and it is the last bill I shall call up this evening.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-roll the name of John Willans, late a captain and assistant adjutant-general United States Volunteers, and pay him a pension as of the rank of captain from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. PATTERSON, of Colorado. I move that the House take a recess until to-morrow morning at ten o'clock.

Mr. CONGER. What will be the business when the House reassembles to-morrow after the recess?

The SPEAKER. The business will be confined to reports from the Committee on Public Lands with the understanding that no bill objected to shall be considered.

The motion was agreed to; and accordingly (at ten o'clock and twenty-five minutes p. m.) the House took a recess until Saturday morning at ten o'clock a. m.

AFTER THE RECESS.

The recess having expired the House (at ten o'clock a. m., Saturday, March 1) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. The session this morning is set apart for reports from the Committee on Public Lands; bills to which there shall be no objection.

Mr. EDEN. Only reports from the Committee on Public Lands?

The SPEAKER. Nothing else.

SETTLERS ON RAILROAD LANDS.

Mr. FULLER, from the Committee on Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 1160) to extend the provisions of an act approved June 22, 1874, entitled "An act for the relief of settlers on railroad lands."

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of June 22, 1874, entitled "An act for the relief of settlers on railroad lands," be, and the same are hereby, extended so as to embrace the claims of all bona fide settlers under the homestead or pre-emption laws who shall make proper proof of such settlement and of the necessary qualifications to enter under said laws, although no filing or entry may, previous to the date of said act, have been admitted in favor of such settlers: *Provided*, That the restrictions of existing laws respecting lands classed as double minimum in price shall not be relaxed in favor of the claims falling under the provisions of this act.

Mr. FULLER. I desire the Clerk to read the statute, the provisions of which are extended by this bill, in order that it may be understood what the bill provides for.

The Clerk read as follows:

An act for the relief of settlers on railroad lands.

Be it enacted, etc., That in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler, whose entry of or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the Land Office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral and within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted. And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted: *Provided*, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad, or to extend to lands reserved in any land grant made for railroad purposes: *And provided further*, That this act shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company, when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land office of the withdrawal of such lands from market.

Mr. FULLER. It will be observed that all the bill provides for is that settlers who have settled on railroad land-grants, and in favor of whom no filing or entry may have been admitted, shall have the same privilege as is allowed to settlers under the act of 1874 whose entry or filing has been allowed, the railroad being allowed to give up the land to the settlers and take other lands within the limits of the grant. This allows settlers to perfect their titles.

Mr. EDEN. The settlers, if I understand the gentleman, get the lands under the homestead laws, and the provision of this bill is to allow the railroad company to go outside the limits of the grant and get other lands.

Mr. FULLER. No, sir. If the settler has settled on railroad lands and did not know it, then the railroad company is allowed to give up those lands to the settler and to take other lands in lieu of them within the limits of the grant. The bill is in the interest of the settler altogether.

Mr. PRICE. Is the bill general in its character? I did not hear it read.

Mr. FULLER. It is.

Mr. PRICE. That is right.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

FORT SMITH MILITARY RESERVATION.

Mr. GAUSE, from the Committee on Public Lands, reported back, with an amendment, the bill (H. R. No. 5702) to provide for the reappraisal and sale of the abandoned military reservation at Fort Smith, Arkansas.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to cause the abandoned military reservation at Fort Smith, in the State of Arkansas, at the earliest practical moment, and to be laid off in the following manner, namely: Beginning on the western boundary-line of the said reservation, lay out a street fifty feet in width on a line with Byrne street of the said town of Fort Smith, parallel to Garrison avenue of said town, and at a distance from said avenue of one hundred and forty feet, extending from said western boundary-line to the point of intersection of the said new street with the northeastern boundary-line of said reservation; also a street fifty feet in width around the outside of the walls of the national cemetery located on said reservation; also extend Ozark and Greene streets of said town across said reservation, and to a width of not less than sixty feet; also an avenue from the southern boundary-line of said reservation, along, by, and parallel to the front wall of said cemetery, and at a distance of twenty feet therefrom, and extending from said southern boundary-line until it intersects Greene street extended as aforesaid, and having a width of not less than eighty feet; and that the remainder of said reservation be divided into lots of not more than forty acres.

SEC. 2. That immediately after said reservation shall have been laid off as aforesaid, the Secretary of the Interior shall appoint three citizens of Arkansas, near the said reservation, to reappraise the said several lots, who shall go upon the premises, ascertain the actual cash value per acre of each lot separately, and report the same under oath to the Secretary of the Interior as soon after their appointment as practicable.

SEC. 3. That as soon as said report shall have been received by the said Secretary, he shall, after having given thirty days' notice in the papers of said town of Fort Smith of the time and place of sale, cause the said lots (except such as are hereinafter excepted and reserved from sale) to be exposed to sale at public outcry at the court-house door of the United States district court for the western district of Arkansas, to the highest bidder: *Provided*, That no lot shall be sold for less than its reappraised value as aforesaid.

SEC. 4. That so much of said reservation as is occupied by the said Garrison avenue and wharf of said town; also so much as is included between Ozark and Washington streets of said town, if extended; also so much as is included between the new street first above mentioned and western boundary-line between Greene street extended and Washington street of said town; and also so much as is included between said new street first above mentioned and the said northeastern boundary-line of said reservation be, and the same are hereby, reserved from sale as aforesaid.

SEC. 5. That persons having lots fronting on said Garrison avenue and extending back to said northeastern boundary-line of said reservation shall have a pre-emption right to purchase, within twelve months next ensuing after said reappraisement, so much of said reservation as shall be necessary to complete their respective lots back to said new street first above mentioned, at the appraised value per acre of the subdivision including said lots or parts of lots, and upon proof within said twelve months being made before the register of public lands at Dardanelle, in said State, of their titles to said incomplete lots, and their consequent right to purchase under this section, and the payment of said appraised value to the receiver at said Dardanelle, the Secretary of the Interior shall cause a patent to said purchasers respectively to issue to so much as shall be necessary to complete said lots as aforesaid.

SEC. 6. That so much of said reservation as is occupied by the wharf and said avenue of said town of Fort Smith shall be sold to said town for and in consideration of its opening Greene street of said town from said avenue to said reservation within twelve months after the passage of this act, and to a width of not less than sixty feet; and upon the Secretary of the Interior receiving notification, properly attested, from the mayor of said town, within said twelve months, that said street has been opened as aforesaid, then he shall cause a patent to issue to said town for so much of said reservation as is now occupied by said avenue and wharf: *Provided, however*, That nothing in this act shall be so construed as to expose to sale any of that part of the said reservation included in the stone walls surrounding the barracks, or any of said walls, or the buildings used by the judge or district attorney or marshal of said district court for the western district of Arkansas for offices or for jail or court purposes, or any ground included in the national cemetery aforesaid.

SEC. 7. That upon payment of the purchase-money of any of said lots as aforesaid to the receiver at the land office at said Dardanelle, the Secretary of the Interior shall cause a patent to issue to the purchaser thereof for said lot. And in the event that any of said lots are not sold at their appraised value as aforesaid, then such lots shall be subject to entry at the land office at said Dardanelle, as any other lands belonging to the United States: *Provided*, That they shall not be entered at a price less than their reappraised value as aforesaid.

SEC. 8. That the sum of ——— dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. EDEN. I reserve the right to object until I hear an explanation of the bill.

The amendment of the committee was to strike out section 8 of the bill.

Mr. LATHROP. Is there a report accompanying the bill?

The SPEAKER *pro tempore*, (Mr. COX, of New York.) There is no report.

The amendment was adopted.

Mr. GAUSE. In explanation of the bill I will say that this is an old abandoned military reservation. There is a large tract there near the town of Fort Smith, which has been reserved for some years. The Commissioner of the General Land Office, the Secretary of War, the Secretary of the Interior, everybody who has ever had anything to do with it, has recommended in the annual reports for the last five or six years that this reservation be disposed of, on the ground that the Government has no use for it whatever. No troops were ever quartered at Fort Smith. No use has been made of the barracks, and no use has been made of the reservation in any respect except for court purposes. All the buildings are given for the use of the district court.

Mr. DUNNELL. I wish to inquire of the gentleman from Arkansas

whether the bill now pending has received the indorsement of the Secretary of the Interior?

Mr. GAUSE. I do not know that this bill has received his indorsement, but a similar proposition has.

Mr. EDEN. I would like to ask the gentleman from Arkansas how it is any parties have obtained a pre-emption right on this reservation?

Mr. GAUSE. They have not.

Mr. EDEN. If I heard the bill read aright, there is some provision made for persons who had acquired rights of property on this reservation. I do not see how any person could acquire any rights of property there.

Mr. GAUSE. I think the gentleman from Illinois has misconceived the language of the bill. The bill provides that after laying out the lots on this reservation the persons owning property lying next to them shall have the right to buy the lots lying next to their own lots at the appraised value.

Mr. EDEN. Then they are to be sold to those persons at their appraised value?

Mr. GAUSE. Yes, sir.

Mr. EDEN. Does this bill propose that the lands shall be sold at public sale, and if not at public sale then at the appraised value?

Mr. GAUSE. Yes, sir.

Mr. EDEN. Why not include all of them in that?

Mr. GAUSE. I yield to the gentleman from Arkansas, [Mr. CRAVENS.]

Mr. CRAVENS. I think I can explain the matter to the satisfaction of the gentleman. The principal street in Fort Smith is Garrison avenue, and runs parallel with this reservation, and the line of this reservation has been in time past uncertain. The line between the State of Arkansas and the Indian Territory is the western boundary of this reservation. Garrison avenue was laid out under a misapprehension of the line; in fact, the reservation extends into Garrison avenue, now the southwestern side of Garrison avenue.

Mr. PAGE. If this bill is going to create a discussion I shall have to object.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. PAGE. No; but I shall if there is a discussion about it. The committee have a great many bills to report.

The SPEAKER *pro tempore*. Is there objection?

Mr. EDEN. I object until I can have an explanation of the bill from the gentleman.

Mr. CRAVENS. Some persons have already built houses on this land.

Mr. GAUSE. I withdraw the bill.

LAND GRANTS TO MINNESOTA.

Mr. SMITH, of Georgia, reported back, with a favorable recommendation, the bill (S. No. 1073) granting lands to the State of Minnesota in lieu of certain lands heretofore granted to said State.

The bill was read. It provides that there be, and hereby are, granted to the State of Minnesota, to be selected by the governor of said State, twenty-four sections of land, out of any public lands of the United States not otherwise appropriated, in lieu and in stead of twenty-four sections of the land granted to said State of Minnesota by the fourth subdivision of section 5 of an act entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission in the Union on an equal footing with the original States," approved February 26, 1857, and selected by said State, but which were subsequently otherwise disposed of by the United States, and to which the United States cannot make title to the said State of Minnesota; provided that the lands herein granted shall be selected within three years, and from unoccupied lands of the United States lying within the State of Minnesota.

Mr. LATHROP. Is there a report accompanying the bill?

The SPEAKER *pro tempore*. There is no report.

Mr. SMITH, of Georgia. I have a printed report here.

Mr. STRAIT. I will state that the bill relates to saline lands that were settled on before this selection was made by the State, and this act is to enable parties to take other lands in lieu thereof.

Mr. SMITH, of Georgia. I have a written report accompanying the bill.

The SPEAKER *pro tempore*. Does the gentleman propose to have it read or printed?

Mr. SMITH, of Georgia. I propose to have it printed.

There being no objection, the report was ordered to be printed.

The bill was then ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SMITH, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS IN MINNESOTA.

Mr. SAPP, from the Committee on Public Lands, reported back, with an amendment, the bill (H. R. No. 5103) to extend the time for payment of pre-emptors on certain public lands in the State of Minnesota.

The bill was read. It provides that the time at which pre-emptors on the public lands, in the State of Minnesota, including the lands

within the Fort Ridgely and Sioux Indian reservations, are now required to make final proof and payment, be, and the same is hereby, extended one year, from October 1, 1878.

The amendment was read, as follows:

In line 7, strike out "one year," and insert in lieu thereof "two years."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAPP moved to reconsider the vote by which the bill, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTION 2403 OF THE REVISED STATUTES.

Mr. WIGGINTON, from the same committee, reported back the bill (S. No. 801) to amend section 2403 of the Revised Statutes of the United States in relation to the deposits for surveys.

The bill was read. It provides that section 2403 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

SEC. 2403. Where settlers make deposits in accordance with the provisions of section 2401, the amount so deposited shall go in part payment for their lands situated in the townships the surveying of which is paid for out of such deposits, or the certificates issued for such deposits may be assigned by indorsement, and be received in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws of the United States, and not otherwise.

Mr. EDEN. Under the law as it now is, I suppose the money that is deposited can only be applied to the particular township that is to be surveyed.

Mr. WIGGINTON. It can only be applied to the payment of the particular tract of land that the party locates under the pre-emption and homestead laws.

Mr. LATHROP. I object to the bill.

The SPEAKER *pro tempore*. The bill will be laid aside.

Some time subsequently,

Mr. LATHROP withdrew the objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WIGGINTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PATTERSON, of Colorado, from the Committee on Public Lands, asked unanimous consent to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. No. 4801) to place the States of California, Nevada, and Colorado upon an equality with other States in the matter of public lands for common-school purposes.

The bill was reported from the Committee on Public Lands with an amendment.

Mr. BUCKNER. I object to that bill. I think this House is too thin to act upon such important bills as this.

Mr. PATTERSON, of Colorado. I do not think the gentleman will object after explanation.

The SPEAKER *pro tempore*. The bill is not before the House.

CONFEDERATED OTOWE AND MISSOURIA RESERVATION.

Mr. MAJORS, from the Committee on Public Lands, reported back, with an amendment, Senate bill No. 373, to amend an act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

The bill, which was read, provides that section 3 of the act of August 15, 1876, chapter 308, entitled "An act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and the Sac and Fox of the Missouri tribes of Indians," shall be amended so as to read as follows:

That after the survey and appraisal of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer one hundred and twenty thousand acres from the western side of the same for sale, through the United States public land office, at Beatrice, Nebraska, for cash to actual settlers or persons who shall make oath before the register or receiver of the land office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, who shall, within three months from the date of such application, make a permanent settlement upon the same in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one-third in cash, one-third in one year, and one-third in two years from date of sale, with interest at the rate of 6 per cent. per annum: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than \$2.50 per acre: *And provided further*, That whenever a settler on any of the lands subject to sale under the act to which this is amendatory shall apply to purchase a tract containing a small excess over one hundred and sixty acres, owing to the legal subdivisions being made fractional by boundary-line of reservation, township, or section line, his application shall not be rejected on account of such excess; but, if no other objection exist, the purchase shall be allowed as in other cases.

The amendment reported from the committee was to add to the bill the following:

And provided further, That *bona fide* claimants at present occupying lands under the provision of the act of which this is amendatory, may, in the discretion of the Secretary of the Interior, be allowed additional time to make the deferred pay-

ments required by said act for the lands so claimed and occupied by them in good faith, not exceeding one year on each payment so required to be made.

The amendment was agreed to.

The question was upon ordering the bill, as amended, to a third reading.

Mr. LATHROP. Is this advised by the department?

Mr. MAJORS. The only change this makes in the existing law is in reference to deferred payments. It is for the benefit of settlers.

Mr. LATHROP. That is not the question I asked. I asked whether this is recommended by the Indian department.

Mr. MAJORS. The only change in the existing law is the amendment which has been read.

Mr. LATHROP. The question I asked is whether this is recommended by the department.

The bill, as amended, was then ordered to a third reading, read the third time, and passed.

Mr. MAJORS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON THE PUBLIC LANDS.

Mr. FULLER, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 1051) for the protection of settlers on the public lands of the United States.

The bill was read, as follows:

Be it enacted, etc., That when any person entitled to avail himself of the benefits of the pre-emption or homestead laws has made, or shall make, a *bona fide* settlement on lands subject to settlement under any such laws, such settlement shall be deemed to create a contract between the Government and the settler, and his claim shall constitute a vested right of property, only to be forfeited by his neglect or refusal to comply with the conditions prescribed by the law under which he claims.

SEC. 2. That when any such person shall have made settlement upon unsurveyed lands of the United States, the right to enter the quarter section or any lesser legal subdivision on which he shall be located by the survey shall date from his actual settlement upon the same; but no filing shall be required of any settler until such survey shall have been made.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. FULLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOARD OF EDUCATION, HARPER'S FERRY, WEST VIRGINIA.

Mr. GAUSE, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1737) to authorize and direct the Secretary of War to convey, by deed, to the board of education of the district of Harper's Ferry, West Virginia, a lot of ground, (No. 2 in block B,) with the buildings thereon, for the use of the common schools thereof.

The bill directs the Secretary of War to convey, by deed, in fee, to the board of education of the district of Harper's Ferry, in Jefferson County, West Virginia, for the use of the common schools, the lot of ground, with buildings thereon, known as lot 2, in block B, on Shenandoah street, as laid down on the map of 1852, now occupied for a post-office, schools, and office for the corporate authorities of Harper's Ferry, West Virginia.

Mr. EDEN. Do I understand that the building is to be conveyed that is on this land?

Mr. GAUSE. It is; to be used for school purposes.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. GAUSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOMESTEAD SETTLERS ON RAILROAD LANDS.

Mr. SAPP. I am directed by the Committee on Public Lands to report back, with an amendment, the bill (H. R. No. 5627) to grant additional rights to homestead settlers on public lands within railroad limits. The Senate has passed a bill precisely similar to the bill of the House, with the exception of the amendment which I am instructed to offer in the nature of an additional section. I ask that Senate bill No. 959 be taken from the Speaker's table and considered at this time.

Mr. EDEN. Let the bill be read.

The bill was read.

Mr. EDEN. I would like to inquire of the gentleman from Iowa [Mr. SAPP] why he proposes to give the settlers on lands within the limit of railroad grants one hundred and sixty acres, which are worth \$2.50 an acre, while the settlers outside of those limits are allowed only one hundred and sixty acres, worth \$1.25 an acre?

Mr. SAPP. It is only to protect them against railroad companies.

Mr. EDEN. How does this protect them against railroad companies?

Mr. SAPP. By giving them additional rights to those they already have.

The amendment to the Senate bill was to strike out the words "shall be permitted so to do without payment of fees and commission" and to insert in lieu thereof the words "shall receive credit for the fees and commission paid upon his abandoned entry."

The amendment was agreed to.

The next amendment was to add the following:

SEC. — That any person who has heretofore made an entry of more than eighty acres within the limits of any land grant and complied with the requirements of the act of May 20, 1862, shall be entitled to perfect his said entry and receive a patent thereof.

Mr. SAPP. I now ask that the question be taken on the amendment proposing an additional section.

Mr. LATHROP. Mr. Speaker, is this bill liable to a single objection?

The SPEAKER *pro tempore*. It is.

Mr. LATHROP. I object to it, because it proposes to give one class of pre-emptors double that which is or can be given to another.

LAND DISTRICT IN DAKOTA.

Mr. KIDDER, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 791) to establish a land district in the Black Hills, in the Territory of Dakota.

The bill was read. It provides in the first section that all the public lands in the Territory of Dakota lying west of the one hundred and third meridian of longitude and south of the seventh standard parallel shall constitute a new land district, to be called the Black Hills district.

The second section authorizes the President to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in Deadwood, in said Black Hills, until such time as the President may, in his discretion, remove the site of the land office from Deadwood; and such register and receiver shall be subject to the same laws and be entitled to the same compensation as is or may be provided by law in relation to the existing land offices and officers in said Territory.

Mr. SCALES. Is there any report accompanying this bill?

The SPEAKER *pro tempore*. There is not.

Mr. KIDDER. The establishment of this new land district is absolutely necessary. At present persons have to go a thousand miles to enter their lands.

The bill was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. KIDDER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. EDEN. I move that the House adjourn. We must adjourn at any rate in five minutes.

Mr. WIGGINTON. I hope the gentleman will not press that motion; we want to pass two or three more bills.

The motion was not agreed to.

FEES, ETC., ON VOID ENTRIES OF PUBLIC LANDS.

Mr. WIGGINTON, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (S. No. 989) for the relief of certain settlers on the public lands and to provide for the repayment of certain fees and commissions paid on void entries of public lands.

The bill was read. It provides in the first section that in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,' and amendments thereto," approved March 3, 1873, and now incorporated in section 2306 of the Revised Statutes of the United States, which claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase-money on lands erroneously sold by the United States.

The second section provides that in all cases where homestead or timber-culture entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the receiver of public moneys of the land office in which such entry was made shall repay to the person who made such entry the fees and commissions and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office.

The third section provides that the receiver of public moneys shall repay such fees, commissions, and excesses, the repayment of which is provided for in the second section of this act, out of any money in his hands received in payment of fees and commissions and excesses on like entries of public lands.

The fourth section authorizes the Commissioner of the General Land Office to make all necessary rules and issue all necessary instructions to carry the provisions of this act into effect.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. WIGGINTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. EDEN. I move that the House do now adjourn.

Mr. SAPP. I hope the gentleman will yield, in order to allow me to have some bills placed on the Calendar.

Mr. EDEN. We must adjourn; in a moment or two the House must begin the session of Saturday.

The motion was agreed to; and accordingly (at ten o'clock and fifty-nine minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of wholesale grocers and dealers in sugar, of Philadelphia and Pittsburgh, Pennsylvania, that duties on sugar be regulated on the *ad valorem* principle—to the Committee of Ways and Means.

Also, the petition of Isaac Conard and others, of West Grove, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. ALDRICH: The petition of A. Booth, McNab & Johnston, and 24 other firms and individuals of Chicago, Illinois, engaged in the fish trade, against the passage of the bill (H. R. No. 3689) relating to the establishment of a board of commissioners to regulate the fisheries on the great lakes of the Northwest—to the Committee on Commerce.

By Mr. BICKNELL: The petition of Louisa J. Teaford and 120 other women, of Floyd County, Indiana for legislation to make effective the anti-polygamy law of 1862—to the same committee.

By Mr. BLAIR: The petition of the Cedar Congregation of the Society of Friends, of Randolph County, Indiana, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

Also, the petition of John F. Barkley and others, citizens of New Vienna, Ohio, of similar import—to the same committee.

Also, the petition of the Poplar Run Congregation of the Society of Friends, of Randolph County, Indiana, of similar import—to the same committee.

By Mr. BREWER: The petition of the First Presbyterian church of Peotone, Illinois, of similar import—to the same committee.

By Mr. CUMMINGS: The petition of Thomas G. Orwig and other inventors of Iowa, against the passage of the Senate bill amending the patent laws—to the Committee on Patents.

By Mr. CUTLER: The petition of the Lutheran church of Stewartsville, New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. DAVIS, of California: The petition of cigar-makers of San Francisco, California, against the passage of the bill requiring coupon stamps to be placed on cigars—to the Committee of Ways and Means.

Also, memorial of the California State Grange, for the establishment of an experimental farm, and the detail of an officer especially to gather information relating to agriculture on the Pacific coast—to the Committee on Agriculture.

By Mr. ELLSWORTH: The petition of Camilla Lowell and other ladies, of the District of Columbia, for legislation to prohibit the sale of intoxicating liquors in the District except for medicinal, mechanical, and scientific purposes—to the Committee for the District of Columbia.

By Mr. EVANS, of Pennsylvania: The petition of Thomas C. Robinson and other citizens of Washingtonville, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. FOSTER: The petition of Jacob Hershey and others, citizens of Woodington, Ohio, of similar import—to the same committee.

By Mr. FRYE: The petition of the Union Congregational church of East Bridgewater, Massachusetts, of similar import—to the same committee.

Also, the petition of R. J. Boylan and others, citizens of Illinois, of similar import—to the same committee.

Also, the petition of Oliver Pope and others, citizens of Windham, Maine, of similar import—to the same committee.

Also, the petition of the Church of the Pilgrimage of Plymouth, Massachusetts, of similar import—to the same committee.

By Mr. GAUSE: The petition of citizens of Arkansas, that the Government be made responsible for articles lost while being transported in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKELL: The petition of the People's Christian Temperance Society of Edgerton, Kansas, of similar import—to the same committee.

By Mr. KEIGHTLEY: The petition of Mrs. T. E. Egbert and 50 other ladies, of White Pigeon, Michigan, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. LAPHAM: The petition of Julia A. Schutt, for arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of women of West Bloomfield, New York, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. PRICE: The petition of the Reform Episcopal church of Newark, New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

Also, the petition of the Grand Division Sons of Temperance of Illinois, of similar import—to the same committee.

Also, the petition of Women's Christian Temperance Union of Shell Rock, Iowa, and 64 others, of similar import—to the same committee.

By Mr. REA: The petition of 50 women of Caldwell County, Missouri, for such legislation as will make effective the anti-polygamy law of 1862—to the same committee.

By Mr. STEWART: Memorial of the Legislature of Minnesota, asking that, as a condition-precedent to the extension of the time for the completion of the Hastings and Dakota Railway, said railway company be required to release all claim to certain sections of land settled upon by residents of the county of Renville in said State—to the Committee on Public Lands.

By Mr. STONE, of Iowa: The petition of M. J. Johnson and 77 others, of Henry County, Iowa, that the laws against polygamy be made effective—to the Committee on the Judiciary.

Also, the petition of 278 women of Henry and Van Buren Counties, Iowa, of similar import—to the same committee.

By Mr. STONE, of Michigan: The petition of J. E. Wells and 140 others, citizens of Michigan, wholesale grocers and dealers in sugar, against the passage of the Robbins sugar bill—to the Committee of Ways and Means.

By Mr. VANCE: The petition of John Farlow and others, citizens of Level Plains, New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

IN SENATE.

SATURDAY, March 1, 1879.

The Senate met at eight o'clock p. m.

HOUSE BILLS REFERRED.

Mr. MORRILL. I ask that the three bills from the House which came yesterday be referred to the Committee on Finance.

The VICE-PRESIDENT. Where are they now?

Mr. MORRILL. I suppose on the table.

The VICE-PRESIDENT. Are they the bills the second reading of which was objected to?

Mr. MORRILL. Yes, sir.

The VICE-PRESIDENT. They are on the Calendar. They will be now read the second time and referred.

The following bills and joint resolution from the House of Representatives were read the second time by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 6516) to amend section 3697 of the Revised Statutes with respect to interest on surrendered or called bonds;

A bill (H. R. No. 6515) respecting protests or appeals from decisions of collectors of customs, and for other purposes; and

A joint resolution (H. R. No. 248) in regard to remission of duties. The VICE-PRESIDENT. The Chair will lay before the Senate bills from the House of Representatives.

The bill (H. R. No. 791) to establish a land district in the Black Hills, in the Territory of Dakota, was read the first time by its title.

Mr. EDMUNDS. I object to the second reading.

The bill (H. R. No. 1737) to authorize and direct the Secretary of War to convey by deed to the board of education of the district of Harper's Ferry, West Virginia, a lot of ground (No. 2 in block B) with the buildings thereon, for the use of the common schools, was read the first time by its title.

Mr. EDMUNDS. I object to the second reading.

The bill (H. R. No. 5103) to extend the time for payment of pre-emptors on certain public lands in the State of Minnesota was read the first time by its title.

Mr. EDMUNDS. I object to the second reading.

The bill (H. R. No. 1160) to extend the provisions of an act approved June 22, 1874, entitled "An act for the relief of settlers on railroad lands," was read the first time by its title.

Mr. EDMUNDS. I object to the second reading.

The bill (H. R. No. 1051) for the protection of settlers on the public lands of the United States was read the first time by its title.

Mr. EDMUNDS. I object to the second reading.

PRINTING OF A REPORT.

Mr. TELLER. I ask that the resolution I offered this afternoon before the adjournment be sent to the Committee on Printing.

The VICE-PRESIDENT. It was so referred.

FOREIGN WINES AND LIQUORS.

Mr. DAVIS, of West Virginia. I call for the regular order.

Mr. SARGENT. I ask the Senator from West Virginia to waive the call for a moment. A few days ago I presented and had referred to the Committee on Finance two resolutions asking for information;

one from the Secretary of the Treasury, the other from the Secretary of State, in regard to the product of wine, &c. The information is very important to the people of my State. As it is very well known that during the morning hour I have been absent on committees for a week or more, and unable to call up these resolutions—they are favorably reported from the Committee on Finance—I ask the Senate to consider the resolutions at this time, and pass them.

Mr. DAVIS, of West Virginia. Let them be read for information.

The Secretary read as follows:

Resolved, That the Secretary of State be directed to transmit to the Senate, as early as is practicable, any information in the possession of the State Department, or that may be obtained through the consular service, relating to the methods of production and preparation and the nature of the various kinds of fermented and alcoholic liquors imported into the United States from foreign ports at which are stationed officers of the consular service of the United States; also, relating to the laws and customs of trade in force and prevailing at such ports affecting the purity of such liquors and the genuineness of labels and marks designating them, and to what extent such laws and customs and the regulations of the consular service prevent or encourage the importation into the United States of falsified, adulterated, and falsely designated wines and other alcoholic liquors; also, to inform the Senate as to what legislation may be necessary, if any, for the regulation of the consular service in order to encourage the commerce only in pure and genuine wines, brandies, and other alcoholic liquors, and to prevent the importation of falsifications, adulterated compounds, and falsely labeled articles; also, to furnish the Senate such information as may be obtained concerning the internal systems of taxation or prohibitions which may affect the exports of the United States to foreign countries, in addition to the tariffs or customs taxes of such countries, and, so far as is practicable, concerning the quantities of American alcohols and other articles exported from the United States, which are consumed in the countries to which they are exported, or, if re-exported, the ultimate destinations of such articles; also, information showing what proportions of articles imported into the United States are the products of the countries from which they are so imported, and the original sources of articles imported from countries not producing the same; also, showing the nature, characteristics, quantities, and values of alcoholic liquors imported into foreign ports from any countries other than the United States.

The resolution was considered by unanimous consent, and agreed to.

Mr. SARGENT. There is another resolution calling on the Secretary of the Treasury for other information.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate, as early as is practicable, such information as may be in the possession of the Treasury Department, or that may be obtained from collectors of customs and through any other agencies of the Department, showing the relative quantities and natures of the various kinds of fermented and alcoholic liquors imported into the United States from foreign countries; the percentage of absolute alcohol contained in each of the several kinds; the relative quantities of imported wines which are fortified with alcohol and exceed in strength 13 per cent. of absolute alcohol, and on which the tariff for still wines is collected; the relative quantities of such imported articles that are re-exported without paying customs taxes; together with such information as the Department possesses or may obtain, showing in what proportions these articles are imported from different countries; and, so far as is practicable, the original sources of such articles or any of their ingredients when the same are imported from countries which do not produce them.

The Secretary of the Treasury is also directed to inform the Senate concerning the facilities which the Treasury Department has, or may require, for the prevention of the importation of falsified, adulterated, and falsely labeled or designated fermented and alcoholic beverages; also to inform the Senate to what extent the commerce and public revenues of the United States may be affected by taxing wines, fortified with alcohol, according to the tax on spirits for each degree of alcohol contained in such wines in excess of 13 per cent.; also to furnish a statement showing the quantities of alcohols, wines, and other alcoholic liquors, produced in this country, which are exported to foreign countries, and the destinations of the same, showing also their alcoholic strength and other characteristics.

Mr. SARGENT. The word "showing" should be "as may show." I move to strike out the word "showing" and insert the words "as may show."

The amendment was agreed to.

The resolution, as amended, was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. DAVIS, of West Virginia. I call for the regular order.

The VICE-PRESIDENT. The regular order is the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, which is before the Senate as in Committee of the Whole. The pending amendment is that of the Senator from Missouri, [Mr. COCKRELL,] which will be read for information.

The SECRETARY. The amendment is:

That the Secretary of State be, and he is hereby, authorized and directed to examine and settle the claims of the late Captain Sam C. Reid, commander, and the owners, officers, and crew of the American private armed brig General Armstrong, belonging to the port of New York, destroyed by a British fleet in the neutral port of Fayal, in September, 1-14, as proved before and audited and adjusted by the Court of Claims in its report submitted to Congress, amounting to the total sum of \$70,739; and that he be, and is hereby, further authorized and directed to pay to the said claimants, their heirs, executors, administrators, or assigns, the amount which shall be thus ascertained to be due them respectively, not to exceed said sum adjudicated by said Court of Claims, which is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. WINDOM. I thought the sundry civil bill was before the Senate.

The VICE-PRESIDENT. The Chair thought so. This is an amendment proposed to it.

Mr. WINDOM. It is a private claim bill. I raise the point of order on that, that it is a private claim.

The VICE-PRESIDENT. The Chair thinks that is apparent.

Mr. COCKRELL. I accompanied the presentation of the amendment with a letter from the Secretary of State, and I now desire that it be read. The letter of the Secretary will only take a moment, and

then I will make a point, and the Chair can decide the question of order.

The VICE-PRESIDENT. The Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, February 25, 1879.

Sir: I have the honor to acknowledge the receipt of your communication of the 8th ultimo, inclosing the memorial of Sam C. Reid, in behalf of the claimants of the private armed brig General Armstrong, and requesting, "with as little delay as convenient, any recent information in the possession of" this Department, with its views as to the justice and equity of this claim."

In reply, I have to state that, by Executive reference of the 25th ultimo to this Department of a communication addressed to the President by Sam C. Reid in behalf of the claimants of the General Armstrong, relating to a certain claim growing out of the liability of the Government under a treaty with Portugal of the 1st September, 1851, submitting this claim to arbitration, the matter was laid before the law officer of this Department for a thorough examination. His report, with the papers referred to, is submitted herewith for your information.

This Department has no hesitation in approving of the justice and equity of the claimant's appeal to his own Government.

The attending circumstances would seem to justify this Department in recommending that the report, with the papers herewith inclosed, be presented to the Senate for the consideration and action of that body, with a view to an appropriation.

I have the honor to be, sir, your obedient servant,

WILLIAM M. EVARTS.

HON. WILLIAM WINDOM,
Chairman of the Committee on Appropriations, Senate.

The VICE-PRESIDENT. In kindness to the reading clerk the Chair will read the thirtieth rule of the Senate:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

The Chair fails to find the law cited on the face of the amendment.

Mr. SARGENT. There is an inadvertency in printing, or rather in making up the amendment, on page 29.

The VICE-PRESIDENT. Is the Senator speaking in reference to this amendment?

Mr. SARGENT. No, sir. I propose an amendment to the bill on page 29, from line 687 to line 693. I call the attention of the chairman to it. The original House bill read—

To enable the Secretary of the Treasury to provide for the maintenance of revenue steamers on the coast of Alaska, \$20,000.

The Committee on Appropriations, intending to state more definitely what it should be, intended to say:

To enable the Secretary of the Treasury to use revenue steamers for the protection of the interests of the Government on the seal islands and sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, \$20,000.

But in writing it out the first words were left off. I move to prefix to the amendment already adopted by the Committee of the Whole these words:

To enable the Secretary of the Treasury to use revenue steamers.

The amendment was agreed to.

Mr. BURNSIDE. I move to amend on line 711, page 30, by striking out "seventy-five" and inserting "ninety," so as to make the amount appropriated \$390,000 instead of \$375,000. The object is to enable the Chief Signal Officer to lay a cable for a signal station on Block Island from the mainland to Block Island.

Mr. DAVIS, of West Virginia. What is the amendment?

Mr. WINDOM. It is adding to the \$375,000 allowed for the Signal Service \$15,000. That I believe has the indorsement of a majority of the Committee on Appropriations.

The amendment was agreed to.

Mr. THURMAN. I am instructed by the Committee on Private Land Claims to offer the following amendment to come in on page 49, after line 1195; it has been referred to the Committee on Appropriations:

For compensation to William A. McKenney for compiling the reports of the Committee on Private Land Claims of the Senate and House of Representatives from the Nineteenth Congress to the present time, and for making indexes and correcting proofs, the sum of \$750 in addition to his pay as clerk of the Committee on Private Land Claims; which compilation is hereby ordered to be printed.

The amendment was agreed to.

Mr. THURMAN. I now have an amendment to propose that does not contain any appropriation but is simply an authority to the Secretary of the Treasury, and I ask that it may be considered. It is to come in on page 3, at the end of line 47. I send it to the Chair to be read; and also a letter from the Secretary of the Treasury on the subject.

The SECRETARY. After line 47 it is proposed to insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to repair and extend for the use of the Government offices at Cleveland, Ohio, in accordance with specifications submitted by the Supervising Architect of the Treasury, the Government building at Cleveland, Ohio: *Provided*, That the cost of the same shall not exceed \$150,000.

Mr. THURMAN. I ask that the letter be read. The amendment I offered makes no appropriation now.

Mr. WINDOM. I am afraid I shall have to raise the point of order on the Senator from Ohio.

Mr. THURMAN. I hope this is not out of order.

Mr. WINDOM. I think it is subject to two or three points of order.

Mr. THURMAN. I do not know what they are.

Mr. WINDOM. In the first place, it is legislation, and in the second place it is not moved by any standing committee.

Mr. THURMAN. But it was referred to the Committee on Appropriations. I introduced it and had it referred.

Mr. EDMUNDS. That would not help it.

The VICE-PRESIDENT. Did the Senator from Ohio introduce it in behalf of any standing committee?

Mr. THURMAN. No, sir.

The VICE-PRESIDENT. Individually?

Mr. THURMAN. Individually.

The VICE-PRESIDENT. And it has not the approbation of the Committee on Appropriations?

Mr. EDMUNDS. They have not reported it, at any rate.

The VICE-PRESIDENT. The point of order is well taken.

Mr. FERRY. By direction of the Committee on Claims I offer an amendment which has been referred to the Committee on Appropriations. On page 76, after line 1851, insert:

For compensation to Warren P. Sutton, commercial agent of the United States at Matamoras, at the rate of his annual salary for a period covered by the time occupied by him in reaching his post over the time usually consumed in transit, the delay having been occasioned by detention through the enforcement by the authorities of the State of Texas of quarantine regulations against the port of Matamoras, the sum of \$456.50.

Mr. WINDOM. I raise the point of order that that is a private claim, and is not admissible.

The VICE-PRESIDENT. The point of order is well taken.

Mr. FERRY. It comes within the last paragraph of Rule 29. This has been allowed by the Committee on Claims, and has been referred to the Committee on Appropriations.

The VICE-PRESIDENT. That does not help it as far as the thirtieth rule is concerned. It is a private claim.

Mr. FERRY. I am aware that it is a private claim, but Rule 29 covers the case.

The VICE-PRESIDENT. The point of order is well taken.

Mr. PADDOCK. I desire now to renew the amendment which I offered before the amendments of the Committee on Appropriations were concluded.

The VICE-PRESIDENT. It will be read.

The SECRETARY. On page 49, after line 1182, it is proposed to insert:

Provided, That the Commissioner of the General Land Office may make settlement with parties who have heretofore cut and removed timber from the public lands on such terms and conditions as he may deem just, and the moneys arising from such settlement shall be paid into the Treasury of the United States.

Mr. EDMUNDS. I make the point of order that that is legislation. Mr. PADDOCK. If it is legislation it is legislation in the right direction. It is putting money into the Treasury instead of taking it out.

Mr. EDMUNDS. I am not at all sure of that.

Mr. ANTHONY. I offer the following amendment to come in on page 39 at line 936:

For the improvement of Stanton Square, and the pedestal of the statue of General Greene, \$5,000.

This amendment comes from the Committee on Public Buildings and Grounds and was referred to the Committee on Appropriations.

Mr. WITHERS. And reported by them?

Mr. ANTHONY. It is not reported by them. Stanton Square, Mr. President, has never had anything done for it. It is adorned with one of the finest works of art in the city, and it certainly should be put in order. Other squares have received large benefactions from the Government; Franklin Square has received \$65,000 besides \$8,000 the original cost of the purchase of the land. This has received nothing. It stands at the center of eight streets, and at the intersection of Massachusetts and Maryland avenues.

Mr. DAVIS, of West Virginia. It is evident that we shall not get through this bill unless points of order are made on all amendments as they come up.

Mr. ANTHONY. We cannot hear the Senator.

Mr. DAVIS, of West Virginia. I want the Senator from Rhode Island to hear me and I will speak a little louder. It is evident to my mind that unless all the objections the rules will allow are made to amendments we shall be here all night offering them. I wish now to say to the Senate that so far as one member is concerned, if he can get the floor he intends to raise questions of order on all amendments, and that is for the purpose of economy to the Government, and in the right direction.

Mr. ANTHONY. This amendment is not subject to any point of order.

Mr. DAVIS, of West Virginia. One moment, if the Senator pleases. In my judgment it is the duty of the Senate, as carefully as we can, to prevent things being done without consideration. I hope, therefore, that Senators will take notice that I intend, whatever others may do, to raise all points of order that can be raised, and I hope the chairman of the committee will protect the bill, and not let things go on it that do not belong to it. The chairman will excuse me for using that expression, for I know that I have assumed what belongs to him several times, and I beg his pardon for it.

Mr. WINDOM. I am much obliged to my very kind friend from West Virginia and hope he will take the lesson to himself and in the very near future follow it. I certainly have made the best effort I could to protect the bill. I think I have been reasonably strict in that matter. I will, however, receive any assistance from my friend;

and I hope that he may get into practice as early as possible, for he will find it a very unpleasant task, I think, in the future.

Mr. ANTHONY. It is always customary when a Senator proposes to do a harsh thing to give notice that he will do it after this case. [Laughter.] Therefore, I hope the Senator from West Virginia will let this go through and enforce his rule upon all others; and if he will do that, I will join him in regard to all others. [Laughter.]

Mr. DAVIS, of West Virginia. That is very kind in the Senator. The VICE-PRESIDENT. Is there objection to this amendment?

Mr. DAVIS, of West Virginia. Yes, sir. So far as I know as a member of the Committee on Appropriations, this is the first I have heard of the amendment. I do not know whether it was before the committee or not. I ask the chairman whether he knows that it was referred?

Mr. WINDOM. Does the Senator refer to the matter presented by the Senator from Rhode Island?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. WINDOM. I will say to the Senator that his lecture to me was entirely without any good ground upon that point, for I remember very well that the matter was before the Committee on Appropriations and I took the word of the Senator from Rhode Island most unhesitatingly that it was reported by a standing committee. Consequently, it was not in my power to raise a point of order upon it.

The VICE-PRESIDENT. The Chair understood the Senator from Rhode Island to say that this amendment had been moved by direction of the Committee on Public Buildings and Grounds, and referred to the Committee on Appropriations. If so, it is in order.

Mr. DAWES. I reported it myself from the Committee on Public Buildings and Grounds, and on my motion it was referred to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I wish to explain for myself, being a member of the Committee on Appropriations, (and I think I attend every meeting of that committee,) that this was the first time I had heard of the amendment offered by the Senator from Rhode Island. Therefore, I took the liberty to ask the chairman whether in his recollection it had been before the committee. Of course I shall accept what the Senator from Rhode Island has said; but it may not have reached the committee.

The VICE-PRESIDENT. The Chair hears no objection to the amendment: it is agreed to.

Mr. DAWES. I am instructed by the Committee on Public Buildings and Grounds to offer an amendment which has been reported by them, and referred to the Committee on Appropriations, to come in immediately after line 1919, on page 79:

For the annual rent of a suitable building and grounds for a post-office for the city of Washington, District of Columbia, \$10,000, or so much thereof as shall be agreed upon by the Postmaster-General, for a term not exceeding two years, and for altering and fitting up the property to be leased, \$5,000. And the Postmaster-General, the Secretary of State, and the postmaster of said city, or a majority of them, are hereby authorized to select the property to be leased.

I simply desire to state that the Committee on Appropriations reported an amendment on that page to purchase the Centennial building for a city post-office. They were impressed, as was the Committee on Public Buildings and Grounds, with the absolute necessity of making room in the General Post-Office building. The Committee on Public Buildings and Grounds were not prepared to recommend any purchase at this time. There were a variety of sites offered and a great deal of controversy, if I may use that term, between competing points. The committee were of opinion that it was economy and wisdom to rent some suitable place for say a couple of years while a proper site was being selected either upon the grounds owned by the United States in this city or by a proper purchase. This interferes with the interest of no party who desires to sell it; commits the United States to no point; but relieves the Post-Office Department from a pressure which it is absolutely necessary for the transaction of the business of the Post-Office Department to relieve it from; and it involves simply the expense of a rental for two years and leaves the selection of the building to the Postmaster-General, the Secretary of State, and the postmaster of the city.

Mr. BECK. I desire to ask the Senator from Massachusetts a question for information. A communication has been handed to me since the Senate adjourned, saying that in consequence of the erection of the new building for the Bureau of Engraving and Printing, the Sixth Auditor and all his force can be removed from the Post-Office Department to the Treasury Department, and then there will be no pressing necessity for a change at present. How is that?

Mr. DAWES. The matter was discussed before the Committee on Public Buildings and Grounds, and the Postmaster-General and the officials from the Treasury said that the duties of the Sixth Auditor are so closely connected with, confined, in fact, to the business of the Post-Office Department that it was almost absolutely necessary to have it located in that building. It was the opinion of all parties that it would not be practicable to remove the Sixth Auditor's Bureau from that building.

The VICE-PRESIDENT. The question is on the amendment moved by the Senator from Massachusetts.

The question being put, a division was called for; and the ayes were 14.

Mr. DAWES. I do not care to force this upon the Senate. If the Senate does not desire to provide these accommodations, it certainly will not grieve me at all, and I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. DORSEY. I have one or two amendments from the Committee on Appropriations and one from the Committee on the District of Columbia, which I desire to offer. On page 111, after line 240, of section 2, I move that the following be inserted:

And the commissioners of the District of Columbia are authorized to adjust and pay William Forsyth, late surveyor of the said District—

Mr. EDMUNDS. That is a private claim.

Mr. DAVIS, of West Virginia. To pay for what; and how much?

The VICE-PRESIDENT. Objection is raised that this is a private claim, and the Chair sustains the point of order.

Mr. DORSEY. I hope the Chair will not sustain the point of order until he knows what it is.

The VICE-PRESIDENT. The Chair heard the amendment.

Mr. DORSEY. The face of the amendment, I am sure, could not show the Chair what it means.

The VICE-PRESIDENT. It will be again reported.

The Secretary read the amendment.

Mr. DORSEY. Now I will state, if the Chair will permit me, what the case is. As I understand it, Mr. Forsyth for many years had been the surveyor of this District. Some two years ago he was discharged from that office. When he left his position of surveyor he took with him a very large number of plans and papers which he claimed to be his own, but which the District authorities claimed belonged to the records of the District. He retains those maps and surveys to this day, the District commissioners refusing to pay him his salary until he returns them, and he refusing to return them until he is paid. It is thought if this amendment is adopted that the commissioners can adjust the matter with him so as to recover these reports and pay him whatever is due him for his services, which is but a small amount.

The VICE-PRESIDENT. The amendment contravenes the thirtieth rule of the Senate, and the Chair rules that it is not in order.

Mr. TELLER. I offer the following amendment: on page 79, at the end of line 1930, insert:

The sum of \$1,483.34 to pay J. H. Jenkins for discharging the duties of secretary of the Territory of Colorado from April 6 to June 30, 1875, or so much as may be necessary to settle the accounts of the said Jenkins with the United States.

Mr. WINDOM. I raise the point of order that that is a private claim.

The VICE-PRESIDENT. The point is sustained.

Mr. DORSEY. I had not gotten through with the amendments I had in my hands when I was taken off my feet.

The VICE-PRESIDENT. The Senator had taken his seat. The Chair now recognizes him.

Mr. DORSEY. I am directed by the Committee on Appropriations to offer the following amendment, to come in on page 69, after the word "dollars," in line 1680:

To enable the Secretary of the Senate to pay S. B. Pennybaker, John H. Gittings, R. S. Atkinson, James B. Bailey, T. B. McLean, and James R. Richardson, acting pages in the Senate, the difference in the pay received by them respectively and that received by the regular pages of the Senate, from December 2, 1878, to April 30, 1879, inclusive, and the amount necessary to pay the same is hereby appropriated.

Mr. WINDOM. I raise the point that that has not been reported by a standing committee.

Mr. DORSEY. I do not know whether the Committee on Appropriations is a standing committee or not, but I have understood that it was.

Mr. WINDOM. This was doubtless before the Appropriations Committee, because there was a numberless array of that class of cases; but the point I raise is that it has not been reported or recommended by any standing committee.

Mr. WITHERS. I hope the chairman of the committee will not raise the point of order in this case. These boys have been appointed.

The VICE-PRESIDENT. The Chair understood the Senator from Arkansas to say that he moved this amendment in behalf of the Committee on Appropriations.

Mr. DORSEY. Yes, sir, I made that statement, and the names of the members of the committee who recommended it are on the back of the amendment I sent to the desk.

The VICE-PRESIDENT. That is a question of fact which the Chair must leave to the members of the committee.

Mr. WINDOM. If the Appropriations Committee has recommended it, I certainly retire from the contest.

The VICE-PRESIDENT. The question is on the amendment.

Mr. DAVIS, of West Virginia. So far as my knowledge goes the Appropriations Committee never agreed to it; on the contrary, my recollection is very distinct that the Appropriations Committee declined to put it on the bill or recommend it. I make that statement, and I think the fact is so.

The VICE-PRESIDENT. The Chair cannot settle this question of fact as to the action of the committee. It is not his province.

Mr. WITHERS. The names of the members of the committee who signed the recommendation are on the amendment.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. DORSEY. I have another amendment of the same kind coming from the same source:

To pay William H. Manly for services as page in the Senate for second session. Forty-fourth Congress, \$101.50.

Mr. DAVIS, of West Virginia. In regard to the question that was before us a moment ago, I stated that as far as my knowledge went the names that had been read (and so it is as to the present amendment just offered) did not come from the Committee on Appropriations, and I think the chairman of the Committee on Appropriations and others will bear me out. At first the Chair stated that it was a question of fact, and so it is, and I hope he will now allow me to say that what I said was the fact, and I think there is no member of the committee who will differ with me on the fact. If that be so, then I submit to the Chair whether the amendment is in order.

The VICE-PRESIDENT. Upon the assumption of the Senator from West Virginia it is not, but what is the report of the committee is a question of fact which the Chair must leave to the Senate as it comes.

Mr. DAVIS, of West Virginia. I admit that. I ask now the members of the committee whether or not the fact is as I have stated.

The VICE-PRESIDENT. The question of veracity between respective Senators is not for the Chair.

Mr. WITHERS. So far as I am concerned, I signed the paper requesting that this amendment might be offered, and I know that several other members of the committee also signed it. I do not know who did sign it; but the signatures on the paper will develop the fact.

Mr. DORSEY. When I presented that amendment I said what the face of the paper showed. I think there are five or six names on it. A majority of the committee signed the paper at all events. In addition to that I asked the chairman if he had any objection, and he said there was none, in his opinion, and I offered it as coming from the Appropriation Committee, not by any verbal statement, because they had signed their names to it.

Mr. BECK. I should be glad to know what the amendment is. I have lost sight of it.

The VICE-PRESIDENT. It will be read.

The amendment of Mr. DORSEY was read.

Mr. BECK. I have only this to say, that I have been struggling all the time to get these pages paid, and I have no doubt they ought to be paid.

Mr. WINDOM. Doubtless what the Senator from Arkansas states is correct. There have been times to-day when at least half a dozen gentlemen have asked me questions at the same time, and if I gave the answer which he states, (and doubtless I did or he would not state it,) I certainly did not understand what he asked me. The fact is that the Committee on Appropriations were so overrun with applications from pages, from messengers, from doorkeepers, from every conceivable employé almost about this building, for some difference in salary that would make each one equal to somebody else, that I had resolved that under no circumstances would I vote for any such amendment. I remember distinctly that one very agreeable young gentleman came to me this morning or yesterday evening and asked if I would not agree to his amendment. I said, "No; I will not agree to any one under these circumstances;" and I authorized him as a page to go and say to every other page and every doorkeeper and every messenger about this building that I will vote nothing to make up the difference between his salary and anybody else's salary.

The VICE-PRESIDENT. Is the pending amendment offered by consent of the Committee on Appropriations?

Mr. DAVIS, of West Virginia. Though a majority of the members of the committee may be got in the Senate to sign a paper, that, I submit, is not sufficient to make it in order as an amendment. It must have unanimous consent if it is done outside of the committee meeting, and this was done outside of the committee, not in committee. Otherwise all that would be necessary would be to get five members of the committee to sign something, and the other four might know nothing about it, and that would be reported as coming from the committee. That can hardly be so. I submit that this amendment is out of order from the fact that it has not been before the committee.

The VICE-PRESIDENT. The Chair will again submit the question to the Senate.

Mr. ALLISON. I find my name attached to that paper, and I see it relates to a number of pages about this floor, young boys who are acting as pages although receiving a smaller compensation than the regular pages. I signed it having in view the fact that on the deficiency bill we put a large number of employés of one kind and another, and therefore I felt that an injustice had been done to some of these boys who are doing us faithful service here, and therefore I signed it. I think if we are to regulate on these appropriation bills differences of salary, we ought to treat as nearly as we can all the employés alike; but what will be the final fate of this amendment I should not like to undertake to prophesy.

The VICE-PRESIDENT. Is the pending amendment here by consent of the Committee on Appropriations?

Mr. WALLACE. This subject-matter was considered in the Appropriations Committee and rejected.

Mr. DAVIS, of West Virginia. That is so.

Mr. WALLACE. The subject-matter was not brought to the attention of any member of the committee by the chairman of the committee on the floor. The pages perambulated the Chamber and appealed to several members of the committee, and I believe got a majority. I declined to sign it. If the paper is here by the authority of the committee, it is in that form and none other.

The VICE-PRESIDENT. As many as are of opinion that these amendments are presented by consent of the Committee on Appropriations will say "ay;" those opposed, "no." [putting the question.] By the sound the noes have it. The noes have it; and the amendments are not before the Senate.

Mr. BAYARD. I offer the following amendment as a separate section:

SEC. —. That the Secretary of the Treasury be, and he hereby is, authorized to contract for the purchase of a proper site in the city of New Castle, State of Delaware, and the erection thereon of a building proper and sufficient for the accommodation and use of the post-office, deputy collector of customs, and internal-revenue officials: *Provided*, That the cost of said site shall not exceed the sum of \$3,000, and of the said building when finished, \$12,000; and the said sum of \$15,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for payment for the said site and building.

Mr. WINDOM. I ask the Senator if that is reported from a standing committee?

Mr. BAYARD. This amendment comes from the Committee on Public Buildings and Grounds. It proposes that the sum of \$15,000, including the cost of the land and the building, shall be appropriated to put up, for the use of the United States Government at the town of New Castle, in Delaware, a building proper for a custom-house, post-office, and office of internal revenue. The building when completed is not to exceed the cost of \$15,000—a simple, commodious, and I will say to the Senate a necessary and proper building, such a one as any private individual having the same business at that point and the same interest that the United States Government has, would not hesitate to erect for his own use.

Mr. WINDOM. Will the Senator allow me to say a single word? I raise the point of order if it applies because I feel that I must apply the same rule to others. I want to say to the Senator, however, that I know the amendment was before the Committee on Appropriations. I voted for it there, and I will vote for it here again. I believe it is right.

Mr. WITHERS. But it was rejected by the Committee on Appropriations.

Mr. WINDOM. I know it was, and it is now before us on our own individual responsibility.

Mr. BAYARD. This is an appropriation recommended by one of the standing committees of this body, and it comes before the Senate on its own merits, and its own merits I think are very obvious, if the Senate will give two minutes of their time to listen to the case. The amendment is thoroughly in order. There is no objection to it that I know of as an amendment to the present bill.

The VICE-PRESIDENT. The Chair understands that this was moved originally by the Committee on Public Buildings and Grounds, and referred to the Committee on Appropriations.

Mr. BAYARD. It was offered as an amendment by the Committee on Public Buildings and Grounds to this present bill and the Committee on Appropriations have had four days' notice of it.

Mr. WINDOM. That is true.

The VICE-PRESIDENT. Will the Senate agree to the amendment?

Mr. BLAINE. I hope it will be agreed to.

Mr. MORRILL. I desire to say one word.

Mr. BAYARD. It was referred to the Committee on Appropriations four days ago.

Mr. MORRILL. In the winter season the port of Philadelphia is so frozen up that it is impossible to do the custom-house business there, and it is therefore necessary to have this port at New Castle.

Mr. SARGENT. I shall not oppose the adoption of this amendment, but I think the country has yet to see the instance in which a building for a post-office, an internal-revenue office, &c., can be built for \$12,000. It will cost nearer \$100,000 before it is finished. I will make that prediction.

Mr. BAYARD. No, sir; it is when completed not to exceed the amount appropriated. We do things in a sensible, business like way.

Mr. SARGENT. The thing has been here over and over again. We have put limits on the cost of buildings, and in every instance the cost exceeds two, three, or four times the first limit, unless the amount originally named is very large, and then it is increased 20, 30, or 40 per cent. I have no confidence at all that the building can be built for the price named.

Mr. BLAINE. Even if it did cost as much as is supposed—I am no judge of that—one says it will cost \$15,000 and another \$100,000—I know that here is a harbor of refuge for a very large amount of the coasting trade of the country, and all facilities ought to be afforded at that place. What is asked is very moderate.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

The amendment was agreed to.

Mr. FERRY. I offer the following amendment: on page 5, line 104, after the word "thousand," insert "five hundred;" so as to read:

For salary of one superintendent for the house of refuge on the coast of Florida, \$1,000; and of one superintendent for the life-saving and life-boat stations on the coast of the Gulf of Mexico, \$1,000, and of one on the coasts of Lakes Ontario and Erie, \$1,500.

Mr. WINDOM. I raise the point that this amendment has not been recommended by any standing committee of the Senate.

The VICE-PRESIDENT. The Chair will hear the Senator from Michigan on that question.

Mr. FERRY. I am aware of that, but I am very sorry to hear from a member of the Committee on Transportation Routes to the Seaboard an unwillingness to increase the salary of the superintendent of the life-saving station on Lakes Ontario and Erie from \$1,000 to \$1,500. I want it to go to the country that the chairman of the Committee on Appropriations interposes his objection to the increase of this salary to \$1,500. Here are superintendents, men who have the care of the lives and property upon the sea, men who are trained to the sea, who are obliged to have sufficient qualifications to train other men to these duties, who peril their own lives to protect the lives of others, and yet the chairman of the Committee on Appropriations seeks to keep their salary at a thousand dollars. I want it known.

Mr. WINDOM. If they train other men to their duties, they should have trained the Senator from Michigan to have had this amendment recommended by some standing committee before offering it.

The VICE-PRESIDENT. The Senator from Michigan has the sympathy of the Chair, but the rule is imperative. The amendment is not in order.

Mr. BURNSIDE. I am instructed by the Committee on Education and Labor to offer the following amendment, which has been before the Committee on Appropriations: on page 58, after line 1406, insert:

For cataloguing and caring for the collection now in charge of the Bureau of Education, including educational apparatus and appliances, articles of school furniture and models of school buildings, illustrative of foreign and domestic systems and methods of education, and for preparing the same, \$5,000.

For expense in wrapping, tying, directing, and packing publications of the Bureau of Education for distribution, \$2,000.

Mr. WINDOM. Has that been recommended by a standing committee?

Mr. BURNSIDE. It is recommended by the Committee on Education and Labor.

Mr. WINDOM. I know it was referred to the Committee on Appropriations, but I did not know that it was recommended by the other committee.

Mr. DAVIS, of West Virginia. My impression is that the amendment is in order, having been recommended by a standing committee. I wish to say that the Committee on Appropriations gave considerable attention to this bureau.

Mr. BURNSIDE. The amendment is recommended by the Secretary of the Interior also.

Mr. DAVIS, of West Virginia. I understand that the Committee on Appropriations took it into consideration, and perhaps gave more attention to it than almost any other bureau, from the fact that they wanted to be thoroughly informed upon the subject, and we came to the conclusion that this appropriation ought not to be made upon the merits.

Mr. BURNSIDE. The second appropriation of \$2,000 is precisely the same as one that was made last year; only it is \$500 less. The one of last year was \$2,500, and the Commissioner only asks for \$2,000 now. The appropriation of \$5,000 is for cataloguing and putting the museum in order; and I believe from personal knowledge that it is a necessary appropriation.

The amendment was agreed to.

Mr. CONOVER. I offer the following amendment to come in on page 4 after line 68:

For the purpose of constructing a suitable public building in the city of Tallahassee, Florida, for the use of the United States courts, the post-office, the surveyor-general, the United States land office, and other Government offices, the sum of \$50,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided, however,* That no money hereby appropriated shall be expended for the purpose aforesaid until a valid and sufficient title to the site of said building shall be vested in the United States.

Mr. WINDOM. I regret to have to raise the point of order on my friend from Florida, but I am afraid he has not the recommendation of any standing committee.

Mr. CONOVER. I hope that I violate no confidence, but I think the chairman of the committee stated to me in the committee-room a few days ago that he would not raise the point of order on that amendment. [Laughter.]

Mr. WINDOM. I most humbly apologize to the Senator from Florida. The committee-room was very much crowded, and in order to get rid of the consideration of this question I believe I did say I would not raise the question of order. I think the amendment is in order under the circumstances. [Laughter.]

Mr. DAVIS, of West Virginia. I insist on the point of order.

Mr. CONOVER. I think if I am not mistaken my friend from West Virginia and my friend from Minnesota, and also the Senator from Arkansas, were there—

The VICE-PRESIDENT. There is no mistake in the rule.

Mr. CONOVER. I hope the point of order will be withdrawn.

Mr. McPHERSON. I offer an amendment, on page 62, to strike out these words:

For the completion of the work of the United States entomological commission, under the Department of the Interior, in the special investigation of the Rocky Mountain locust, or grasshopper, and the cotton-worm, the sum of \$10,000.

I find that provision on this subject is made in another appropriation bill. This confers on the Department of the Interior the investigation of the grasshopper and the cotton-worm. I believe last year an appropriation was made to the Department of Agriculture for this same purpose, and whatever work has been done has been done under the control of that Department, and the appropriation has been made for it in another appropriation bill.

The VICE-PRESIDENT. Does the Senator from New Jersey say that this is provided for elsewhere?

Mr. McPHERSON. On page 86 of the legislative, &c., bill, I find that there is a provision giving the Department of Agriculture the sum of \$5,000 for a like purpose, and I have understood from the Department of Agriculture that the work is nearly completed and requires but a small sum.

Mr. PADDOCK. The legislative bill to which the Senator refers has not yet been considered by the Senate, and this is simply the continuation of that inquiry which was authorized three years ago, and exactly that. It is proposed now to continue it in terms. The Senator labors under a misapprehension when he says the appropriation of last year was made for disposition by the Department of Agriculture. The appropriation last year was made simply to continue that which had been commenced before and that which had been prosecuted under and by the Interior Department. This is in continuation of that, and there have been three years of continuous service, starting, as I have said, under the Interior Department.

Mr. McPHERSON. I will state that the Department of Agriculture has had full charge of this matter, and the entomologist has been under the jurisdiction of the Department of Agriculture. In order to perfect this perhaps it would be as well not to strike out the whole clause, but to strike out in line 1518 the words "Department of the Interior" and insert "Commissioner of Agriculture" instead. I withdraw the original motion and move that amendment.

Mr. PADDOCK. I do not think that is advisable. The work commenced under the Interior Department, the reports have been made to the Interior Department, the work has been done through that Department; and while I should be glad to give all the jurisdiction that it is possible to give to the Department of Agriculture, at the same time I think it would be better under the circumstances to continue this matter as it started.

The VICE-PRESIDENT. Does the Senator from New Jersey desire his amendment put to the Senate?

Mr. McPHERSON. Yes, sir. I move to amend in line 1518 by striking out "Department of the Interior" and inserting in lieu thereof "Commissioner of Agriculture."

The VICE-PRESIDENT. The question is on the amendment of the Senator from New Jersey.

Mr. MORGAN. I first brought this subject to the attention of the Senate during the last session in reference to the cotton-worm. The investigation of the cotton-worm has all the time been under the jurisdiction of the Department of Agriculture, but the investigation of the grasshopper has been under the jurisdiction of the Department of the Interior. Now, the bill making provision for legislative and executive expenses provides for the continuation of the investigation of the cotton-worm by that Department. If this provision be kept in this bill it will lead of course to confusion and unnecessary expenditure. I think, in reference to the further prosecution of the investigation of the cotton-worm, that it should be by the Commissioner of Agriculture. I am informed by the Commissioner of Agriculture that there is no necessity for the further investigation of the locust or grasshopper, so far as he knows. That matter is now completed. I have nothing to do with that, however. But I desire to have the prosecution for the investigation in reference to the cotton-worm kept in charge of the Department of Agriculture, where it has been all the time hitherto. That is the only interest I have in this amendment. If you retain the investigation of the grasshopper, the amount here will not be sufficient; but if you confine the investigation to the cotton-worm alone, the amount named in the clause will be sufficient, and it ought to be continued in the Department of Agriculture.

Mr. BECK. Without having very accurate information about this matter, I propose to amend, on page 62, line 1520, by striking out the words "and the cotton-worm," and reducing the same from \$10,000 to \$5,000; so that the paragraph will read:

For the completion of the work of the United States entomological commission, under the Department of the Interior, in the special investigation of the Rocky Mountain locust or grasshopper, the sum of \$5,000.

Then the House and Senate together in conference can ascertain exactly how the laws are. My recollection is that we gave the Department of Agriculture the grasshopper investigation, and that they have all the facts about the subject. If so, an appropriation can be made for them to complete that, as they have all these facts. In the legislative, executive, and judicial appropriation bill we have a provision such as the Senator from Alabama wants. Thus by diminishing the appropriation in the sundry civil bill, at the bottom of page 62, from \$10,000 to \$5,000, and striking out the words "and the cotton-worm," the investigation can be had and the true condition of the matter ascertained.

Mr. SAULSBURY. I will say to the Senator from Alabama that the Commissioner of Agriculture informs me there is no money for the investigation he desires. I want the grasshopper to have the honorable name of "the Rocky Mountain locust" and to have that investigation continued, but the amendment leaves it all open.

Mr. INGALLS. The amendment offered by the Senator from New Jersey ought not to prevail. He probably is not aware that immediately after the great invasion of locusts in the Mississippi Valley a special commission was appointed, consisting of three entomologists, of whom Professor Riley, of Saint Louis, was the chief, under the

Department of the Interior, for the purpose of conducting specially the investigation into the habitation and into the methods and into the habitats of the locusts, and that during the past year they conducted their investigations in the Northwest, and have prepared a volume of very great interest and value to the agricultural community of the West.

Instead of this sum being reduced it ought to be increased. I saw Professor Riley this afternoon, and am informed by him that in order to carry out the investigation they have commenced they really need this year the sum of \$15,000 rather than \$10,000. I need not say to those Senators from the West who have been familiar with the ravages committed by the locusts during the past ten years, especially the Senators from Texas and from Missouri, as well as those from elsewhere, that the results of that investigation have been of very great consequence to the agriculture of that valley.

I hope, therefore, that the amendment of the Senator from New Jersey will not prevail, because he is misled by supposing that the investigation proposed by this clause and the amount appropriated in the legislative bill refer to the same subject. They do not. I hope the Senate will not agree to his amendment, because I am very confident that the sum ought to be increased rather than diminished.

Mr. BECK. How would it do to strike out the words, in line 1520, "and the cotton-worm," so that it may be left open to the conference committee to examine the question?

Mr. INGALLS. If the Senator from New Jersey would have no objection, I should prefer to have those words stricken out, and have the appropriation on page 86 in the legislative bill increased by so much as the Senator from Nebraska, [Mr. PADDOCK,] for instance, may deem necessary. But we certainly feel that the appropriation for investigating depredations of the locust ought not to be diminished. During the last year or two, when they invaded the valley, the actual loss to the agriculture of the West was not less than \$50,000,000 by very accurate estimates.

Mr. McPHERSON. I desire to say to the Senator from Kansas that I accepted the amendment of the Senator from Kentucky only from the fact that there is in the legislative bill, at page 86, an appropriation of \$5,000 for the cotton-worm. I supposed that an appropriation of \$5,000 for each purpose in each of the bills, one being under the head of the Department of Agriculture and the other under the Department of the Interior, would be perfectly right, and therefore I advocated that proposition.

Mr. MAXEY. The beginning of this investigation into the grasshopper and cotton-worm was in the summer of 1876 in the Senate, and the policy was adopted of having an investigation into the habitat of both the cotton-worm and the grasshopper. The proposition here covers both. It is said that there is an additional provision made to the extent of \$5,000 in another bill. It is also said by the Senator from Kansas that \$10,000 is necessary for the grasshopper investigation alone. This is only \$10,000, and an appropriation of \$5,000 is provided by the other bill. I therefore think it is best to let this bill remain as it is, covering both the grasshopper and the cotton-worm. I speak with great disinterestedness on that point, because my State is affected with both the cotton-worm and the grasshopper.

I suggest that we leave this provision as it is as well as the provision in the legislative appropriation bill, and thus the two appropriations will probably cover the entire investigation, which certainly ought to be made, and which so far has resulted in good to the country.

Mr. BECK. I withdraw my amendment.

The VICE-PRESIDENT. The amendment of the Senator from Kentucky is withdrawn.

Mr. PADDOCK. I hope the Senator from New Jersey will withdraw his amendment also.

The VICE-PRESIDENT. It has been withdrawn some time ago, the Chair understands.

Mr. McPHERSON. Do I understand that my amendment now in lines 1518 and 1519, to strike out "the Department of the Interior" and insert "the Department of Agriculture," has been agreed to?

The VICE-PRESIDENT. The Chair understood the Senator from New Jersey to accept the amendment of the Senator from Kentucky.

Mr. McPHERSON. I supposed the amendment proposed by me changing "Department of the Interior" to "Department of Agriculture" had been adopted.

Mr. PADDOCK. I think the Senator will withdraw his amendment after the statement which we have heard.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New Jersey. The Chair supposed the Senator from New Jersey had accepted the amendment of the Senator from Kentucky in lieu of the one which the Senator from New Jersey proposed, and the amendment of the Senator from Kentucky was withdrawn.

Mr. McPHERSON. Does the Chair understand that the Senator from Kentucky proposed a further amendment?

The VICE-PRESIDENT. The Chair now understands the explanation. The question is on the amendment of the Senator from New Jersey.

The amendment was rejected.

Mr. JONES, of Florida. With the permission of the Senate, I will read an amendment which I propose to the bill now before the Senate,

and which has been submitted to the Committee on Appropriations. On page 36, after the word "dollars," in line 866, I move to insert:

To enable the Secretary of the Navy to put the navy-yard at Pensacola in a state of efficiency, the sum of \$243,700.

Mr. WINDOM. I desire to ask the Senator from Florida what standing committee recommends this amendment?

Mr. JONES, of Florida. The head of the Navy Department recommends it.

Mr. WINDOM. I raise the point of order that it is not recommended by any standing committee.

The VICE-PRESIDENT. The point of order is sustained by the Chair.

Mr. TELLER. I desire to submit an amendment, which has been reported by the Committee on Railroads. On page 31, after line 745, I move to insert:

Austin, Topolovampo: For report and survey of a postal and commercial route, permission being first obtained of Mexico, from the westernmost terminus of railroads in Texas to Topolovampo, on the Gulf of California, under the Secretary of War, \$20,000; to be immediately available.

Mr. WINDOM. I ask the Senator from Colorado if that amendment is recommended by a standing committee of the Senate?

Mr. TELLER. I will say that the amendment is recommended by the Committee on Railroads, and that it was referred to the Committee on Appropriations.

The VICE-PRESIDENT. The Senator states that it has been referred to the Committee on Appropriations.

Mr. TELLER. It was so referred several days since. It has been the third time reported from the Committee on Railroads, either in the shape in which it is now presented or in some other shape.

Mr. EDMUNDS. I make the point of order that that is not merely the appropriation of money recommended by a committee, but it provides for entering into relations with a foreign state to get leave to take possession of its territory for the operations of our Government, and that it is legislation of a general character on an appropriation bill.

The VICE-PRESIDENT. The point of order is sustained by the Chair.

Mr. CAMERON, of Wisconsin. I move to amend the bill by striking out that portion of it commencing at line 572, on page 24, and ending with line 581, inclusive.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The Secretary read as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay the State of Georgia \$72,396.94, in full settlement of advances made to the United States for the suppression of the Creek, Seminole, and Cherokee Indians in 1835, 1836, 1837, and 1838; and that said sum be paid out of any money in the Treasury not otherwise appropriated.

Mr. GORDON. I should like to inquire of the Senator from Wisconsin on what ground he proposes to strike out those words?

Mr. EDMUNDS. The Senator from Wisconsin would like to hear upon what ground the clause ought to stay in, I take it.

Mr. CAMERON, of Wisconsin. I understand that the principle embraced in that portion of the bill which I move to strike out is the same that was ruled out last evening upon a question of order. I understand that Georgia has been settled with by the General Government on a certain basis then agreed upon; that is, that all the payments made were first applied upon the principal and then upon the interest; but since the time of that settlement, as I am informed, the State of Maryland and the State of Massachusetts succeeded in some way in settling with the General Government upon a different basis, and applying the basis upon which the Government settled with Maryland and Massachusetts there remains now due to the State of Georgia the amount mentioned in that portion of the bill which I move to strike out.

Mr. GORDON. Do I understand the Senator to say that it is only interest?

Mr. CAMERON, of Wisconsin. I did not state that. I do not know whether it is or is not, but I understand that the State was settled with by the General Government, and paid up in full upon the basis of settlement then agreed upon by the State and the General Government.

Mr. GORDON. The Senator is entirely mistaken. The General Government never has settled in full with Georgia. It paid her at different times certain sums leaving a balance of principal unpaid at the last payment which is clearly stated in the papers furnished by the Secretary of the Treasury himself.

Mr. EDMUNDS. Let us hear them read.

Mr. GORDON. I shall be very glad to have them read.

Mr. CAMERON, of Wisconsin. I think I am so nearly right that the mistake is very slight. The amount that remained due as I am informed was very small.

The VICE-PRESIDENT. The papers will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.
Washington, D. C., February 5, 1879.

SIR: I have the honor to inclose herewith, in compliance with your request and as authorized by the Secretary of the Treasury, a tabular statement showing the amount of principal and interest, computed at the rate specified in the act of March 3, 1851, due the State of Georgia in connection with her claim for reimbursement of

expenses incurred in suppressing Indian hostilities in 1835, 1836, 1837, and 1838, and the removal of the Cherokee Indians in the last-mentioned year.

To make the statement as complete as possible, I have included an item of \$2,722.26 that has not yet been paid to the State of Georgia and two items amounting to \$15,278.72 on account of interest on the sum of \$9,835.30 advanced by the State of Georgia for the payment of militia called out in 1838 during the removal of the Cherokee Indians. This interest is necessarily estimated, as I have no record of the dates on which the principal was paid by the State.

The acts under which the claims of the State of Georgia have been audited are as follows:
August 11, 1842, March 3, 1851, March 3, 1853, and resolution approved February 9, 1859.

Very respectfully,

E. B. FRENCH, Auditor.

W. O. TUGGLE, Esq.,
Agent for the State of Georgia.

Mr. GORDON. Now I ask the Secretary to read the paper which I send to the Chair.

The VICE-PRESIDENT. The Secretary will report the paper.
The Secretary proceeded to read as follows:

CLAIMS OF THE STATE OF GEORGIA IN CONNECTION WITH THE SUPPRESSION OF INDIAN HOSTILITIES, 1835 TO 1838.

Tabular statement showing the amount of principal and interest, computed at the rate specified in the act of March 3, 1851.

[FORMULA: Principal + interest to date of any payment—amount paid.]

Nov. 18, 1842. Principal allowed by the accounting officers, and accrued interest to date	\$120,069 33	
Nov. 18, 1842. Deduct amount paid to the State of Georgia	94,037 14	
New principal	26,032 19	
Aug. 1, 1843. Additional principal allowed by the accounting officers, and accrued interest to date	\$3,646 54	
Interest on new principal of \$26,032.19 from November 18, 1842, date of last payment, to August 1, 1843, date of present payment, eight months and thirteen days, at 6 per cent	1,097 68	
Total	4,744 22	
Aug. 1, 1843. Deduct amount paid to Georgia	30,776 41	
New principal	2,653 55	
Sept. 8, 1843. Additional principal allowed by the accounting officers, and accrued interest	4,132 13	
Interest on last new principal, August 1, 1843, to September 8, 1843, one month and seven days	173 41	
Total	4,305 54	
Sept. 8, 1843. Deduct amount paid to Georgia	32,428 40	
New principal	2,945 88	
Sept. 15, 1843. Additional principal allowed by the accounting officers, and accrued interest	778 68	
Apr. 18, 1844. Additional principal allowed by the accounting officers, and accrued interest	16,822 93	
Interest on last new principal, September 8, 1843, to April 18, 1844, seven months and ten days	1,081 01	
Total	18,682 62	
Sept. 15, 1843. Deduct amount paid to Georgia	48,165 14	
Apr. 18, 1844. Deduct amount paid to Georgia	567 76	
New principal	11,588 70	
June 18, 1844. Additional principal allowed by the accounting officers, and accrued interest	36,008 68	
Interest on last new principal, April 18, 1844, to June 18, 1844, two months	1,997 88	
Total	360 09	
June 18, 1844. Deduct amount paid to Georgia	2,357 97	
New principal	38,366 65	
Jan. 2, 1846. Additional principal and accrued interest	1,883 41	
Apr. 6, 1850. Additional principal and accrued interest	603 67	
Apr. 13, 1850. Additional principal and accrued interest	3,155 76	
Sept. 24, 1850. Additional principal and accrued interest	955 57	
Interest on new principal, June 18, 1844, to August 8, 1851, seven years, one month, and twenty days	15,829 62	
Total	22,428 03	
Jan. 2, 1846. Amount paid to Georgia	59,384 30	
Apr. 6, 1850. Amount paid to Georgia	1,222 10	
Apr. 13, 1850. Amount paid to Georgia	359 54	
Sept. 24, 1850. Amount paid to Georgia	1,790 75	
Aug. 8, 1851. Amount paid to Georgia	543 54	
New principal August 8, 1851	36,926 56	
Interest on new principal, August 8, 1851, to March 1, 1879, twenty-seven years, six months, and twenty-two days	40,842 49	
Total due to March 1, 1879	18,541 81	
Add estimated amount of interest on \$7,112.94, paid to Georgia under resolution of February 9, 1859, (the exact amount cannot be given as the dates of payment by the State of Georgia are not known to the Second Auditor.)	30,661 73	
Total	49,203 54	

Add also the amount of payments made by the State of Georgia in connection with removal of Cherokees in 1838, but not repaid by the United States, namely, \$9,835.30, less \$7,112.94 paid as above 2,722 26 || Add also estimated interest, on \$2,722.26 | 4,278 72 |
| Total March 1, 1879 | 22,000 98 |

Total March 1, 1879

Before the reading was concluded,
Mr. GORDON. I suggest that the Secretary read only what the Secretary of the Treasury says. Does the Senator from Vermont wish the rest of those figures read?

Mr. EDMUNDS. I think I can get along without them. I believe I understand the case.

Mr. GORDON. I certainly can, Mr. President. I do not ask to have it read. I now ask to have the letter of the Secretary of the Treasury read.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, February 10, 1879.

SIR: I inclose herewith the information from the Second and Third Auditors requested by you on the 4th instant.

Very respectfully,

JOHN SHERMAN, Secretary.

W. O. TUGGLE, Esq.,
Washington, D. C.

Mr. EDMUNDS. Mr. President, I notice on looking into this list of private claims that the Senate has had printed for general information, that the claims of Georgia in respect of this Indian business began by the payment of a balance claimed in the Twenty-third Congress, for which she had an act passed, approved the 19th of June, 1834. Then in the Twenty-seventh Congress, for reimbursement of expenses for protection against the Creeks and Seminoles there was an act approved the 11th of August, 1842, which covers the same description in the act itself that is covered by this provision of the bill. Again, in the Twenty-seventh Congress there was a provision for the same object, upon which I suppose the bill was passed. Then in the same Congress, at the next session, there was an allowance for compensation for the services of seven companies of her militia in the same war, that appeared not to have been brought in, approved the 4th of February, 1843. Then, in the Twenty-ninth Congress she put in a claim for compensation for further services by a resolution of her Legislature, which she failed to get. Again, in the Thirtieth Congress the claim was once more presented and considered, and the Committee on Military Affairs was discharged, and the petitioners had leave to withdraw. Then, after passing over sundry matters about the repayment of duties on railroad iron, &c., in the Thirty-first Congress a claim was presented by Georgia for compensation for the horses and equipments lost by volunteers and militia in these same Indian affairs. Also, in the Thirty-second Congress a claim was again presented for horses and equipments for volunteers, &c., which was not passed. Again, in the Thirty-first Congress, going back a little, (this table is not arranged in its proper chronological order in every instance,) a claim for interest on advances made for the suppression of Indian hostilities got through and was approved the 3d of March, 1851. That was passed, as it appears here, as a settlement of a claim for military service based on her own memorial. Then in the Thirty-second Congress also there was a claim by citizens of Georgia and Alabama, for indemnity for depredations by the Creek Indians in 1836 and 1837, which does not appear to have been passed. Coming to the year 1853, which does not appear here so far as I can see it, without taking too much of your time, sir, I see a provision of law in the tenth volume of the statutes made in the year 1853, to which I will call attention, later than any of these things that I have read. I will take 1852 first. The fourteenth section of one of the acts of that year, of the 31st of August, provided:

That in the settlement of the claims of the State of Georgia under the provisions of the act of the 11th August, 1842, providing for the settlement of the claims of Georgia for the services of her militia, which have heretofore been suspended or disallowed, the accounting officers of the Treasury Department allow and pay, upon proof that the State has allowed and paid the same, all accounts for forage, subsistence, hospital stores, medical services, and transportation which have not been heretofore allowed by the United States. That for the pay of mounted infantry the pay of cavalry be allowed; the same to be paid out of the fund appropriated by the act of the 11th of August, 1842.

Then in 1853, the next year, I believe there is another provision which I saw just now.

Mr. CAMERON, of Wisconsin. If the Senator will allow me to call his attention to the acts, the settlement was made under three acts, the acts of August 11, 1842, March 3, 1851, and March 3, 1853.

Mr. EDMUNDS. I was merely showing how carefully this whole thing had been scrutinized in the time of it and for about twenty years afterward, from time to time and year to year, until the last drop in the bucket apparently had been exhausted.

The VICE-PRESIDENT. The Senator's time has expired. Is there objection to his proceeding? The Chair hears none.

Mr. EDMUNDS. I have been obliged to refer so much to the statutes that my time has been consumed. The act of 1853 made a further provision upon the same subject, which I shall not take your time to read, but it reopened the thing again. Then another act of 1853 provided:

That for the settlement of the remaining unpaid claims of the States of Georgia

and Alabama, for advances made in suppressing Indian hostilities, the Secretary of the Treasury pay to the State of Georgia her claims now remaining unpaid for moneys paid by the State in suppressing hostilities of the Cherokee, Creek, and Seminole Indians, in the year 1835, and since, upon proof that the sum was paid by the State; and that the provisions of the act of Congress relative—

To the former settlements with Georgia, &c., be applied. I condense in order to save your time, Mr. President.

The consequence is that immediately after these events occurred, now more than forty years ago, the State of Georgia presented her claims to the Treasury of the United States and they were considered; they were presented to the Congress of the United States and they were considered, and reconsidered, and again considered. Money was provided to have them audited and adjusted and paid, and as far as they were audited and allowed by the accounting officers of the Treasury, who were the judges between the United States and the States, they were paid. Having thus got the principal paid as far as the auditing officers of the Treasury would allow, because as in every case, as we all know, some items were disallowed and some were suspended, &c., a further provision was made for paying a large sum of interest, and that was paid. Now after the thing has slept for a period of twenty-five years, it is proposed to reopen it again upon the principle of squeezing out of the Second Auditor some items that had been disallowed before of principal, and out of the Third Auditor some recomputations of interest, (perhaps I have the auditors reversed, but no matter for that, out of one some principal and out of the other a recomputation of interest) by which the sum of seventy-odd thousand dollars is to be educed again, and I should imagine upon the same principle that at the end of twenty-five years more a much larger sum will be due, because interest accumulates rapidly.

I am told by the chief officer of the Treasury Department, to whom I have applied for information upon this matter since my attention was drawn to it, that the principle upon which this scheme proceeds in this clause will involve the Treasury in respect of the readjustment of others of these long since settled and disposed of claims to the extent, so far as is already known, of more than \$2,000,000.

The question I wish to submit to the Senate, and then I shall have done, is whether it is consonant to the principles of good government all around, consonant to good policy, consonant to justice, to reopen stale claims in favor of a State any more than anybody else, and retry some method or other of building them up into claims upon the Treasury. There ought to be a period of repose; at last we should make an end of things of this kind. Of course the claim of the State of Georgia is no worse than that of others that fall under the same head. I am not speaking of that; I am only speaking to the Senate to set itself, if it can, against the proposition of reopening these things that have been settled in the time of them, readjusted again to guard against any accident and interest computed and all settled and wound up, and after a period of a quarter of a century not to start the whole thing again and to deplete the Treasury to the extent that this necessarily does.

Mr. GORDON. Mr. President, I only wish to say one word, and then I shall leave this case to the sense of justice of the Senate. That word is this: this claim was sifted by the House of Representatives as probably no claim has ever been before sifted.

Mr. EDMUNDS. I must ask my friend to observe the rule. I dislike to make a point of order, but my friend will see that that is not the ground on which he should press us to allow the claim; we must sift it for ourselves.

Mr. GORDON. I beg my friend's pardon. It is not out of order, I suppose, to say that this provision comes to us from the House as a portion of this bill, adjudicated by that body and adjudged as belonging to the bill properly. It cannot, therefore, be ruled out on the point of order, I take it, made by the Senator from Wisconsin. If I understood him, he made a point of order upon this clause in the bill.

The VICE-PRESIDENT. No point of order is pending.

Mr. CAMERON, of Wisconsin. The provision is in the text of the bill as it came to us from the House, and I move to strike it out.

Mr. GORDON. My answer to the Senator from Vermont is simply this: I should agree with him fully if this were a settled and closed claim, but that is not the fact. Georgia comes here claiming no reopening of an account that is already settled. She comes here with the evidence furnished by a Department of this Government that this claim has never been paid, and she asks Congress, as a matter of justice, to mete out to her the same treatment that has been given to other States of this Union. This money has never been paid her. The very closing sentence of this report is in the words, "which the United States Government has never paid."

The Senator from Vermont talks about the length of time that has transpired. I should like to inquire of the Senator how long was it after the war of 1812 before Massachusetts was settled with? Only in 1870. Fifty-eight years, more than half a century, having elapsed, Massachusetts came here and Congress allowed her what was due her. Here is a report with a bill coming to us from the House. We are asked now, on the plea that Georgia has delayed all this time to call for her money, to strip from the bill this honest demand.

Sir, I will not take the time of the Senate, for I am quite certain that the sense of justice of this body will agree with me that this money is due to Georgia.

Mr. CHANDLER. Mr. President, in my period of service in this body I have never known a claim that has lain twenty or thirty or forty years to be reopened unless there was something in it originally

that would not bear opening. With regard to the Massachusetts claim, I cannot answer how that passed. I know that twenty-one years ago a proposition was made to reopen the accounts of all the States and settle them upon the basis of the Maryland settlement, which was upon the basis of mercantile usage, to cast interest from one payment up to another and then deduct the amount paid. At that time, twenty-one years ago, the amount of compound interest thus claimed by certain States for the war of 1812 was \$17,800,000. With interest from that time to this I suppose it would amount now to about \$35,000,000. Congress then decided that it would not reopen any more cases, although one had already been adjusted, to wit, that of Maryland, and to Maryland I think \$374,000, compound interest, was paid.

Here is another case, if not precisely similar, almost precisely similar. By the computation which I hold in my hand I see that same old thing brought into the Georgia case that has been resisted in connection with the claims of the war of 1812. In the first place, Georgia has no claim against this Government. Neither had those States any claim against the Government, but because those States advanced money with a patriotic intent, therefore the Government said it would refund the principal to the States. There were no bonds issued, but an account was opened with these States upon the ledger of the Treasury of the United States with Massachusetts, Maine, Maryland, and each one of the old States that had advanced money. They were credited with the amount advanced, and as a sum was paid from time to time, when the Government had the means to pay, it was divided *pro rata* among the States. When a State was paid the principal, the account was closed and it was a final settlement. But in process of time they thought they could get interest; so a law was passed to give interest. They took the account, cast interest on the original amount at 6 per cent. down to the date of final payment. Then they took the items as they were paid, and the dates at which they were paid, and cast interest at 6 per cent. down to the date of final payment. There was another settlement, final settlement number 2. Then they reopened them again awhile ago to settle them upon the principle of mercantile usage.

The VICE-PRESIDENT. The Senator's time has expired. Is there objection to the Senator from Michigan proceeding? The Chair hears no objection.

Mr. CHANDLER. I do not wish to violate any rule. This, as I understand, is substantially the same thing. You notice as the account was read from the Secretary's desk that it was computed in this same old way. I hope that we shall not again adopt a precedent so dangerous and so unjust as to pay compound interest to Georgia or any other State.

The VICE-PRESIDENT. The question is on the proposition of the Senator from Wisconsin to strike out.

Mr. CHANDLER and Mr. SARGENT called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 37; as follows:

YEAS—23.			
Allison,	Davis of Illinois,	Matthews,	Saunders,
Anthony,	Edmunds,	Mitchell,	Spencer,
Booth,	Ferry,	Morrill,	Teller,
Burnside,	Hoar,	Oglesby,	Wadleigh,
Cameron of Wis.,	Kirkwood,	Rollins,	Windom.
Chandler,	McMillan,	Sargent,	
NAYS—37.			
Bailey,	Dorsey,	Kernan,	Saulsbury,
Bayard,	Eaton,	Lamar,	Shields,
Beck,	Garland,	McDonald,	Thurman,
Blaine,	Gordon,	McPherson,	Voorhees,
Butler,	Grover,	Macey,	Wallace,
Cameron of Pa.,	Hamlin,	Merrimon,	Whyte,
Coke,	Harris,	Morgan,	Withers.
Conover,	Hereford,	Patterson,	
Davis of W. Va.,	Hill,	Plumb,	
Dennis,	Ingalls,	Ransom,	
ABSENT—16.			
Barnum,	Conkling,	Johnston,	McCreery,
Bruce,	Dawes,	Jones of Florida,	Paddock,
Chaffee,	Eustis,	Jones of Nevada,	Randolph,
Cockrell,	Howe,	Kellogg,	Sharon.

So the motion to strike out was not agreed to.

Mr. SARGENT. From the Committee on Naval Affairs I offer this amendment, to be inserted on page 45, after line 1091:

To continue work on the iron-clad double-turreted monitors Terror, Amphitrite, Monadnock, and Puritan, and preserve them from deterioration, \$100,000.

Mr. WINDOM. I ask my friend from California if that is recommended by a standing committee?

Mr. SARGENT. It is recommended by the Committee on Naval Affairs. They recommended a much larger sum. This amount will prevent this valuable property absolutely going to destruction. It is the smallest sum that will do. It is in the direction of economy, both in the judgment of the Navy Department and the Naval Committee of the Senate.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment, to which I hope there will be no objection; it simply provides for payment of a stenographer. On page 75, after line 1780, I move to insert:

The Secretary of the Senate is hereby authorized to pay out of the contingent fund of the Senate, upon vouchers of the chairman of the Senate Railroad Committee, a sum not exceeding \$229.50, for reporting the testimony and arguments before said committee, under resolution of the Senate of date January 23, 1879.

Mr. DAVIS, of West Virginia. I think if that is paid out of the contingent fund, it ought not to go on the bill. This bill provides for payments out of the Treasury generally.

Mr. MITCHELL. I do not care where it is paid from, but it will be impossible to get through a separate resolution. For that reason I propose to pay it here. There are some other matters of the same kind on the bill.

Mr. DAVIS, of West Virginia. My judgment is that there is nothing to be paid out of the contingent fund which goes on this bill.

Mr. MITCHELL. I move to strike out "contingent fund."

The VICE-PRESIDENT. The amendment will be so modified.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment and I wish to make one remark in regard to the matter before any objection is made; insert after line 1766, on page 72:

To pay D. H. McCormick the sum of \$555.56 in full of all claim by said McCormick for salary as special messenger and watchman to the special committee on the investigation of the Freedman's Savings and Trust Company during the Forty-fourth Congress, from the 16th day of August, 1876, to the 4th day of March, 1877, inclusive.

I desire to make one remark in regard to the matter before any question is made about it. This amendment is in the language of a bill that has passed the House and has been reported favorably from the Committee on Claims. It simply provides for the payment of a messenger of the House. There are several matters of the same kind in the bill, and I hope this will be allowed to go on. I admit that it is obnoxious to a question of order if it is raised, but I hope it will not be raised.

Mr. WINDOM. I would not raise the point of order against this if there were not ten thousand others like it.

Mr. MITCHELL. There is not one just like it.

Mr. EDMUNDS. Several of the bills on the Calendar might just as well be put on.

Mr. WINDOM. I raise the point of order.

The VICE-PRESIDENT. The point of order is well taken.

Mr. DORSEY. I shall not be quite as swift as I have been to report amendments from the Committee on Appropriations, and I have been a little careful this time to get all the names down so that I can read them myself. I move, on page 40, line 955, that the word "four" be stricken out and "eight" inserted; and, on the same page, line 960, I move to strike out "twelve" and insert "twenty-five," and then to strike out "five hundred;" so as to make the clause read:

For continuing the rebuilding of eight sets of officers' quarters at Madison Barracks, Sackett's Harbor, New York, destroyed by fire on November 6, 1876, according to plans and specifications in the office of the Quartermaster-General of the United States, \$25,000.

Mr. DAVIS, of West Virginia. Does the Senator say that comes from the committee?

Mr. DORSEY. No, I did not say so. I took great precaution to say at the outset that the committee had not all subscribed themselves to the amendment; but I think a majority of the committee have recommended it.

Mr. DAVIS, of West Virginia. I did not understand the Senator. What is his answer?

Mr. DORSEY. I said a majority of the committee had recommended this amendment.

Mr. DAVIS, of West Virginia. Then it does not come from the committee, I understand.

The VICE-PRESIDENT. The Chair understands that it does. The Senator from Arkansas says that a majority of the Committee on Appropriations recommend it.

Mr. WITHERS. A majority of the members of the committee recommend it; not a majority of the committee.

Mr. KERNAN. Mr. President, I hope this amendment will be adopted in the interest of economy. The officers' quarters at Sackett's Harbor, an important military post on the frontier between Lake Champlain and Buffalo, were burned up. The Department expect to rebuild them and have commenced rebuilding, but the bill only appropriates enough to build four sets; that is, half the number of quarters instead of the whole. I understand that General Hancock and several others of the officers are of opinion that it is best to appropriate money to build them all at once. They will have the use of them sooner in that way, and it will be more economical. They need them. It is an important post, a post where a great many of the soldiers are sent who are out of health from being at the South. There are always from five hundred to two thousand soldiers there.

Mr. DAVIS, of West Virginia. Do I understand that it is recommended by the Department?

Mr. KERNAN. I stated that General Hancock, who is in command of that department, and others recommend that the quarters be all built at once. It is cheaper than to delay the work.

Mr. DAVIS, of West Virginia. The Senator from New York is so much better posted than I am as to the economy of it that I shall not oppose the amendment.

Mr. KERNAN. It is in the estimates.

Mr. DAVIS, of West Virginia. I do not raise any point of order. The only objection I have is that we are going over this bill and increasing latterly at every opportunity we get every time an addition is asked. A moment ago the Senator from California put in an amendment which increased the appropriation \$100,000, and nothing

was said. It appears to me the Senate ought to take notice of how much money we are appropriating.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Arkansas, [Mr. DORSEY.]

The amendment was agreed to.

Mr. OGLESBY. I offer an amendment to come in at page 33, after line 780:

The Secretary of War is hereby authorized to remove the remains of the late William E. English, first lieutenant Seventh United States Infantry, who died at Deer Lodge, Montana, from wounds received at the battle of Big Hole Pass, Bitter Root, Montana, on December 18, 1877, to his former home in Jacksonville, Illinois, for final burial; \$400 is appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. OGLESBY. I submit another amendment. I move on page 50, after the word "dollars" in line 1212, to insert:

Twenty-five thousand dollars, to be expended under the direction of the Secretary of the Interior, to enable the Commissioner of the General Land Office to adjust and settle the claims of the several States under the swamp-land grant of September 28, 1850, and acts supplemental thereof.

Mr. WINDOM. I raise the point of order that that is not recommended by a standing committee. I want to appeal to Senators to let us get through the bill to-night, if possible.

Mr. OGLESBY. This is recommended—

Mr. WINDOM. I know by past experience there is no end to this kind of amendment.

Mr. OGLESBY. This is recommended by the Committee on Public Lands.

The VICE-PRESIDENT. Was the amendment introduced and referred to the Committee on Appropriations?

Mr. OGLESBY. Oh, yes; formally presented and sent to that committee.

Mr. DAVIS, of Illinois. It was referred to the Committee on Appropriations.

Mr. ALLISON. And rejected.

Mr. PADDOCK. I should like to have the amendment read again.

Mr. OGLESBY. It is an amendment that is very much desired by the Secretary of the Interior, and has been for years. It has nothing to do with the question of swamp lands further than to enable the Secretary to direct the Commissioner of the General Land Office, through agents to be sent into the States, to ascertain the true character of these lands—not through the agents of the States, not by the States themselves, but by the Secretary of the Interior under the law of 1850, with the plats and field-notes before them, to arrange with the different States their claims that have been in the Department unsettled for years. The Secretary of the Interior desires this; the Commissioner of the General Land Office under his direction desires it; and the Committee on Public Lands have recommended it by a majority. All of the committee did not recommend it. It is simply to send out agents to examine, for the satisfaction of the Department here, the character of these lands, and to verify them with the field-notes.

Mr. WINDOM. I raise an additional point of order that this is legislation, and therefore out of order.

The VICE-PRESIDENT. The last point of order is clearly well taken.

Mr. CONOVER. I offer an amendment, and hope the Senator from Minnesota will not raise the point of order upon it.

Mr. OGLESBY. I have no objection to the decision of the Chair or to the objection raised by the chairman of the Committee on Appropriations, but there is not a particle of legislation in my amendment. It is an appropriation of \$25,000. [Laughter.]

The VICE-PRESIDENT. The Secretary will report the amendment of the Senator from Florida, [Mr. CONOVER.]

The SECRETARY. The amendment is to insert:

The Secretary of the Treasury is hereby authorized to purchase a site for a public building at Jacksonville, Florida, at a cost not to exceed the sum of \$35,000.

Mr. WINDOM. I raise the point of order on that, that it has not been recommended by any standing committee; and I did not agree that I would not raise the point of order.

Mr. CONOVER. Mr. President—

Mr. JONES, of Florida. Will my colleague yield to me? I think it important that the rules of the Senate in regard to amendments to appropriation bills shall be pretty clearly understood. They ought to be. I wish to say a word on that subject.

The rule is very clear that there are three contingencies, and only three, in which an amendment can be offered to an appropriation bill: first, to carry out the provisions of some existing law or treaty; second, in pursuance of the recommendation of a standing committee of this body; and thirdly, when moved by a Senator here in pursuance of an estimate made by a head of one of the Departments. Now why is this? It is to guard against hasty legislation. The reason of the rule is that when the head of a Department says that an amendment is reasonable, it is sufficient; when a leading committee of the Senate says it is reasonable, it is sufficient to guard against hasty and inconsiderate action; or when it is made in pursuance of an existing law or treaty, that is sufficient to take it out of the objection that it may be hasty and inconsiderate legislation. Whenever an amendment is proposed that is sustained; first, by an existing law or treaty; or, secondly, by a standing committee; or, thirdly, by the head of a Department, I claim that the amendment is in order if it has been referred to the Com-

mittee on Appropriations one day previous to the proposition being made in the Senate.

The VICE-PRESIDENT. Will the Senator from Florida please inform the Chair, referring to the amendment which he offered awhile ago, whether an estimate from the Secretary of the Navy was ever sent to the Senate on the subject-matter?

Mr. JONES, of Florida. There is nothing in the law that I am aware of to require that to be done. An estimate may be made by the head of a Department specially or generally. The rule does not say that it shall be special or general; but when he gives his sanction to an increase of an appropriation bill, to a recommendation proposed here by a Senator, it is sufficient to guard against the only danger which this rule was intended to prevent, namely, hasty and inconsiderate action. It is perfectly within the reason of the rule.

The VICE-PRESIDENT. The Chair thinks that a communication which any head of a Department may send to an individual Senator is not an estimate within the meaning of this rule. If the estimate is sent to the Senate, the Senate always refers it to the appropriate committee; but the Chair does not think that a private communication written by any Secretary or any head of a Department to a Senator is an estimate within the meaning of this rule. He thinks that the Senate should be informed of the estimate in the ordinary way, and not as advised by the presentation of a letter addressed to a Senator.

Mr. JONES, of Florida. It is a very important question, and I think the practice of the Senate has been different. I have known of amendments introduced here on the recommendations of a Department addressed to Senators, time and again; and if the question is an open one, I should be very glad to appeal from the decision of the Chair on that point and have it settled.

The VICE-PRESIDENT. There is no question before the Senate.

Mr. ANTHONY. Report the bill.

Mr. WINDOM. I ask that the bill be reported to the Senate.

Mr. CONOVER. I had the floor and yielded to my colleague. The amendment I just offered has been ruled out of order. I will detain the Senate but a moment. When this bill is reported to the Senate, if I am permitted to do so, I shall submit a few remarks on the subject to which my colleague has spoken. I now offer the following amendment, and I do so in obedience to the resolution of the Legislature of Florida, that I will ask the Secretary to read and the Senate may make such disposition as they think proper.

That the Secretary of War is hereby authorized to allow the use of the barracks of the United States military reservations at Saint Augustine and Tampa, Florida, to the State authorities for the purposes of a lunatic asylum and an asylum for the deaf, dumb, and blind, under such rules and restrictions as he may prescribe not inconsistent with the public interest.

Mr. WINDOM. I raise the point that that is general legislation.

The VICE-PRESIDENT. The point of order is well taken.

Mr. CONOVER. I ask that the joint resolution of the Legislature of Florida in obedience to which I offered the amendment be read; it is very short, indeed.

Mr. ANTHONY. I object to the reading. I think it is trifling with the time of the Senate to introduce measures that Senators know are not in order and ought to be objected to.

The VICE-PRESIDENT. The amendment is ruled out as general legislation, and is not before the Senate.

Mr. HOAR. I move to reconsider the vote by which the Senate this morning refused to adopt the amendment contained in lines 1127 to 1129, to pay Mrs. C. Adile Fassett \$10,000 for the purchase of the painting of the electoral commission.

The VICE-PRESIDENT. The Senator from Massachusetts moves to reconsider the vote by which the Committee of the Whole refused to insert the following amendment:

To Mrs. C. Adile Fassett, for the purchase of the painting of the electoral commission, \$10,000.

Mr. HOAR. I desire to say that I opposed that amendment very earnestly this morning on the ground which I stated, that I thought that a painting commemorating a recent political transaction ought not to be placed in the Capitol when it might be offensive and unpleasant to those persons who were of one way of thinking in regard to the political transaction which it commemorates. Since that discussion I have been satisfied in regard to the origin of the purpose to purchase this painting, which is a very faithful and meritorious commemoration of the act, and I have been thoroughly satisfied that a very large number of gentlemen of both parties, very earnestly differing about the transaction, especially in another branch of the Government, have desired that this should be secured at this time; and it was in consequence of their earnest wish expressed to the Committee on Appropriations that the committee of the Senate made that recommendation. Therefore, I wish to withdraw my opposition.

The VICE-PRESIDENT. Shall the vote be reconsidered?

Mr. SARGENT. I wish to say a word. If the motion to reconsider shall be carried I shall, instead of the matter reported, propose an amendment that the picture be finished to the satisfaction of the Joint Committee on the Library and that the sum named shall be in full for the picture. I shall propose that amendment.

The VICE-PRESIDENT. The question is on the motion to reconsider.

The motion was agreed to; there being on a division—ayes 26, noes 22.

The VICE-PRESIDENT. The question recurs on the amendment. Mr. SARGENT. I move the following substitute—

Mr. KERNAN. I call for the yeas and nays on the reconsideration. I know of no reason why we should have changed our minds since this morning. This picture is not done. Whenever the Committee on the Library report to us that they have agreed on a price and recommended it, it will be time enough. I hope we shall not buy it now unfinished.

The VICE-PRESIDENT. On the question of reconsideration the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. HAMLIN. I think it is a little too late. The motion to reconsider was put and carried and then the Chair stated the question distinctly on adopting it.

The VICE-PRESIDENT. The Chair thinks the Senator from New York was in time.

Mr. FERRY. And more than that, I remind the Chair that he had recognized the Senator from California [Mr. SARGENT] on his amendment to the proposition.

The VICE-PRESIDENT. The Chair in the haste of putting the question will not be strict. The Chair had proceeded to no other business. He has entertained the demand for the yeas and nays.

Mr. KERNAN. I make the demand for this reason: if we now on all the subjects in this bill reconsider the votes of this morning, we shall never get through. I think we had better stand on the votes we have given.

Mr. FERRY. I remind the Senator from New York that as we grow older we grow wiser.

Mr. HEREFORD. I must express my surprise at this change of front. This proposition was defeated this forenoon by a large vote. I am greatly surprised at the Senator from Massachusetts, and the only reason I can give to my own mind why he has changed his vote is that he has gone and looked at that picture again and has there seen his own countenance and is better pleased with it than he thought he was. [Laughter.]

What are we doing? Here in the closing hours of the session, when there are two or three, certainly two, appropriation bills after this to be acted upon, and which if they are not acted upon will stop the wheels of the Government, the time of this body is taken up for the purpose of appropriating money for the purchase of a picture of certain very estimable gentlemen. There is my friend from Massachusetts who was against it this morning and is for it to-night; and his picture is there. I should like very well to have it hung up in the Hall of this body. I have served many years with the Senator in both halls of Congress, and his picture will be pleasant to look at. The likeness of my friend from Ohio who sits behind me [Mr. THURMAN] is there; the faces of several members of the Supreme Court are there; several Senators are there that are upon this floor. But why should the American Congress appropriate money to buy the picture of its own members and place them around the halls? Why is this? We were told but the other day by the Secretary of the Treasury that there is to be a deficiency in the Treasury of the United States, and a proposition was made here to increase the interest-bearing indebtedness of the United States for the purpose of supplying this deficiency. I suppose it might be in order perhaps to offer an amendment that for the purpose of defraying the expense of obtaining this picture we shall issue interest-bearing bonds.

Again, this picture, as I am told, is unfinished. We do not know who is to be there, we do not know who is to keep company with this commission, with these members of the Supreme Court, with these our brother Senators who were part of it, and with the members of the other House who were on it. I am told that any gentleman can have his picture placed there who will give \$500, or perhaps \$1,000, and that the pictures of many gentlemen are there who were not members of that electoral commission at all—

The VICE-PRESIDENT. The Senator's time has expired.

Mr. HEREFORD. I here to-night, Mr. President, enter my protest against this waste of the public funds.

The question being taken by yeas and nays, resulted—yeas 30, nays 28; as follows:

YEAS—30.

Allison,	Chandler,	Ingalls,	Rollins,
Anthony,	Conover,	Jones of Nevada,	Sargent,
Blaine,	Dawes,	Kellogg,	Saunders,
Booth,	Dorsey,	McMillan,	Teller,
Bruce,	Ferry,	Matthews,	Wadleigh,
Burnside,	Hamlin,	Mitchell,	Windom.
Cameron of Pa.,	Hoar,	Paddock,	
Cameron of Wis.,	Howe,	Patterson,	

NAYS—28.

Bailey,	Eustis,	Kernan,	Morgan,
Barnum,	Garland,	Kirkwood,	Saulsbury,
Beck,	Grover,	Lamar,	Shields,
Butler,	Harris,	McDonald,	Spencer,
Davis of W. Va.,	Heretford,	McPherson,	Thurman,
Dennis,	Hill,	Maxey,	Wallace,
Eaton,	Jones of Florida,	Merrimon,	Whyte.

ABSENT—18.

Bayard,	Davis of Illinois,	Morrill,	Sharon,
Chaffee,	Edmonds,	Oglesby,	Voorhees,
Cockrell,	Gordon,	Plumb,	Withers.
Coke,	Johnston,	Randolph,	
Conkling,	McCreery,	Ransom,	

The VICE-PRESIDENT. The vote is reconsidered, and the question recurs on the amendment.

Mr. SARGENT. I now move the amendment I indicated as a substitute:

To Mrs. C. Adile Fassett, for the purchase of the painting of the Electoral Commission, when the picture shall be finished to the satisfaction of the Joint Committee on the Library, \$10,000, this sum to be accepted as in full for the said picture.

Mr. SAULSBURY. I ask for the yeas and nays.

Mr. ANTHONY. We have just had the yeas and nays on the motion to reconsider.

Mr. SAULSBURY. I move to add, if it is in order:

And \$10,000 for every other picture that is offered to the Senate.

Mr. WINDOM. Has that been referred to any standing committee?

The VICE-PRESIDENT. The Chair thinks it is not in order. The question is on the amendment of the Senator from California, [Mr. SARGENT.]

Mr. EATON. Mr. President, only a word. Ordinarily governments employ artists for the purpose of executing a painting that will be honorable to their country. Ordinarily it has been the habit of other peoples, when they desire to ornament either the palaces of their kings or the houses in which they transact their public business, to look to something that is honorable. But it is left to the Senate of the United States to ignore the history of the past and appropriate a certain sum of money to purchase what is, and always will be, the greatest dishonor the American name has ever suffered.

I do not speak of the portraits of my honorable friends here, or my honorable friends there, that may be found on that canvas. That is not it. It is not that the lineaments of the countenance of my friend from Ohio, or my friend from Vermont, may be carried down to the latest posterity that this thing is painted if it is painted at all; but it is that there is some great, overpowering, overshadowing honor attached to this matter that makes it necessary that the Congress of the United States should purchase this picture. Sir, I am opposed to it because it writes on the frontal of our whole country the greatest dishonor that was ever placed there.

I desire the Senate to remember what the case is: a Constitution violated; the rights of the people trampled under foot; three hundred thousand majority of the voters of this great country trodden down to the earth; and we are to buy a picture and give \$10,000 to carry this thing down to posterity! Sir, I desire to enter my protest against any outrage of this kind!

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from California to the amendment of the Committee on Appropriations.

Mr. MERRIMON. I call for the yeas and nays.

Mr. HAMLIN. Does the Senator from North Carolina want the yeas and nays on agreeing to the amendment of the Senator from California? I suppose he wants them on adopting the main amendment.

Mr. MERRIMON. Only on the main question.

The VICE-PRESIDENT. The question is on the amendment of the Senator from California to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment as amended.

Mr. MERRIMON called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CONKLING, (when his name was called.) I have been paired for an hour or two with the honorable Senator from Indiana, [Mr. VOORHEES.] I do not see him here, nor do I know how he would vote, and I shall not vote under the circumstances.

Mr. GARLAND, (when the name of Mr. VOORHEES was called.) The Senator from Indiana [Mr. VOORHEES] was compelled to leave the Chamber on account of sickness. If here, he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 30, nays 31; as follows:

YEAS—30.

Allison,	Chandler,	Ingalls,	Patterson,
Anthony,	Conover,	Jones of Nevada,	Rollins,
Blaine,	Dawes,	Kellogg,	Sargent,
Booth,	Dorsey,	McMillan,	Teller,
Bruce,	Ferry,	Matthews,	Wadleigh,
Burnside,	Hamlin,	Mitchell,	Windom,
Cameron of Pa.,	Hoar,	Oglesby,	
Cameron of Wis.,	Howe,	Paddock,	

NAYS—31.

Bailey,	Eustis,	Kirkwood,	Saulsbury,
Barnum,	Garland,	Lamar,	Saunders,
Beek,	Grover,	McDonald,	Shields,
Butler,	Harris,	McPherson,	Spencer,
Coke,	Hereford,	Maxey,	Thurman,
Davis of W. Va.,	Hill,	Merrimon,	Wallace,
Dennis,	Jones of Florida,	Morgan,	Whyte,
Eaton,	Kernan,	Plumb,	

ABSENT—15.

Bayard,	Davis of Illinois,	McCreery,	Sharon,
Chaffee,	Edmunds,	Morrill,	Voorhees,
Cockrell,	Gordon,	Randolph,	Withers,
Conkling,	Johnston,	Ransom,	

So the amendment was rejected.

Mr. WYTHE. On page 32, line 769, there is a provision for the sale of Pikeville arsenal, with a proviso that it may be donated to the State of Maryland, if that State accept it prior to the 1st of January, 1880.

There can be no legislative acceptance of it by that date as there will be no meeting of the Legislature until the first Wednesday in January, 1880. I therefore move to strike out "January" and insert "March."

The VICE-PRESIDENT. To this the Chair hears no objection.

Mr. EDMUNDS. Let us hear what that is.

Mr. WINDOM. We could not hear the Senator from Maryland.

The VICE-PRESIDENT. In line 769, on page 32, the Senator from Maryland moves to strike out the word "January" and insert "March."

Mr. DAVIS, of West Virginia. Simply to give the Legislature an opportunity to act.

Mr. EDMUNDS. Why is it given to the State at all? It ought to be given to her with interest if it is given at all.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Maryland? The Chair hears no objection, and it is agreed to.

Mr. CONKLING. I wish to offer an amendment which I cannot offer under the rules of the Senate if any one Senator objects. I will state it and in a word the reason for it. I think the committee will not object and I am inclined to think nobody will object.

In the estimates upon which the committee has acted stand two items looking to the ventilation of the New York post-office. I learn from the chairman of the committee that in the necessary haste of doing the great many things that the committee has been called upon to do this matter was overlooked, and this morning it was brought to my attention by the Post-Office Department. Appended to the estimates is this note:

For explanation of these estimates, see appendix marked G.

In "appendix marked G" will be found what I will not ask to have read, because they are voluminous, letters from all the appropriate officers of the Government, showing the urgent need of this appropriation. The recommendation and the estimate is:

Alterations required to be made to remedy the defective ventilation of the basement and first story, including the mezzanine floor.

This is a matter of importance to the court-room and in short to every part of the building. It must be done at some time; it is right to be done, and all the estimates required have been made. If I can have unanimous consent I shall offer an amendment in the language of the estimate from the Treasury Department. If any Senator objects of course I cannot do it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment will be received.

Mr. CONKLING. Then I move to insert, unless the chairman of the committee will correct me by pointing out a better place, at the end of line 525, on page 22, these words:

Alterations required to be made to remedy the defective ventilation of the basement and first story, including the mezzanine floor of the New York post-office, \$30,000.

Extension of the mezzanine gallery, \$12,464.28

Total, \$42,464.28.

I regret that the item is so large, but here it stands, with full explanations.

Mr. DAVIS, of West Virginia. May I ask the Senator from what document he reads?

Mr. CONKLING. I read from "letter of the Secretary of the Treasury transmitting estimates of appropriations required by the various Departments to complete the service of the current and prior years."

Mr. DAVIS, of West Virginia. I understand.

The VICE-PRESIDENT. Is there objection to the amendment? The Chair hears none, and it is agreed to.

Mr. McDONALD. I desire to offer an amendment on page 76, at the end of line 1846, in the clause in relation to the Marine Hospital Service, by adding these words:

To be immediately available.

Mr. WINDOM. There is no objection to that amendment.

The amendment was agreed to.

Mr. WINDOM. Let me say that it is now nearly eleven o'clock, and that if we are to complete the appropriation bills the Senate must remain in session until we pass another bill covering one hundred pages after we complete this. That is the condition we are in; and therefore it is important that we should come to a conclusion.

Mr. EATON. I reserved three points yesterday, as the chairman of the committee very well knows. On page 12, lines 260 and 261, is this clause:

For establishing a first-class fog-signal at Execution Rocks, Long Island Sound \$15,000.

This item was stricken out by the committee, perhaps because they had not sufficient knowledge with regard to the necessity of the appropriation. If I can make myself understood by the Senate three minutes will determine this matter.

Execution Rocks are a body of rocks in the midway of the channel of the sound, about twenty miles above New York, opposite Sand's Point. At that point I have myself seen many a time five hundred sail of vessels in a fog. All the officers of the many steamboats that pass there every day are petitioners for this fog-signal; the Light-House Board have recommended it; the Secretary of the Treasury has recommended it; and I undertake to say here myself that there is no point upon the coast of the United States anywhere where there is a greater necessity for a fog-signal than there is at that point.

Mr. WINDOM. Will the Senator allow me to say that in this case,

and in two or three others, the item was stricken out merely for lack of information, the committee not having time to hunt up the recommendations on which the House has acted. The Senator has presented them since, and I hope the amendment of the committee striking out the item will be rejected.

The VICE-PRESIDENT. The question is on the amendment of the committee to strike out the item.

The amendment was rejected.

Mr. EATON. I now call the attention of the Senate to page 118, with regard to the fire department of this District. The bill provides for eight foremen at \$900 each, six engineers at \$900 each, and I desire to offer this amendment after the word "at," on line 390, to strike out "\$900" and insert "\$1,000;" in line 391 to strike out "\$7,200" and insert "\$8,000;" and after the word "at," on line 392, to strike out "\$900" and insert "\$1,000." In other words, I desire to restore these men to their pay at \$1,000 each, the eight foremen and six engineers.

Mr. DORSEY. I suggest to the Senator from Connecticut that he note his amendments on the bill and send them to the Secretary. What he proposes to do is to restore the salaries of these foremen to what they are now. That was the order of the Committee on the District of Columbia, but in the hurry of printing the bill it was omitted. It ought to be done.

The VICE-PRESIDENT. The Senator from Connecticut will please send his amendments to the Secretary.

Mr. ALLISON. While the Senator is preparing his amendments I ask unanimous consent to go back to page 28, lines 661 to 664. There an amendment was made; the committee recommended the striking out of these lines for the reason that they had no information on the subject. Since that time the Secretary of the Treasury has sent a letter addressed to the committee, which I have examined, with the accompanying papers, showing that that item ought to be restored as the House has it. I trust by unanimous consent that the amendment of the committee will be disagreed to.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. On page 28, line 661 to 664 inclusive, the committee recommended the striking out of the following words:

To reimburse expenses incurred and paid by C. H. Lord, United States deputy at Tucson, Arizona, under Treasury Department instructions, \$334.87.

The VICE-PRESIDENT. To the amendment proposed by the Senator from Iowa the Chair hears no objection.

Mr. ALLISON. Which is to restore that paragraph.

The VICE-PRESIDENT. To restore the text of the bill as it came from the House in this particular.

Mr. EATON. Now my amendment. I desire to say that the fire department of the District is one of the best in the country. I have examined it myself with great care, and I assert this without fear of contradiction.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 118, after the word "at," in line 398, it is proposed to strike out "\$900 each, \$7,200," and insert "\$1,000 each, \$8,000," and after the word "at," in line 392, to strike out "\$900 each, \$5,400," and insert "\$1,000 each, \$6,000;" so as to read:

Eight foremen at \$1,000 each, \$8,000; six engineers at \$1,000 each, \$6,000.

The VICE-PRESIDENT. The Chair hears no objection to these several amendments, and they are agreed to.

Mr. EATON. I now ask the attention of the Senate to one other amendment, and then I have done with this bill. It is on page 65, relating to the expenses of the territorial courts in Utah. I propose an amendment on line 1584, after the word "dollars," to strike out commencing with the word "and" to the end of the paragraph.

The Secretary read the words proposed to be stricken out, as follows:

And this appropriation may be used, under the direction of the said Department, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

Mr. WINDOM. I move to lay that amendment on the table.

The VICE-PRESIDENT. The Senator from Minnesota moves to lay the amendment proposed by the Senator from Connecticut on the table.

Mr. EATON. I hope not.

The VICE-PRESIDENT. The motion is not debatable.

Mr. EATON called for the yeas and nays; and they were not ordered.

The motion was agreed to.

Mr. WINDOM. I hope the bill will be reported to the Senate.

Mr. WITHERS. Before the bill is reported to the Senate I wish to give notice that I have an amendment which I reserve the privilege of moving in the Senate.

Mr. EATON. I give notice that I will offer this in the Senate.

Mr. COCKRELL. I desire to give notice that I shall ask separate action upon certain amendments proposed by the committee, on pages 69, 74, 75, 76, 77, and 78, and ask that separate votes may be had on them.

The VICE-PRESIDENT. That is the right of every Senator without notice.

Mr. MITCHELL. Before the bill is reported to the Senate, I ask unanimous consent to offer the following as a substitute for the

amendment I offered some time ago, which is inoperative, as I find on examination:

To pay the stenographer to the Railroad Committee of the Senate for reporting testimony and arguments before that committee, under resolution of the Senate requiring such committee to inquire into the expediency of authorizing railroad companies to do a commercial telegraph business, the sum of \$229.50.

Mr. DAVIS, of West Virginia. Is that the same amendment?

Mr. MITCHELL. That is the same, except that it is now in a form that will make it operative.

The VICE-PRESIDENT. The Chair hears no objection to the amendment; and it is agreed to. If there be no further amendments, the bill will be reported to the Senate as amended.

Mr. JONES, of Florida. The bill is still in Committee of the Whole. On line 1182, page 49, I move to strike out "forty" and leave the item as it came from the House. As amended it reads:

To meet expenses of protecting timber on the public lands, \$40,000.

The provision as it came from the House was in these words:

To meet the expenses of protecting timber on the public lands, \$25,000; for depredations on the public timber, provided that the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, may be authorized to draw—

Mr. HOAR. I raise the question of order. I desire that the motion of the Senator from Florida may be stated from the desk, in order that the Senate may understand what is to be discussed.

Mr. DAVIS, of West Virginia. I would say to the Senator that we acted on this amendment in Committee of the Whole.

Mr. JONES, of Florida. Well, I will reserve it for action in the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Will the Senate concur with the action of the Committee of the Whole? Separate votes will be considered as demanded on such amendments as Senators may indicate.

Mr. COCKRELL. Upon the amendment on page 69, lines 1678 to 1680, I ask a separate vote. I do not know whether the question of order was raised on that particular amendment or not. I will not ask action on that amendment now, but I will ask action on other amendments first. On page 74, lines 1807 and 1809, there is an amendment reported by the committee, and I raise the point of order that it cannot be considered under Rule 30, and I ask that the rule be read.

The VICE-PRESIDENT. The Chair holds that the point of order comes too late.

Mr. COCKRELL. Does the Chair hold that the point of order cannot be made in the Senate the same as it could have been made in Committee of the Whole?

The VICE-PRESIDENT. That is the opinion of the Chair, that if the point of order was not taken in the Committee of the Whole it was waived. The question now is whether the Senate will concur in the amendments made in Committee of the Whole. If the point of order was not taken in Committee of the Whole it was waived.

Mr. COCKRELL. I do not remember what has been decided. I took the trouble of making some inquiry about it, and I found a very great diversity of opinion as to whether it would be in order or not. For my own part, I cannot see that there can be a waiver of it in Committee of the Whole. Still, I submit to the action of the Senate.

The VICE-PRESIDENT. The Chair does not remember what the practice of the Senate may have been. He would be glad to be prompted by the older Senators.

Mr. CONKLING. All precedents, I believe, are in accordance with the decision of the Chair.

The VICE-PRESIDENT. The Chair is advised by the older Senators that this ruling is in accordance with the practice. Certainly that is the practice of all other legislative bodies with which the Chair has been connected.

Mr. DORSEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Missouri desire to appeal?

Mr. COCKRELL. No, it was only a question of order which I did not make at the time, because I did not suppose that the committee would refuse to place all the remaining Senators on the floor in the same condition in which they have placed themselves. Here they come in and act upon a few private claims and report them to the Senate, and whenever a claim of the very same character precisely, of the same merits and all, is offered by a Senator, it is then excluded. I say it places other Senators in an awkward position. I have half a dozen amendments which I offered to this bill of the very same character which the committee has reported here, and which were before it, but which it did not have time to consider. I am not censuring the committee for it, but it is placing ourselves in an awkward situation to give it special privileges to report private claims.

Mr. BECK. I only desire to say in regard to the claim to which attention is called that the House of Representatives felt compelled, owing to the pressing state of the business, as they said, to pass this bill under a suspension of the rules. Some things were omitted that many members of the House thought ought to be in the bill. Our Committee on Appropriations, I understand, have made amendments in regard to two or three matters connected with House affairs, in order to give those gentlemen when the bill went back to the House an opportunity to correct omissions which perhaps under the circumstances they could not properly attend to at the time the bill was under consideration there. That seemed to be the leading idea. It was

not intended, as members of the Committee on Appropriations know, to interfere with other Senators, or to do anything they desired to do, but simply to enable the House to do justice to itself, as it passed the bill in quite a hurried way.

The VICE-PRESIDENT. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. FERRY. I wish to ask for a separate vote on an amendment.

The VICE-PRESIDENT. Will the Senator indicate it.

Mr. FERRY. I wish a separate vote upon the amendment made as in Committee of the Whole, inserting the clause from lines 998 to 1013 inclusive. This is the amendment proposing, at the instance of the War Department, to sell a portion of the military reserve at Fort Gratiot. Not only the city of Port Huron favor it—

Mr. EDMUNDS. What are the lines?

Mr. FERRY. From 998 to 1013 inclusive.

Mr. DAVIS, of West Virginia. Was not that clause ruled out on a question of order?

Mr. FERRY. The question of order was submitted to the Senate.

Mr. EDMUNDS. That was ruled out of order either by the judgment of the Senate or by the Chair, according to my memory.

The VICE-PRESIDENT. The present occupant was not in the Chair at the time, but the Chair understands that the amendment was ruled out of order.

Mr. EDMUNDS. It was decided to be out of order.

The VICE-PRESIDENT. The Chair decides that if this clause was ruled out on a point of order and no appeal was taken, or if the question of order was submitted to the Senate and it was not admitted, then it is too late to move it now.

Mr. FERRY. The Chair ruled a few minutes ago that if a point of order was not taken in committee it could not be taken in the Senate.

The VICE-PRESIDENT. Was not the point of order sustained upon the amendment which the Senator now seeks to renew?

Mr. FERRY. The point of order was sustained.

The VICE-PRESIDENT. Then the amendment is out of the bill now.

Mr. FERRY. I can move the same amendment in the Senate.

Mr. EDMUNDS. No, sir; not by any means. The Senate has decided that it is out of order.

Mr. FERRY. Upon what rule?

Mr. EDMUNDS. Upon this rule: the Senate is the Senate all the time. It is merely at times sitting as in Committee of the Whole as a matter of convenience. The Senate has decided as a Senate upon the yeas and nays that this amendment is not in order.

The VICE-PRESIDENT. And it has no place in the bill.

Mr. FERRY. Before the Chair makes that ruling I desire to remind him that the same amendments can be offered in the Senate as well as in Committee of the Whole.

The VICE-PRESIDENT. The Chair so supposed.

Mr. FERRY. What is the difference, then, between the ruling in the two cases?

The VICE-PRESIDENT. This amendment had no place in the bill; it had not originally; it went out on a point of order. The question is now whether the Senate will concur in the amendments made as in Committee of the Whole.

Mr. MITCHELL. Is there anything to prevent the Senator from Michigan from offering the amendment now?

Mr. FERRY. I asked the Chair whether I might not offer the same amendment in the Senate.

Mr. MITCHELL, (to Mr. FERRY.) Of course you may.

Mr. EDMUNDS. We shall see about that.

Mr. FERRY. I have that right, I suppose.

The VICE-PRESIDENT. The Chair rules that the Senator cannot do so, simply because the amendment to which he refers has no place in the bill. It was ruled out originally, and not being in the bill it is not in order to move it. If the amendment was not in order then, it is not in order now, and the judgment of the Senate must stand. The Chair does not know what was the disposition of the amendment, whether it was ruled out by the Chair or by the Senate.

Mr. FERRY. It was not ruled by the Chair; it was decided by the Senate.

The VICE-PRESIDENT. The Senate decided that it was not in order, and that judgment will stand as to this identical matter.

Mr. FERRY. Then the judgment of the Senate in Committee of the Whole stands for the Senate itself. If it applies in one case it must apply in the case of all amendments.

The VICE-PRESIDENT. As to questions of order, the Chair so holds.

Mr. FERRY. Then that reverses our practice under the rule as to offering the same amendments in the Senate that were offered in Committee of the Whole.

Mr. EDMUNDS. The Senator is mistaken.

Mr. FERRY. I should like to express my view and have a reply from the Chair. I think that is my right.

Mr. EDMUNDS. I beg pardon.

Mr. FERRY. I do not often intrude my remarks on the Senate.

Mr. EDMUNDS. I beg pardon of the Senator; I apologize.

Mr. FERRY. I think under the rule of the Senate an amendment can be offered in Committee of the Whole, and also the same amendment can be offered in the Senate. They are two stages of the same measure; and yet if the ruling now made must apply to an amendment, certainly it must apply to any judgment of the Senate in com-

mittee. If it can be repeated in one case it ought to be repeated in the other case. I can see no difference. That has been the practice of the Senate.

The VICE-PRESIDENT. Will the Senate concur in the action of the Committee of the Whole upon these amendments?

The amendments made as in Committee of the Whole were concurred in.

The VICE-PRESIDENT. Are there further amendments in the Senate?

Mr. EATON. I move to strike out, on page 65, from line 1584, after the word "dollars," down to and including line 1592, being to the close of the paragraph.

The VICE-PRESIDENT. The Senator from Connecticut proposes an amendment, which will be reported.

The SECRETARY. It is proposed to strike out all after the word "dollars," in line 1584, to the end of the paragraph, in the following words:

And this appropriation may be used, under the direction of the said Department, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

Mr. SARGENT. I suggest to the Senator from Connecticut a modification of the amendment, so as to only strike out all after line 1586, retaining the words:

And this appropriation may be used, under the direction of the said Department, to defray the judicial expenses of the supreme and district courts of said Territory.

These words seem to be right and should stand, but the rest of the paragraph ought not to stand, which is as follows:

And the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory—

Mr. EATON. Let it all stand down to that point.

Mr. WITHERS. Let that stand.

Mr. SARGENT. The Senator, then, modifies his amendment so as only to strike out after the word "Territory," in line 1588, being the following words:

And until such reimbursements shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

Mr. EATON. I think those words are objectionable.

Mr. SARGENT. The amount so used is to be reimbursed by the Legislatures of the various Territories. That is always done. But in order to coerce them to do that it is provided:

And until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

This was enacted in a bill some years ago, and stood for one year. After that it was not re-enacted, and has not been again up to the present time, if my recollection serves me. This clause provides that the officers of the Legislative Assembly there shall not receive any money unless the members vote a certain sum. In other words, these officers are to be a lobby around the Legislature to insist that the members shall vote money out of the territorial treasury in order that they may have their pay. Certainly that would be very unjust. Why should the officers of the Legislature be punished because the members do not see fit to do certain things? There is no propriety in that. Why, furthermore, should a constraint be laid on the members of the Legislature? Why should a bribe be held out to them: "Do a certain thing, take certain money out of your treasury, and you shall receive your pay; if you do not you shall not receive it?"

There is something unjust and coercive in such a provision, and it was so considered by Congress upon reflection, for after it had been adopted one year it was thereafter struck out. There seems to be no reason why it should be revived at the present time. In fact I am informed that it is here in the bill entirely by an inadvertency, by taking a copy of an old bill on the other side, by which this clause got into it, and therefore it has reached us in that form. I know that this originated originally in the Committee on the Judiciary. I see the Senator from Vermont proposes to defend this old abuse; and it amounts simply to this; it was merely that, in the judgment of Congress, when it discontinued this species of terrorism over officers of the Legislature, to say nothing of continuing it over the members.

Mr. EDMUNDS. I hope, Mr. President, that I shall not often be found defending an abuse, even to gratify my honorable friend from California. The state of the thing in the Territory of Utah when this original passage was put into the law four or five years ago, was this: The laws of the United States organizing that Territory, just as with the other Territories, required that the territorial treasury should bear a certain portion of the judicial expenses of that Territory. The territorial Legislature, although they were officially informed of the necessary appropriations and of the deficit, and all that, as the documents before us showed plainly and beyond dispute, positively refused to appropriate a single cent of money or to allow their treasury to pay a single cent of money to discharge this duty. Why? Because they did not like the action of the Federal courts in respect of crimes committed in that Territory. Therefore, inasmuch as Congress had been in the habit of appropriating money to pay the legislative expenses of this same Legislature that is bound by the organic act to meet these provisions for the purposes of the courts, that I have named, Congress said then, and I think said rightly, "We will not appropriate money out of the Treasury of the United States to pay you for refus-

ing to do your duty under the organic act, by providing means to pay your share of the judicial expenses."

The Senator from California says that that is an abuse of the Legislature of the Territory of Utah. I submit, with great respect to his better knowledge of abuses, that it is quite the reverse of an abuse; that it is laying the hand of just legislative action here, in appropriating money out of the Treasury, as we must to carry on the courts there, to say it shall be set off against the money that we would otherwise appropriate for the pay of this Legislature, and let them appropriate to pay themselves as they may and do, when they will not appropriate to pay the courts. Therefore, we do no injustice to the Legislature and only protect the Treasury from a double payment to that Territory, which, by her organic act, she is not entitled to; and as to the officers, the Legislative Assembly can pay them if it wishes to do so. That is all there is about it.

Mr. CONKLING. Mr. President, may I inquire of the Senator from Connecticut whether his amendment now is to strike out beginning in line 1588 with the words "and until" down to line 1592.

Mr. EATON. It is. I accepted the suggestion of my friend from California.

Mr. CONKLING. Then the words which the Senator proposes to strike out are these:

And until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States.

I differ with hesitation from any Senator who thinks that such legislation as this is defensible, but still I do differ, and I venture to submit this question to the Senate: Can any case be put of legislation, however righteous, however meritorious, however demanded of the Legislature of a Territory, which would warrant Congress in saying that upon penalty of forfeiting their pay they must adopt a certain act? If it be meritorious, I would not disparage it in that way. If it be not meritorious, perhaps the reasons are still stronger, and perhaps not. In any event it is making the compensation of members of the Legislature the bribe or the penalty of the votes they shall give. If any rule of morals or if any rule of law or discreet theory of administration or legislation can be pleaded for that I do not understand it.

I sympathize entirely with what I understand to be the conviction of the Senator from Vermont as to what this Legislature should do, but that does not enable me at all to enact that upon penalty of forfeiting their pay they shall do as we say. Men are sent to a Legislature to vote at their peril, upon their responsibility, as the representatives of their constituents, and we by some appellate power or prerogative, upon which we insist, say, if you do not vote as we tell you you shall not be paid as legislators.

Mr. President, I can think of nothing more utterly destructive of the theory of representative government, whether in a Territory or anywhere else, than a provision of this sort. I repeat that the merits of the legislation into which we seek to coerce a territorial Legislature does not by any means redeem such a method as this. There may be instances in which it is defensible to do evil that good may come, but I submit it can never be defensible for the Congress of the United States to say to the Legislature of a State, if they had power, by way of fundamental compact, as has been argued, or to the Legislature of a Territory as in this instance, do as we say or you forfeit your pay. I shall vote for the amendment of the Senator from Connecticut.

Mr. EDMUNDS. Mr. President—

Mr. SARGENT. I raise a point of order. The Senator from Vermont has already spoken.

Mr. EDMUNDS. I do not understand the Senator from California.

Mr. SARGENT. I raise the point of order that the rule which we have adopted provides that a Senator shall speak but once. Under great temptations I have restrained myself from speaking more than once; and with all deference to my friend I make the point of order against him.

Mr. EDMUNDS. Mr. President, I move that this bill be indefinitely postponed.

The VICE-PRESIDENT. The Senator from Vermont moves that the further consideration of the bill be indefinitely postponed.

Mr. EDMUNDS. I do not propose to be cut off just at this stage from doing what I believe to be a duty.

Now, I should like to state again so as, if I can, to disentangle the matter from the very ingenious way in which the Senator from New York [Mr. CONKLING] has put it, just what this is and what it is not. It offers no bribe, it declares no penalty, but it declares what shall not be done with the money of the United States, not with the money of that Territory. It does not prevent the Legislature of the Territory or undertake to do so, to provide for its own pay. The law, take it altogether, provides for two things, and it is the law of Congress because the territorial laws are the laws of Congress passed by a delegated power. The law requires that the judicial expenses of that Territory to a certain extent, not all of them, because we pay a good deal besides, shall be paid by the people out of the treasury of the Territory. The same law provides that we shall pay the salaries of the members of the Legislature, who alone by the organic act of their arrangements can appropriate the money out of the treasury to pay what they are to pay for the expenses of the courts. That is the state of the case.

The members of the territorial Legislature will make an appropriation, I will say, of \$10,000 toward the expenses of the courts.

Congress is to make an appropriation of \$10,000 to pay the salaries of members of the Legislature. That is what we are to do out of our Treasury. Inasmuch as the courts must go on, the territorial Legislature declining and refusing to supply any money for the courts, the Treasury of the United States has to bear the expense and does bear it and has borne it. Now it takes that money which the territorial treasury should have paid for the courts, it takes the money which the territorial treasury would have been entitled to receive for its salaries, and pays it over to the courts which the territorial Legislature should have paid; and that makes one hand exactly wash the other. The people of the Territory are not taxed any more, the members of the Legislature are not deprived of their salaries, only they pay for their salaries the money they have got in their own treasury, and we pay for their courts the money we have got in ours; whereas technically, if you take both the laws together, we should pay them the money for their salaries and they should pay us the money for their courts. That is the whole of it. I know how very capable my honorable friend from New York is of stating a proposition in a very handsome way, but that is the substance of it so far as I can understand. Now I withdraw the motion to postpone the bill indefinitely.

The VICE-PRESIDENT. The Senator from Vermont withdraws his motion.

Mr. SARGENT. Not until I say a word on the motion.

The VICE-PRESIDENT. The Senator from Vermont may withdraw the motion. The Senator from California can renew it.

Mr. SARGENT. Then I renew it.

The VICE-PRESIDENT. The Senator from California renews the motion to postpone the bill indefinitely.

Mr. SARGENT. It is not true as a matter of fact that the territorial Legislature of Utah have made no appropriation for these expenses. They have made appropriations over and over again from the year that this law was in operation; and the only year it was in operation—for it fell into desuetude—they did appropriate during that year not quite the amount, leaving a small proportion unappropriated.

Mr. EDMUNDS. If the Senator will pardon me, the official evidence before the Judiciary Committee was quite the other way. I do not know where the Senator gets his information.

Mr. SARGENT. The only year this law was in operation the Legislature of Utah appropriated nearly the amount, refusing to appropriate the exact sum because they would not earn their pay by appropriating the full amount, because they would not yield to it, and yet were disposed to obey as good citizens the laws of the United States. That I state upon information which I think there can be no doubt about. If they had appropriated a few hundred dollars more they could have drawn the amount from the Treasury which was appropriated to pay them and to pay their officers, but they declined to do so, acting upon a high sense of duty, I think, and a high sense of self-denial. For whatever may be said against that peculiar people in reprobation of their assumed religious idea in favor of polygamy, it cannot be denied that they are an honest and thrifty people. I wait for a denial of the fact that they are honest in their personal relations, and that they are industrious, and that they are thrifty.

The Congress of the United States took away from the local officers, the Legislature, the power to administer their laws, a power given in every other Territory of the United States, and conferred that power upon United States officers who exercised the power so extravagantly that there have been two marshals removed for the waste which they made of the funds of the United States. It is not strange that the Legislature of the Territory were unwilling to put their funds in the hands of such wasteful agents, so wasteful that the United States Government itself removed them on account of their waste and extravagance, to call their acts by the very mildest terms.

As suggested to me by the Senator from New York, [Mr. CONKLING,] the Legislature under the operation of the law devised by the Judiciary Committee served for nothing. This measure proposes that the sergeant-at-arms and the doorkeeper and the pages, if they have any such, and the engrossing and enrolling clerks, and every officer of that kind also, shall serve for nothing because the members of the Legislature do not see fit to vote to suit us.

Mr. TELLER. Mr. President, I do not suppose it will be very popular in this body or any other to defend these peculiar people; but I think there is a misapprehension as to the obligations imposed upon them by their organic act. I speak with some knowledge on this subject from having been in the courts of that Territory. In the first place the courts were organized under the organic act. The business of the United States, for which the United States was expected to pay, was to be done within six days or so much more time as might be required. It has been the practice in all the Territories for a great many years for the General Government to pay the expenses of that branch of the courts and the local authorities to pay the expenses of their branch of the courts. That is what we have done, as I understand, in Utah and in all the Territories. The United States, I will venture to say, has been asked to make no appropriations for the local business of Utah; but no such business has arisen under the Constitution and laws of the United States as is included in this part of the statute which provides:

And the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws.

That is the part of the term that the Government pays for and not the other. Subsequently Congress cut off the inferior courts, the probate courts and others, and transferred the whole business of the Territory to the territorial courts, adding very largely to the taxation that was imposed upon these people. The only trouble that ever did arise there was from the fact that they thought there was an unnecessary expense put upon them by this legislation.

Mr. HOAR. Will the Senator from Colorado explain this matter a little more? They are at liberty to draw their pay from the moneys of the United States. Are they not at liberty to raise it and pay themselves by territorial authority, by their territorial tax?

Mr. SARGENT. There is a law which prohibits that to be done.

Mr. TELLER. There is a law which prohibits any Territory from voting its members of the Legislature any pay whatever.

Mr. EDMUNDS. Where is that law?

Mr. TELLER. It is a law that the honorable Senator I have no doubt helped to make. It is one of the statutes of the United States.

Mr. EDMUNDS. I should be glad to see it. I never heard of it.

Mr. TELLER. I cannot turn to it now; but I know very well that was the law, because they cut off the pay the Territory of Colorado had allowed for a number of years to its members of the Legislature. So I say that now upon the statute-book there is a law which prohibits the Legislature of Utah from paying its members.

Mr. WINDOM. I move to lay the amendment on the table.

Mr. SARGENT. That will only make two votes necessary.

The VICE-PRESIDENT. The Senator from Minnesota [Mr. WINDOM] moves to lay the amendment of the Senator from Connecticut [Mr. EATON] upon the table.

Mr. EATON. I ask for the yeas and nays upon the motion.

Mr. SARGENT. That will only require two votes to be taken instead of one.

Mr. WINDOM. If we can have a vote on the amendment I am willing to withdraw my motion, but if Senators intend to spend the whole night upon this little proposition, when we know it means an extra session, we can as well give it up now as at any other time.

The VICE-PRESIDENT. The motion to lay on the table is withdrawn. The question is on agreeing to the amendment of the Senator from Connecticut, [Mr. EATON].

The amendment was agreed to.

Mr. FERRY. I now offer as an amendment what is contained between lines 998 and 1013 inclusive, being the provision for the sale of a portion of Fort Gratiot military reserve. I do that for the purpose of understanding the ruling of the Chair. Do I understand that I am ruled out from the right of offering this amendment because of the judgment of the Senate in Committee of the Whole that it was not in order, or because of the ruling of the Chair in the Senate?

The VICE-PRESIDENT. Because the Senate, as the Chair is informed, (the present incumbent was not in the chair at the time,) by its vote decided that it was not in order, and it is not a question to be renewed in the Senate. It is not such an amendment as can come up upon the report from the Committee of the Whole.

Mr. FERRY. Then, as I understand the Chair, I have no right to offer the amendment in the Senate?

The VICE-PRESIDENT. The Chair so rules, that it is not in order, having been rejected by the Committee of the Whole.

Mr. FERRY. Then I understand that if the Committee of the Whole reject an amendment by a negative vote, that amendment can be offered in the Senate; and yet if by the judgment of the Senate in Committee of the Whole that the same proposition is held out of order, it cannot be offered in the Senate. I wish to take the ruling of the Chair or the judgment of the Senate upon this question.

The VICE-PRESIDENT. The Chair will state that he is not called to pass upon that question now, but he expresses the opinion that if the Chair had ruled the amendment out and no appeal had been taken, and so the Senate had approved of the decision, or if the amendment were submitted under the rule and the Senate had refused to receive the amendment, the order must stand and the amendment cannot be renewed in the Senate.

Mr. PADDOCK. Mr. President—

Mr. FERRY. I take exception to that ruling.

Mr. BLAINE. What is the distinction between the Committee of the Whole and the Senate?

Mr. PADDOCK. I have the floor, Mr. President.

The VICE-PRESIDENT. The Chair believes the parliamentary question to be, when the report comes up from the Committee of the Whole, shall the amendments advised by the Committee of the Whole be concurred in by the Senate?

Mr. PADDOCK. I believe I have the floor.

Mr. WINDOM. I ask for the regular order.

Mr. PADDOCK. In line 1182, after the word "dollars," I move to insert the following:

Less the amount that shall be received by the Secretary of the Interior in the settlement of claims for depredations on timber lands of the United States, and credited to such appropriation.

What I mean by this amendment is to provide that whatever sums may be received in the settlement of such claims shall be deducted from the gross amount of the appropriation.

Mr. WINDOM. I did not distinctly hear the amendment. I raise the point of order that it is legislation.

The VICE-PRESIDENT. The amendment proposes a limitation upon the appropriation, and is in order.

Mr. ALLISON. Let it be read.

The amendment was read by the Secretary.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska, [Mr. PADDOCK].

The amendment was agreed to.

Mr. PLUMB. After line 1468, on page 60, I move to insert what I send to the Chair.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert after line 1468:

For the fulfillment of the legal obligations of the United States to the Osage Nation of Indians, the Secretary of the Interior is hereby authorized and directed to cause an account to be stated of the number of acres of the Osage lands in the State of Kansas that have in any way been alienated by the United States since the creation of the trust for the sale of these lands by the treaty between the United States and the said Osage Nation of Indians, proclaimed January 21, 1867, and of the money received by the United States on account of the sales of such lands, and to certify to the Secretary of the Treasury the difference between the sum so received and the sum that would be due said trust at the date of the account herein provided for, had all of said lands so alienated been disposed of as provided for by said treaty, and a sum of money equal to the amount certified by the Secretary of the Interior, in pursuance of the foregoing section, the Secretary of the Treasury is directed to place to the credit of the custodian of the said trust funds, and this credit shall be administered as other proceeds of the sales of the Osage lands in Kansas have been administered under existing laws and treaties. And the credit given to the Osages in pursuance of this act when perfected, shall be in full of all claims of said Indians on account of the sales of all lands for which they receive credit under this act.

Mr. HOAR. I raise the question of order upon that amendment.

The VICE-PRESIDENT. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order is that it proposes new legislation.

The VICE-PRESIDENT. Unquestionably.

Mr. PLUMB. Before the point is decided I should be glad to have read Rule 27.

The VICE-PRESIDENT. The Chair remembers the rule very well. The Senator refers to the provisions of a treaty, the Chair supposes.

Mr. PLUMB. This is to carry out the provisions of a treaty, I think.

The VICE-PRESIDENT. The Chair listened closely to the amendment. It has been once before offered to-day. The theory of every appropriation bill is that it appropriates definite amounts in pursuance of law or treaty stipulations. This amendment appropriates no definite amount; it provides for a settlement, on the face of it, with Indians; it provides for the United States paying a deficiency to Indians; it provides for the Indians paying the expenses of the sale and survey of the land; and then it provides that they shall be reimbursed expenses that they have been subjected to in enforcing this trust. If this be not general legislation, the Chair does not know what general legislation is.

Mr. PLUMB. I will say simply in regard to the specific amount, that that is always regarded as certain which can be made certain. This amendment provides for the carrying out of the treaty to this extent—

The VICE-PRESIDENT. The Chair rules that the amendment is not in order.

Mr. BLAINE. I ask the Chair to bear with me one moment. The rule provides:

And no amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation.

Wherein does the Chair derive the authority for limiting that to a specific mention of money or a specific sum, if the amendment is to carry out a treaty provision?

The VICE-PRESIDENT. The Chair sees that the amendment does include a new item of appropriation. Moreover it provides for several other things, for a settlement with the Indians, for stating an account with them.

Mr. BLAINE. The only question is whether it is in pursuance of a treaty. The limitation which the Chair puts, that the sole point covered by any amendment of that sort must be a specific sum of money, is hardly covered by that construction of the rule.

The VICE-PRESIDENT. The United States certainly never stipulated in a treaty that they should violate it.

Mr. BLAINE. I do not know what the stipulation in the treaty is; only I mean this: if there be a provision in the rule that an amendment is in order which carries out a stipulation of a treaty, I do not think the Chair is correct in saying that that is limited simply to the fact that a specific sum of money must be named, because some other mode of carrying out the treaty might be the very way to do it.

The VICE-PRESIDENT. The Chair did not put his decision upon that.

Mr. BLAINE. I understood the Chair to do so.

The VICE-PRESIDENT. The Chair did not.

Mr. WINDOM. I insist on the regular order.

The VICE-PRESIDENT. Are there further amendments?

Mr. WITHERS. I move to amend the bill by inserting, after line 581, the following:

That the proper accounting officers be authorized and instructed to examine the accounts between the United States and the several States, growing out of moneys expended by such States for military purposes in the war of 1812 with Great Britain, and apply in each examination the provisions and principles of the twelfth section of the act of March 3, 1837, "An act making appropriations for certain civil ex-

penses of the Government for the year ending June 30, 1858," and that there be paid to such States any sums that shall be found to be due them out of any money in the Treasury not otherwise appropriated.

Mr. WINDOM. I make the point of order that this amendment has been once ruled out, and hence is not now in order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. WITHERS. When this amendment was voted down as being out of order while the Senate was acting as in Committee of the Whole, I took the pains to ascertain by consulting with the Senator then occupying the chair what would be the proper procedure to bring this subject up again before the Senate when the bill should be reported from the Committee of the Whole. I was instructed by him that I had a right in the Senate to move this amendment upon notice given. Acting upon that suggestion, I have made the motion which I do make, and I propose to speak very briefly to the point, to the merits of the question, with the permission of the Chair.

I wish to call the attention of the Senate to the fact that under the very provisions of the law which I have quoted here the accounts of more than one State have been adjusted and sums paid out in accordance with the provisions of the law of 1857; that the State of Virginia and other States have claims upon the General Government for moneys advanced during the war of 1812, a final settlement of which has never been had, and, contrary to the statements made this evening on the floor of the Senate, not one particle of compounding of interest has entered into the calculation at any one period. I have before me evidence to show that this principle has been recognized by the Government; that these claims have been audited under the authority of an act of Congress instructing the Secretary of the Treasury to examine these claims and report to Congress the amount due the several States respectively; that has been done, and the computation has been made. The Third Auditor of the Treasury has reported the amounts due at the time this examination was made; and, therefore, in every particular, as I conceive, the amendment has complied with the requirements of the existing law.

Mr. President, in 1858, as I asserted, the State of Maryland made an application in precisely similar terms.

Mr. CAMERON, of Wisconsin. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Wisconsin will state his point of order.

Mr. CAMERON, of Wisconsin. My point of order is that there is no question pending before the Senate on which the Senator from Virginia is speaking.

Mr. WITHERS. There is an amendment offered in the Senate to the pending bill, and upon that I am addressing the Senate.

Mr. CAMERON, of Wisconsin. I understood the Chair to rule that the point of order made upon the amendment renewed by the Senator from Virginia was well taken.

The VICE-PRESIDENT. The Chair did so rule, that this paragraph which the Senator now offers, upon a yeas and nays vote, was declared by the Committee of the Whole to be out of order.

Mr. WITHERS. I shall take an appeal *pro forma* or in reality from the ruling of the Chair, in order that I may complete the remarks that I desire to submit. I suppose that will be in order.

Now, sir, I want to call the attention of the Senate to the fact that with the precedents established in 1858 in the case of Maryland, a reinvestigation and readjustment of accounts were made, and that the amount was paid them—

Mr. CAMERON, of Wisconsin. I rise to another question of order.

The VICE-PRESIDENT. The Senator from Wisconsin raises a point of order, which he will state.

Mr. CAMERON, of Wisconsin. If the Senator from Virginia has taken an appeal from the decision of the Chair, he cannot discuss the merits of his amendment upon that appeal.

Mr. WITHERS. Then I move to indefinitely postpone the whole bill, and upon that I propose to address the Senate.

The VICE-PRESIDENT. That motion is in order. The Senator from Virginia is in order on the motion to postpone the bill indefinitely.

Mr. WITHERS. I propose to show that in 1858, as I say, this matter was adjudicated, so far as regards the State of Maryland, upon precisely the same basis we now ask for Virginia; that at a subsequent period, in 1870, precisely the same principle was recognized, and the claims of the State of Massachusetts were adjudicated upon it, and the sum ascertained to be due that State has been paid to and received by that State. Yet here we find Virginia and other States—it is for Virginia, my own State, however, especially that I speak—who advanced far greater sums to the General Government. In a time when the Government was pressed by the foe from without, Virginia came forward and advanced her money to enable the Government to sustain the war which was being waged. Because she has done this and comes forward to ask that the same rule precisely be applied to her that was applied to Maryland and Massachusetts, we are met by a point of order and ruled out of the Senate on the ground that it is general legislation. This bill is bristling full of general legislation. There are a dozen paragraphs in it where the same objection would apply. There has never been an appropriation bill passed since I have been a member of this body in which more or less general legislation was not embodied. If those gentlemen who feel so much hesitation in accepting such a provision and express a desire to prune all legislation from appropriation bills had exercised their talents at an

earlier day this Government would have been saved the appropriation of almost countless sums in this way.

Virginia has been to this Government more liberal than any other State, as is well known. The amount of the donations she made, according to Mr. Webster's estimates, was \$300,000,000. That was at a time when she was prosperous, when she was wealthy, and this was a matter of insignificant consequence to her. Such is not her condition now. She is prostrated, and paralyzed, and poverty-stricken. She is standing now in the very throes of repudiation, and we come to ask for this sum, not asking at your hands as a donation, but claiming it as justly and of right due to the State of Virginia. I hope that this Senate will be sufficiently magnanimous and sufficiently just to give us the boon we ask at your hands.

The Senator who has interposed objections and who has endeavored to take me off my feet this evening is now living himself on the very bounty of Virginia, on the territory which she gave; and the son of that soil which ought to have come up here to the help of its mother is now turning its hands against her and attempting to crush out the voice of her representative on this floor when he raises it in solicitation of justice at the hands of this Government.

The VICE-PRESIDENT. Shall this bill be read a third time?

Mr. WITHERS. I appeal from the decision of the Chair and ask for a yeas and nays vote on the appeal.

The VICE-PRESIDENT. Shall the decision of the Chair stand as the judgment of the Senate? Upon this question the yeas and nays are demanded.

Mr. INGALLS. What became of the motion to indefinitely postpone the bill?

Mr. WITHERS. I meant to withdraw that motion.

The VICE-PRESIDENT. The Chair so understands. The yeas and nays are demanded. Is there a second? [A pause.] The Chair hears no one seconding the call for the yeas and nays.

Mr. WITHERS. I merely wish to exhaust every parliamentary expedient.

Mr. HOAR. I desire to inquire of the Chair if it is in order to take the decision of the Chair on a question of order, and after it is announced to interpose another motion to indefinitely postpone?

The VICE-PRESIDENT. The Chair thinks strictly not, but he hopes no objection of that kind will be interposed.

Mr. GORDON. Mr. President, I wish—

The VICE-PRESIDENT. The pending question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.]

Mr. WITHERS. To relieve my friends from any embarrassment, I withdraw the appeal.

Mr. CAMERON, of Wisconsin. No embarrassment is felt here at all.

The VICE-PRESIDENT. The appeal is withdrawn.

Mr. GORDON. I wish to renew an amendment which was offered by the Senator from Massachusetts [Mr. DAWES] as coming from the Committee on Public Buildings and Grounds, but before any action was taken upon it it was withdrawn by that Senator on an apprehension of an opposition which I think did not really exist to it. If that opposition did exist, I am satisfied when the matter is understood it will not be persisted in.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert:

For the annual rent of a suitable building and grounds for a post-office for the city of Washington, District of Columbia, \$10,000, or so much thereof as shall be agreed on by the Postmaster-General, for a term not exceeding five years; and for altering and fitting up the property to be leased, \$5,000; and the Postmaster-General, the Secretary of State, and the postmaster of said city, or a majority of them are hereby authorized to select the property to be leased.

Mr. WINDOM. I move to lay that amendment on the table.

The motion was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. SPENCER. Mr. President, I move that the Senate proceed to the consideration of the river and harbor appropriation bill.

The VICE-PRESIDENT. The Senator from Alabama, in behalf of the Committee on Commerce, moves that the Senate now proceed to the consideration of the river and harbor bill.

Mr. WINDOM. Mr. President, the Senate well knows that I am exceedingly tender usually on the river and harbor bill, but under these circumstances I must antagonize to it a bill which, if not passed, will render a special session necessary. The legislative, executive, and judicial appropriation bill may be taken up and acted on, and there will be ample time if we can get through it to-night to act upon the river and harbor bill hereafter. The river and harbor bill is not nearly so long, and will not require, I understand, nearly so much time to pass as will the legislative, &c., bill. I hope the Senator will take up the legislative bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

Mr. SPENCER. I merely want to say that the river and harbor bill was reported two days before the legislative, executive, and judicial bill was reported, and it has the precedence. We can pass it in two hours—by two o'clock, and then can take a recess until some

time to-morrow, and then pass the legislative bill. I am satisfied if we do not now pass the river and harbor bill it may not pass at all.

Mr. RANSOM. I simply wish to say that I hope the friends of the river and harbor bill will stand by it and take it up.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

The question being put, the yeas were 16.

Mr. SPENCER. I ask for the yeas and nays on that.

The yeas and nays were ordered and taken.

Mr. HOWE. I had forgotten until this moment that I am paired on all questions with the Senator from Kentucky, [Mr. MCCREERY,] who is absent. I believe I have been voting all the evening. I never thought of it until this moment. The Senate will excuse my voting on that account.

Mr. CONKLING, (after having voted in the negative.) The colleague [Mr. McDONALD] of the Senator from Indiana [Mr. VORHEES] tells me his colleague has left the Senate ill, and he thinks his understanding may be that he was paired with me touching this motion. To be sure about it I should like to withdraw my vote.

The VICE-PRESIDENT. The Senator's vote is withdrawn.

The result was announced—yeas 23, nays 34; as follows:

YEAS—23.

Barnum,	Davis of W. Va.,	Hereford,	Ransom,
Bruce,	Dennis,	Lamar,	Saunders,
Butler,	Eustis,	McDonald,	Shields,
Cameron of Pa.,	Ferry,	Mitchell,	Spencer,
Cameron of Wis.,	Gordon,	Morgan,	Whyte,
Conover,	Grover,	Plumb,	

NAYS—34.

Allison,	Coke,	Ingalls,	Rollins,
Anthony,	Davis of Illinois,	Jones of Nevada,	Sargent,
Bailey,	Dawes,	Kernan,	Saulsbury,
Bayard,	Dorsey,	Kirkwood,	Teller,
Beck,	Eaton,	McMillan,	Thurman,
Blaine,	Edmunds,	Matthews,	Windom,
Bloom,	Garland,	Merriman,	Withers,
Burnside,	Hanlin,	Morrill,	
Chandler,	Hoar,	Paddock,	

ABSENT—19.

Chaffee,	Howe,	McPherson,	Sharon,
Cockrell,	Johnston,	Macey,	Voorhees,
Conkling,	Jones of Florida,	Oglesby,	Wadleigh,
Harris,	Kellogg,	Patterson,	Wallace,
Hill,	McCreery,	Randolph,	

So the motion was not agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM. I move that the Senate proceed to the consideration of the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WINDOM. I move that the five-minute rule be applied to this bill.

The VICE-PRESIDENT. Is there objection?

Mr. BECK. Is that to be applied to the first section of the bill only, or to all of it?

Mr. WINDOM. I apply it to all, but the Senator may move to restrict the motion.

Mr. BECK. There are some clauses at the close to which I doubt very much whether it would be proper to apply the five-minute rule.

The VICE-PRESIDENT. If there be not unanimous consent the question is, shall the five-minute rule be applied to the consideration of this bill?

Mr. McDONALD. Let it be the understanding—

Mr. EDMUNDS. The motion is not debatable.

Mr. BECK. I am willing that the five-minute rule shall apply to the first section of the bill or as far as page 94, but when we reach that I think we ought to have a larger debate.

Several SENATORS. Let it apply to all.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota, to apply the five-minute rule to the consideration of this bill.

The motion was agreed to.

Mr. WINDOM. I now ask that the amendments of the Committee on Appropriations may be acted on as the reading of the bill proceeds.

The VICE-PRESIDENT. To this the Chair hears no objection.

Mr. WINDOM. Now, Mr. President, I think I can facilitate the passage of the bill somewhat by stating in two minutes the principle upon which the committee have made their amendments.

Knowing that there would be no time to consider the various changes proposed by the House of Representatives to the present civil service and the compensation of the officers and employés, the Senate Committee on Appropriations unanimously decided to recommend that the law for the current year with relation to all of these questions be followed in this bill with very few exceptions, and those not important; and I believe in all the exceptions which are made, perhaps not half or a dozen in all, the committee have been unanimous. I think I do not mistake on that point; so that there is absolutely nothing in the bill, as amended, except to re-enact the legislative, executive, and judicial bill of last year which was agreed to by both Houses, except some minor matters which I can explain as the reading proceeds, if any Senator desires.

Mr. DAVIS, of West Virginia. The chairman of the committee refers to the first section, not to the political part of this bill.

Mr. WINDOM. As a matter of course I am referring to the appropriation part of the bill, not to the political legislation that it contains.

Mr. DAVIS, of West Virginia. Still it is a part of this bill, and so far as we are concerned the Senate cannot change it. The chairman of the committee is right in his assertion that the committee was practically unanimous upon all of the first section, but when it comes to the latter part of the bill there was considerable difference.

Mr. WINDOM. I was speaking of the first section. I am obliged to the Senator from West Virginia for being a little more accurate than I was in my statement. I had in my mind only the appropriation part of it. Now, I ask that the reading may proceed.

Mr. HOWE. I ask the Senator from Minnesota if he would object to a very brief executive session. There are some messages, I believe, on the table, and there are some reports to be made and a few cases on the Calendar which ought to be acted on that will occupy probably not over ten minutes.

Mr. WINDOM. I think that is important, and perhaps it ought to take place now.

Mr. PADDOCK. I hope time will not be consumed in executive session. Let us go to work while we are in the humor.

Mr. HOWE. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. Does the chairman assent to that?

Mr. WINDOM. I understand it will not occupy more than five or ten minutes.

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The motion is not debatable.

Mr. DAVIS, of West Virginia. I know; but before asking for the yeas and nays I put to the chairman the inquiry whether he consents to the motion?

Mr. WINDOM. Upon the statement made by the Senator from Wisconsin that it is important that some reports on executive business should be made, and that the executive session will only occupy five or ten minutes, I think we shall facilitate the business of the session by agreeing to the motion.

Mr. DAVIS, of West Virginia. That is all I wanted to know. I shall not ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

The motion was agreed to.

PAPERS WITHDRAWN.

Mr. TELLER. While the doors are being closed I want to submit an order for the withdrawal of papers.

Ordered, That W. H. Nessler have leave to withdraw his papers from the files of the Senate by leaving copies thereof.

The order was agreed to.

EXPLANATION.

Mr. COCKRELL. I desire to state that I was absent from the Chamber when the vote was taken on the motion to proceed to the consideration of the river and harbor bill. If present, I should have voted to take up that bill.

RAILROAD TELEGRAPHY.

Mr. MITCHELL. Before the doors are closed, I desire to report back from the Railroad Committee the testimony and arguments taken before that committee relative to the expediency of authorizing railroad companies operating interstate railroads to construct and operate lines of telegraph for commercial purposes, and of authorizing the construction of lines of different companies, with a view to encouraging competition in the telegraphic business of the country.

I move that they be printed, together with the report heretofore made on that subject.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened.

Mr. THURMAN. I move that the Senate take a recess for ten hours.

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The Senator from Ohio moves that the Senate now take a recess for ten hours.

Mr. WINDOM. Which means that the bill will be lost.

The PRESIDING OFFICER. The motion is not debatable.

The motion was not agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER. The Senate resumes the consideration of the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes. The Secretary will proceed with the reading of the bill, and the amendments of the Committee on Appropriations will be acted on in the order in which they are reached in the reading.

The Secretary proceeded with the reading of the bill. The first amendment of the Committee on Appropriations was, in line 15, after

the word "Senate," to strike out "\$41,780" and insert "\$185,982;" so as to read:

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, \$185,982, namely:

The amendment was agreed to.

Mr. ANTHONY. I suggest by unanimous consent that the Secretary omit reading the parts stricken out when they are of any length.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the Secretary omit reading the parts proposed to be stricken out of this bill. Is there objection?

Mr. BECK. Unless specially called for by some Senator.

The PRESIDING OFFICER. Unless specially called for, as suggested by the Senator from Kentucky. Is there objection to that proposition? The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after the word "thousand," in line 19, to strike out:

Five hundred dollars; and for hire of horses and wagons for the Secretary's office, \$600; chief clerk, \$2,500; principal clerk, principal executive clerk, and minute and journal clerk, \$2,500 each; financial clerk and three clerks, at \$2,250 each; librarian and five clerks in the office of the Secretary of the Senate, at \$2,000 each; one clerk, at \$1,800.

And in lieu thereof to insert:

Eight hundred and ninety-six dollars; and for hire of horses and wagons for the Secretary's office, \$1,200; chief clerk, \$3,000; principal clerk, principal executive clerk, and minute and journal clerk, financial clerk, and enrolling clerk, at \$2,592 each; librarian, and six clerks in the office of the Secretary of the Senate, at \$2,230 each; five clerks in the office of the Secretary of the Senate, at \$2,100 each.

So as to read:

For Secretary of the Senate, including compensation as disbursing officer, \$4,896; and for hire of horses and wagons, &c.

The amendment was agreed to.

The next amendment was, after the word "stationery," in line 39, to strike out:

One thousand eight hundred dollars; assistant keeper of stationery, \$1,400; one messenger, \$1,200; four laborers in the office of the Secretary of the Senate, \$600 each; one special policeman, \$1,200.

And in lieu thereof to insert:

Two thousand one hundred and two dollars and forty cents; assistant keeper of stationery, \$1,800; one messenger, \$1,296; four laborers in the office of the Secretary of the Senate, \$720 each; one special policeman, \$1,296.

So as to read:

For keeper of the stationery, \$2,102.40, &c.

The amendment was agreed to.

The next amendment was, in line 52, to increase the appropriation "for compensation to the secretary to the Vice-President" from \$1,800 to \$2,102.50.

The amendment was agreed to.

The next amendment was, after line 56, to insert:

For assistant clerk to the Committee on Appropriations, \$1,600.

The amendment was agreed to.

The next amendment was, in line 59, after the word "appropriations," to insert "to be appointed by the committee;" so as to make the clause read:

For messenger to the Committee on Appropriations, to be appointed by the committee, \$1,440.

The amendment was agreed to.

The next amendment was, in line 62, to increase the appropriation for compensation to the clerk of printing records from \$2,000 to \$2,220.

The amendment was agreed to.

The next amendment was, in line 66, after the word "commerce," to strike out "and," and in the same line, after the word "judiciary," to strike out "at \$2,000 each" and insert:

Clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, and clerk to the Committee on Military Affairs, at \$2,220 each.

So as to make the clause read:

For clerk to the Committee on Finance, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, and Clerk to the Committee on Military Affairs, at \$2,220 each.

The amendment was agreed to.

Mr. SPENCER. I move to add at the end of the word "each," in line 70, the words "for the present as well as the ensuing fiscal year."

The PRESIDING OFFICER. The usual custom of the Senate is to proceed with the amendments of the Committee on Appropriations.

Mr. SPENCER. But it is so much quicker to do it now. The only object of the amendment is to make this language operative from now until the 1st of July. Otherwise the amendment will be inoperative as to several of these committee clerks between the adjournment and the end of the fiscal year.

The PRESIDING OFFICER. Is there objection to entertaining the amendment of the Senator from Alabama at this time?

Mr. BECK. I object.

The PRESIDING OFFICER. Objection is made. The reading will proceed.

The Secretary resumed the reading of the bill. The next amend-

ment of the Committee on Appropriations was, after the word "thousand," in line 72, to strike out:

Dollars; assistant doorkeeper, \$2,000; acting assistant doorkeeper, \$1,800; three messengers, acting as assistant doorkeepers, \$1,200.

And in lieu thereof to insert:

Three hundred and twenty dollars; clerk to the Sergeant-at-Arms, \$2,000; assistant doorkeeper, \$2,592; acting assistant doorkeeper, \$2,592; three messengers, acting as assistant doorkeepers, \$1,800 each.

So as to make the clause read:

For Sergeant-at-Arms and Doorkeeper, \$4,320, &c.

The amendment was agreed to.

The next amendment was, in line 83, to increase the appropriation "for compensation to assistant postmaster and mail-carrier" of the Senate from \$2,000 to \$2,088.

The amendment was agreed to.

The next amendment was, in line 87, to increase the appropriation for compensation to the superintendent of the document-room from \$2,000 to \$2,160.

The amendment was agreed to.

The next amendment was, in line 90, to increase the appropriation for compensation to the superintendent of the folding-room from \$2,000 to \$2,160.

The amendment was agreed to.

The next amendment was, in line 92, to increase the appropriation for compensation to twenty messengers, from \$1,000 each to \$1,440 each.

The amendment was agreed to.

The next amendment was, after line 95, to insert:

For messenger to the Vice-President's room, to be appointed by the Vice-President, \$1,440.

The amendment was agreed to.

The next amendment was, after the word "engineer," in line 99, to strike out:

One thousand four hundred dollars; two assistant engineers, at \$1,200 each; assistant engineer in charge of the elevator, \$1,200; conductor of elevator, \$1,000; three firemen, at \$900 each; three laborers in the engineer's department, at \$600 each.

And in lieu thereof to insert:

Two thousand one hundred and sixty dollars; three assistant engineers, at \$1,440 each; assistant engineer in charge of the elevator, \$1,440; conductor of elevator, \$1,200; two firemen, at \$1,095 each; three laborers in the engineer's department, at \$720 each.

So as to read:

For chief engineer, \$2,160, &c.

The amendment was agreed to.

The next amendment was, in line 113, after the word "at," to strike out:

Eight hundred and forty dollars each; ten laborers, at \$600 each; ten laborers during the session, at the rate of \$720 each per annum; one laborer in charge of private passage, \$600; Kate Dodson, in charge of the ladies' retiring-room, \$600; telegraph operator, during the session, \$800.

And in lieu thereof to insert:

One thousand dollars each; ten laborers, at \$720 each; twelve laborers, during the session, at the rate of \$720 each per annum; one laborer in charge of private passage, \$840; Kate Dodson, in charge of ladies retiring-room, \$720; telegraph operator, \$1,200 per annum.

So as to read:

For eight skilled laborers, at \$1,000 each, &c.

The amendment was agreed to.

The next amendment was, in line 131, before the word "hundred," to strike out "two" and insert "one;" in the same line, after the word "dollars," to insert "each;" and in line 132, after the word "Secretary," to insert "and Postmaster;" so as to make the clause read:

For stationery and newspapers, (including \$5,000 for stationery for committees and officers of the Senate and \$100 each for postage-stamps for the Secretary and Postmaster of the Senate,) \$14,700.

The amendment was agreed to.

The next amendment was, in line 134, before the word "clerks," to strike out "twenty-seven" and insert "twenty-six;" in line 135, after the word "at," to strike out "five" and insert "six;" and in the same line, after the word "session," to strike out "twenty-eight thousand three hundred and fifty" and insert "thirty-three thousand and seventy;" so as to make the clause read:

For twenty-six clerks to committees, at \$6 per day, during the session, \$33,020.

The amendment was agreed to.

The next amendment was, in line 138, before the word "pages," to strike out "ten" and insert "thirteen;" in line 139, after the word "riding-pages," to strike out "one page for the Vice-President's room;" in line 141, after the word "of," to strike out "\$60 per month" and insert "\$2.50 each;" and in line 142, after the word "employed," to strike out "six thousand three hundred" and insert "ten thousand and sixty-one;" so as to make the clause read:

For thirteen pages for the Senate Chamber, three riding-pages, and one page for the office of the Secretary of the Senate, at the rate of \$2.50 each while actually employed, \$10,061.

The amendment was agreed to.

The next amendment was, in line 147, after the word "exceeding," to strike out "\$2.50" and insert "\$3;" and in line 149, after the word

"employed," to strike out "three thousand five hundred and four" and insert "four thousand;" so as to make the clause read:

For four folders, at not exceeding \$3 per day while actually employed, \$4,000: *Provided, however,* That any portion of said sum may be used at the discretion of the superintendent for piecework.

The amendment was agreed to.

The next amendment was, in line 160, after the word "apparatus," to strike out "seven" and insert "eight;" and in line 164, after the words "in all," to strike out "forty-five" and insert "forty-six;" so as to make the clause read:

For fuel and oil for the heating apparatus, \$8,000; for furniture and repairs of furniture, \$7,000; for packing-boxes, \$600; for miscellaneous items, exclusive of labor, \$30,000; for cartage, \$500; in all, \$46,100.

The amendment was agreed to.

The next amendment was, in line 176, before the word "privates," to strike out "twenty-four" and insert "twenty-one;" in the same line, after the word "thousand," to insert "one hundred;" in line 177, before the word "watchmen," to strike out "three" and insert "six;" and in line 178, after the words "in all," to strike out "thirty-one thousand and nine" and insert "thirty-three thousand and seven;" so as to make the clause read:

For one captain, \$1,000; three lieutenants, at \$1,200 each; twenty-one privates, at \$1,100 each; and six watchmen, at \$900 each; in all, \$63,700, one-half to be paid into the contingent fund of the Senate, and the other half to be paid into the contingent fund of the House of Representatives.

The amendment was agreed to.

The next amendment was, in line 191, under the head of "House of Representatives," to increase the appropriation for compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, from \$192,215 to \$193,055.20.

The amendment was agreed to.

The next amendment was, in line 242, under the head of "House of Representatives," after the word "thousand," to strike out "four" and insert "seven;" in line 244, after the word "laborer," to strike out "six hundred" and insert "eight hundred and twenty;" so as to make the clause read:

For one chief engineer, \$1,700; two assistant engineers, \$1,200 each; and one laborer, \$820; five firemen, at \$900 each, &c.

The amendment was agreed to.

The next amendment was, in line 265, to increase the appropriation for compensation of seven laborers in the House of Representatives from \$600 each to \$720 each.

The amendment was agreed to.

The next amendment was, under the head of "contingent expenses of the House of Representatives," in line 301, after the word "dollars," to strike out "to be expended under the direction of the House Committee on Rules;" so as to make the clause read:

For the purpose of preparing the general index to the Journals of Congress, under resolution of June 18, 1878, \$2,500.

The amendment was agreed to.

The next amendment was, in line 303, after the word "at," to strike out "five" and insert "six;" and in line 304, after the word "session," to strike out "twenty-two thousand and fifty" and insert "twenty-six thousand seven hundred and twelve;" so as to make the clause read:

For twenty-one clerks to committees, at \$6 per day during the session, \$26,712.

The amendment was agreed to.

The next amendment was, in line 344, after the word "at," to strike out "\$75 per month" and insert "\$2.50 per day;" and in line 346, after the word "dollars," to strike out "twelve thousand two hundred and sixty" and insert "fifteen thousand three hundred and forty;" so as to make the clause read:

For twenty-eight pages, while actually employed, (including one riding page and one telegraph-page,) at \$2.50 per day, and for hire of horses, (\$500,) \$15,340.

The amendment was agreed to.

The next amendment was to strike out from line 348 to line 353, inclusive, in the following words:

That the sum of \$2,500 be, and is hereby, appropriated for the purpose of having indexed the reports of the committees of this House, giving the names and subject-matter of each report, and under heads of each committee, to be expended under the direction of the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the head of "Library of Congress," in line 372, after the word "each," to strike out "one" and insert "four;" and in line 373, after the words "in all," to strike out "26" and insert "29;" so as to make the clause read:

For compensation of the Librarian, \$4,000; and for fifteen assistant librarians, two at \$2,250 each, one at \$2,000, four at \$1,600 each, two at \$1,440 each, two at \$1,250 each, two at \$1,200 each, four at \$1,000, and one at \$900 per annum; in all, \$29,640.

The amendment was agreed to.

The next amendment was, in line 400, to increase the appropriation for improving the garden, procuring manure, tools, &c., under the direction of the Library Committee of Congress, from \$4,000 to \$4,500.

The amendment was agreed to.

The next amendment was, after line 400, to insert:

For labels, and extra labor to gather and put up seed, \$500.

The amendment was agreed to.

The next amendment was, in the appropriation for employes at the

Executive Mansion, after the word "one," in line 432, to insert "one telegraph operator, at \$1,100;" and in line 435, after the words "in all," to strike out "nine thousand and two" and insert "ten thousand three;" so as to make the clause read:

For one clerk of class 4; one clerk of class 2; and one clerk of class 1; one telegraph operator, at \$1,100; and four messengers, at \$1,200 each; in all, \$10,300.

The amendment was agreed to.

The next amendment was, under the heading Department of State, in line 448, before the word "clerks," to strike out "nine" and insert "eleven;" in line 449, after the word "three," to insert "two clerks of class 2;" in line 450, before the word "clerks," to strike out "four" and insert "two;" in line 451, after the word "each," to insert "one messenger;" and in line 461, after the words "in all," to strike out "ninety-two thousand four hundred" and insert "ninety-seven thousand six hundred and forty;" so as to make the clause read:

For compensation of the Secretary of State, \$8,000; three Assistant Secretaries of State, at \$3,500 each; for chief clerk, \$2,500; eleven clerks of class 4; four clerks of class 3; two clerks of class 2; ten clerks of class 1; two clerks, at \$1,000 each; and ten clerks, at \$900 each; one messenger; assistant messenger, \$720; one superintendent of the watch, \$1,000; assistant superintendent, \$800; six watchmen, at \$720 each; twelve laborers, at \$600 each; chief engineer, who shall be a machinist, \$1,200; one assistant engineer, \$1,000; six firemen; ten charwomen, at \$180 each; and a conductor for the elevator, at \$720; in all, \$97,640.

The amendment was agreed to.

The next amendment was, in line 463, before the word "chiefs," to strike out "three" and insert "four;" and in line 464, after the word "each," to strike out "eight thousand four" and insert "ten thousand five;" so as to make the clause read:

For four chiefs of bureau and one translator, at \$2,100 each, \$10,500.

The amendment was agreed to.

The next amendment was, in line 469, after the word "repairs," to strike out "four" and insert "five;" and in line 471, after the words "in all," to strike out "eight" and insert "nine;" so as to make the clause read:

For proof-reading, and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, \$2,000; for stationery, furniture, fixtures, and repairs, \$5,000; for books and maps, \$2,000; in all, \$9,000.

The amendment was agreed to.

The next amendment was, in line 488, to increase the appropriation for expenses of editing and distributing the laws enacted at the third session of the Forty-fifth Congress and for editing and distributing the Statutes at Large, from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in line 501, before the word "chiefs," to strike out "six" and insert "five;" in line 502, before the word "assistant," to strike out "eight" and insert "six;" in line 503, before the word "clerks," to strike out "twenty-eight" and insert "twenty-two;" in line 504, after the word "four," to strike out "additional pay to three of the clerks of class 4, namely, to the receiving clerk of bonds and two book-keepers, \$100 each;" in line 508, after the word "Secretary," to strike out "one thousand eight hundred" and insert "two thousand;" in line 509, before the word "clerks," to strike out "nineteen" and insert "seventeen;" in line 510, before the word "clerks," to strike out "seventeen" and insert "sixteen;" in line 511, before the word "clerks," to strike out "fifteen" and insert "eleven;" in the same line, before the word "clerks," to strike out "fifteen" and insert "seven;" in line 512, after the word "each," to strike out "thirty clerks, at \$900 each; twenty" and insert "fifteen;" in line 514, after the word "each," to strike out "ten" and insert "four messengers; four;" in line 515, before the word "laborers," to strike out "forty" and insert "twenty-eight;" in line 516, after the word "laborers," to strike out "one of whom shall have \$240 additional as mail messenger;" and in line 526, after the words "in all," to strike out "three hundred forty-nine thousand seven hundred," and insert "two hundred and seventy-four thousand two hundred and eighty;" so as to make the clause read:

Secretary's office:

For compensation of the Secretary of the Treasury, \$8,000; two Assistant Secretaries of the Treasury, at \$4,500 each; chief clerk and *ex officio* superintendent of the Treasury building, \$3,000; one chief of division of warrants, estimates, and appropriations, \$2,750; one chief of division of customs, \$2,750; one assistant chief of division of warrants, estimates, and appropriations, \$2,400; five chiefs of division, at \$2,500 each; six assistant chiefs of division, at \$2,000 each; twenty-two clerks of class four; two disbursing clerks, at \$2,500 each; stenographer to the Secretary, \$2,000; seventeen clerks of class 3; sixteen clerks of class 2; eleven clerks of class 1; seven clerks, at \$1,000 each; fifteen female clerks, at \$900 each; four messengers; four assistant messengers, and twenty-eight laborers; one captain of the watch, \$1,200; one engineer, \$1,400; one assistant engineer, \$1,000; one machinist and gas fitter, \$1,200; one storekeeper, \$1,200; for fifty-eight watchmen, two lieutenants of watchmen, \$840 each; six firemen, and seventy-five charwomen, at \$180 each; in all, \$274,280.

The amendment was agreed to.

The next amendment was, after line 528, to insert:

For the consolidated division of loans and currency, namely: One chief of division, at \$2,500; two assistant chiefs of division, at \$2,100 each; nine clerks of class 4, and additional pay to three fourth-class clerks, namely, receiving clerk of bonds and two book-keepers, \$100 each; five clerks of class 3; three clerks of class 2; four clerks of class 1; four clerks, at \$1,000 each; thirty clerks, at \$900 each; three messengers; three assistant messengers; and twelve laborers; in all, \$33,600.

The amendment was agreed to.

The next amendment was, in line 542, after the word "thousand,"

to insert "five hundred;" in line 544, after the word "thousand," to insert "two hundred and fifty;" in line 545, after the word "dollars," to strike out "one clerk of class 4" and insert "one principal clerk at \$2,000;" in line 546, before the word "clerks," to strike out "two" and insert "three;" in line 547, after the word "one," to strike out "one clerk, at \$1,000;" and in line 549, after the words "in all," to strike out "eighteen thousand two hundred and seventy" and insert "nineteen thousand four hundred and twenty;" so as to make the clause read:

Supervising Architect:

In the construction branch of the Treasury: For Supervising Architect, \$4,500; assistant and chief clerk, \$2,250; photographer, \$2,250; one principal clerk at \$2,000; two clerks of class 3; three clerks of class 1; one clerk at \$900; and one assistant messenger; in all, \$19,420.

The amendment was agreed to.

The next amendment was, in line 554, after the word "thousand," to strike out "five" and insert "seven;" in line 556, before the word "clerks," to strike out "four" and insert "seven;" in the same line, before the word "clerks," to strike out "seven" and insert "ten;" in line 557, before the word "clerks," to strike out "five" and insert "six;" in the same line, after the word "two," to strike out "six" and insert "four;" in line 558, after the word "one," to strike out "five" and insert "two;" in line 559, before the word "clerks," to strike out "five" and insert "six;" and in line 561, after the word "sixty," to strike "thousand seven hundred" and insert "eight thousand;" so as to make the clause read:

First Comptroller of the Treasury:

For First Comptroller of the Treasury, \$5,000; deputy comptroller, \$2,700; four chiefs of division, at \$2,100 each; seven clerks of class 4; ten clerks of class 3; six clerks of class 2; four clerks of class 1; two clerks, at \$1,000 each; six clerks, at \$900 each; one assistant messenger; and for three laborers; in all, \$68,000.

The amendment was agreed to.

The next amendment was, in line 565, after the word "thousand," to strike out "five" and insert "seven;" in line 567, before the word "clerks," to strike out "four" and insert "five;" in the same line, after the word "four," to strike out "nine" and insert "twelve;" in line 568, before the word "clerks," to strike out "ten" and insert "thirteen;" in line 569, after the word "one," to strike out "seven" and insert "three;" in line 570, after the word "each," to strike out "seven" and insert "nine;" and in line 572, after the words "in all," to strike out "seventy-nine thousand two hundred" and insert "eighty-eight thousand;" so as to make the clause read:

Second Comptroller of the Treasury:

For Second Comptroller of the Treasury, \$5,000; deputy comptroller, \$2,700; five chiefs of division, at \$2,100 each; five clerks of class 4; twelve clerks of class 3; thirteen clerks of class 2; eight clerks of class 1; three clerks, at \$1,000 each; nine clerks, at \$900 each; one assistant messenger; and three laborers; in all, \$88,000.

The amendment was agreed to.

Mr. ANTHONY. I suggest that the Secretary read these paragraphs as they will read if amended.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that these paragraphs be read as they would read if amended in the first instance. Is there objection?

Mr. DAVIS, of West Virginia. I think we are getting along very well as we are; and in order to see exactly what there is in the bill, I think we had better continue in the way we are proceeding.

The PRESIDING OFFICER. Objection is made. The Secretary will proceed.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 587, before the word "clerks," to strike out "four" and insert "three;" in the same line, before the word "clerks," to strike out "six" and insert "five;" in line 588, after the word "three," to strike out "seven" and insert "six;" in the same line, after the word "two," to strike out "thirteen" and insert "eleven;" in line 589, after the word "one," to strike out "six" and insert "two;" and in line 591, after the words "in all," to strike out "sixty-four thousand eight" and insert "fifty-three thousand six;" so as to make the clause read:

First Auditor:

For the First Auditor of the Treasury, \$3,600; deputy auditor, \$2,250; four chiefs of division, at \$2,000 each; three clerks of class 4; five clerks of class 3; six clerks of class 2; eleven clerks of class 1; two clerks, at \$1,000 each; two assistant messengers; and two laborers; in all, \$53,610.

The amendment was agreed to.

The next amendment was, after line 592, to insert:

For the division of loans, namely: Three clerks of class 4; two clerks of class 3; two clerks of class 2; two clerks of class 1; one clerk, at \$1,000; in all, \$14,800.

The amendment was agreed to.

The next amendment was in line 600, after the word "each," to strike out "five" and insert "six;" in line 601, after the word "four," to strike out "twenty-two" and insert "twenty-five;" in the same line, after the word "fifty," insert "five;" in line 602, after the word "one," to strike out "seventeen" and insert "eight;" and in line 604, after the words "in all," to strike out "one hundred and ninety-five thousand seven hundred and seventy" and insert "two hundred thousand three hundred and seventy;" so as to make the clause read:

Second Auditor:

For Second Auditor, \$3,600; deputy auditor, \$2,250; five chiefs of division, at \$2,000 each; six clerks of class 4; twenty-five clerks of class 3; fifty-five clerks of class 2; thirty-five clerks of class 1; eight clerks, at \$1,000 each; two assistant messengers; and eight laborers; in all, \$200,370.

The amendment was agreed to.

The next amendment was, in line 611, after the word "four," to strike out "twelve" and insert "fourteen;" in the same line, after the word "three," to strike out "fifty-two" and insert "fifty-five;" in line 613, before the word "clerks," to strike out "twelve" and insert "seven;" and in line 617, after the word "and," to strike out "eighty-eight thousand nine" and insert "ninety-one thousand three;" so as to make the clause read:

Third Auditor:

For Third Auditor, \$3,600; deputy auditor, \$2,250; five chiefs of division, at \$2,000 each; six clerks of class 4; fourteen clerks of class 3; fifty-five clerks of class 2; thirty-seven clerks of class 1; seven clerks, at \$1,000 each; nine clerks, at \$900 each; one assistant messenger; and seven laborers; and one female laborer, at \$180; in all, \$191,370.

The amendment was agreed to.

The next amendment was, in line 623, before the word "clerks," to strike out "twelve" and insert "fourteen;" in the same line, after the word "three," to strike out "six" and insert "eight;" in line 624, after the word "one," to strike out "seven" and insert "three;" and in line 627, after the words "in all," to strike out "sixty-seven" and insert "sixty-nine;" so as to make the clause read:

Fourth Auditor:

For the Fourth Auditor, \$3,600; deputy auditor, \$2,250; three chiefs of division, at \$2,000 each; two clerks of class 4; fourteen clerks of class 3; eight clerks of class 2; nine clerks of class 1; three clerks, at \$1,000 each; five clerks, at \$900 each; one assistant messenger; and two laborers; in all, \$69,390.

The amendment was agreed to.

The next amendment was, in line 633, before the word "clerks," to strike out "four" and insert "five;" in the same line, after the word "three," to strike out "three" and insert "four;" in line 634, before the word "clerks," to strike out "four" and insert "two;" in line 636, before the word "messenger," to strike out "assistant," and in the same line, after the words "in all," to strike out "thirty-nine thousand three hundred and thirty" and insert "forty thousand four hundred and fifty;" so as to make the clause read:

Fifth Auditor:

For the Fifth Auditor, \$3,600; deputy auditor, \$2,250; two chiefs of division, at \$2,000 each; two clerks of class 4; five clerks of class 3; four clerks of class 2; six clerks of class 1; two clerks, at \$1,000 each; three clerks, at \$900 each; one messenger, and one laborer; in all, \$40,450.

The amendment was agreed to.

The next amendment was, in line 646, after the word "fifty," to insert "two;" in the same line, after the word "sixty," to insert "nine;" in line 647, before the word "clerks," to strike out "fifty" and insert "forty-five;" in the same line, after the word "one," to strike out "thirty-five" and insert "twenty-five;" in line 649, after the word "messenger," to strike out "one skilled laborer, \$1,000; eighteen" and insert "nineteen;" and in line 653, after the word "thousand," to strike out "five hundred and fifty" and insert "and ten;" so as to make the clause read:

Auditor of the Treasury for the Post-Office Department:

For compensation of the Auditor of the Treasury for the Post-Office Department, \$3,600; deputy auditor, \$2,250; eight chiefs of division, at \$2,000 each; seven clerks of class 4, and additional to one clerk as disbursing clerk, \$200; fifty-two clerks of class 3, sixty-nine clerks of class 2, forty-five clerks of class 1, twenty-five clerks, at \$1,000 each; one assistant messenger, nineteen laborers, fifteen female sorters of money-orders, at \$900 each; and ten charwomen, at \$180 each; in all, \$332,010.

The amendment was agreed to.

The next amendment was, in line 669, after the word "each," to strike out "ninety" and insert "one hundred;" and in line 674, after the word "and," to strike out "seventy-four" and insert "eighty-three;" so as to make the clause read:

Treasurer:

For compensation of the Treasurer of the United States, \$5,000; assistant treasurer, \$3,600; cashier, \$3,600; assistant cashier, \$3,200; chief clerk, \$2,500; five chiefs of division, at \$2,500 each; one principal bookkeeper, at \$2,500; one assistant bookkeeper, at \$2,400; two tellers, at \$2,500 each; two assistant tellers, at \$2,250 each; twenty-six clerks of class 4, seventeen clerks of class 3, fifteen clerks of class 2, sixteen clerks of class 1, five clerks, at \$1,000 each; one hundred clerks at \$900 each; six messengers, six assistant messengers, twenty-six laborers, at \$660 each; and seven laborers at \$240 each; in all, \$283,204.

The amendment was agreed to.

The next amendment was, in line 692, after the word "dollars," to strike out "for five chiefs of divisions, at \$2,000 each; twelve" and insert "six;" in line 696, after the word "determine," to strike out "eleven" and insert "six;" in line 697, after the word "three," to strike out "eleven" and insert "eight;" in line 698, before the word "clerks," to strike out "twelve" and insert "eight;" in the same line, after the word "one," to strike out "eight" and insert "two;" in line 699, before the word "copyists," to strike out "sixty" and insert "six;" in line 700 to strike out "five assistant messengers" and insert "one assistant messenger;" in line 701, before the word "laborers," to strike out "seven" and insert "three;" and in the same line, after the words "in all," to strike out "one hundred and fifty-five thousand six hundred and seventy" and insert "fifty-seven thousand seven hundred and fifty;" so as to read:

Register of the Treasury:

For compensation of the Register of the Treasury, \$4,000; assistant register, \$2,250; six clerks of class 4, one of whom shall receive \$200 additional for services as disbursing clerk, and shall give bond in such amount as the Secretary of the Treasury may determine; six clerks of class 3; eight clerks of class 2; eight clerks of class 1; two clerks, at \$1,000 each; six copyists and counters, at \$300 each; one assistant messenger, and three laborers; in all, \$57,750.

The amendment was agreed to.

The next amendment was, after line 703, to insert:

For the division of loans, namely: Five chiefs of division, at \$2,000 each; eight clerks of class 4; seven clerks of class 3; four clerks of class 2; four clerks of class 1; two clerks, at \$1,000 each; fifty-four copyists and counters, at \$900 each; one messenger; three assistant messengers; and four laborers; in all, \$80,840.

The amendment was agreed to.

The next amendment was, in line 715, after the word "thousand," to strike out "one" and insert "two;" in line 716, after the word "thousand," to strike out "five" and insert "six;" in line 718, after the word "dollars," to strike out "nine" and insert "eleven;" in line 719, before the word "clerks," to strike out "seven" and insert "eight;" in line 720, before the word "clerks," to strike out "five" and insert "two;" in line 721, after the word "twenty," to insert "five;" in the same line, after the word "each," to strike out "three" and insert "one messenger; two," and in line 723, after the words "in all," to strike out "ninety-four thousand six hundred and eighty" and insert "one hundred and one thousand four hundred;" so as to make the clause read:

Comptroller of the Currency:

For Comptroller of the Currency, \$5,000; deputy comptroller, \$2,800; four chiefs of division, at \$2,200 each; one stenographer, at \$1,600; eight clerks of class 4; additional to bond clerk, \$200; eleven clerks of class 3; eight clerks of class 2; eight clerks of class 1; two clerks, at \$1,000 each; twenty-five clerks, at \$900 each; one messenger; two assistant messengers; and three laborers; and two night watchmen; in all, \$101,460.

The amendment was agreed to.

The next amendment was, in line 743, after the word "Statistics," to strike out "two thousand four" and insert "three thousand six;" in line 745, after the word "dollars," to strike out "three" and insert "four;" in the same line, before the word "clerks," to strike out "four" and insert "five;" in line 746, before the word "clerks," to strike out "four" and insert "five;" in line 747, after the word "one," to strike out "four" and insert "three;" in line 748, before the word "copyists," to strike out "four" and insert "five," and in line 750, after the words "in all," to strike out "thirty-six thousand" and insert "forty-one thousand nine hundred;" so as to read:

Bureau of Statistics:

For the officer in charge of the Bureau of Statistics, \$3,000; chief clerk, \$2,000; four clerks of class 4; five clerks of class 3; five clerks of class 2; four clerks of class 1; three clerks, at \$1,000 each; five copyists, at \$900 each; one assistant messenger; one laborer; and one female laborer, at \$450; in all, \$41,960, &c.

The amendment was agreed to.

The next amendment was, in line 765, after the word "thousand," to strike out "five" and insert "six;" in line 768, after the word "and," to strike out "two" and insert "four;" and in line 769, after the words "in all," to strike out "twenty-four thousand five hundred and ten" and insert "twenty-five thousand nine hundred and thirty;" so as to make the clause read:

Bureau of Engraving and Printing:

For chief of bureau, \$4,500; one assistant, at \$2,250; accountant, \$2,000; one stenographer, \$1,000; one clerk of class 3; one clerk of class 2; four clerks of class 1; one clerk, at \$1,000; three copyists, at \$900 each; two assistant messengers; and four laborers; in all, \$25,930.

The amendment was agreed to.

The next amendment was, in line 774, after the word "dollars," to strike out "seven" and insert "two heads of divisions, at \$2,500 each; five;" in line 777, after the word "thousand," to strike out "five" and insert "eight;" in the same line, after the word "twenty," to insert "three;" in line 778, after the word "four," to strike out "twenty-two and insert "twenty-six;" in line 779, before the word "clerks," to strike out "thirty-two" and insert "thirty-six;" in the same line, after the word "two," to strike out "twenty-five" and insert "twenty-one;" in line 780, before the word "clerks," to strike out "twenty-four" and insert "thirteen;" in line 781, after the word "each," to strike out "forty" and insert "fifty;" and in line 783, after the word "and," to strike out "forty-one thousand nine" and insert "fifty-three thousand three;" so as to make the clause read:

Commissioner of Internal Revenue:

For Commissioner of Internal Revenue, \$6,000; one deputy commissioner, \$3,200; two heads of division, at \$2,500 each; five heads of division, at \$2,250 each; one stenographer, \$1,800; twenty-three clerks of class 4; twenty-six clerks of class 3; thirty-six clerks of class 2; twenty-one clerks of class 1; thirteen clerks, at \$1,000 each; fifty clerks, at \$900 each; four assistant messengers, and ten laborers; in all, \$253,330.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 803, to strike out the following provision:

Provided, That the marshal or other officer making arrest of any person charged with the violation of the revenue laws shall carry the person so arrested before the officer authorized to take bail in such cases residing nearest to the place of arrest.

The amendment was agreed to.

The next amendment was to strike out from line 819 to line 822, in the following words:

That the second and third sections of the act entitled "An act to organize the Life-Saving Service," approved June 18, 1878, be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 843, to insert:

And of this amount not more than \$500 may be used for the purchase of current publications.

So as to make the clause read:

For arranging and binding canceled marine papers, requisitions, and other important records; sealing ships' registers; for foreign postage, newspapers, books,

hand-stamps, and repairs of the same, \$10,000; and of this amount not more than \$500 may be used for the purchase of current publications.

The amendment was agreed to.

The next amendment was, in line 906, before the word "clerks," to strike out "four" and insert "five;" in line 914, after the word "dollars," to strike out "assistant detective" and insert "two assistant detectives, at;" in line 916, after the word "dollars," to insert "each;" and in line 919, after the word "and," to strike out "forty-six" and insert "forty-nine;" so as to make the clause read:

Office of the assistant treasurer at New York:

For assistant treasurer, \$5,000; for deputy assistant treasurer, \$3,600; cashier and chief clerk, \$4,000; chief of coin division, \$3,600; chief of note-paying division, \$3,000; chief of note-receiving division, \$2,500; chief of check division, \$2,500; chief of registered-interest division, \$2,600; chief of coupon-interest division, \$2,400; chief of bond division, \$2,250; chief of canceled check and record division, \$2,000; two clerks, at \$2,250 each; six clerks, at \$2,100 each; ten clerks, at \$2,000 each; nine clerks, at \$1,800 each; four clerks, at \$1,700 each; six clerks, at \$1,600 each; two clerks, at \$1,500 each; ten clerks, at \$1,400 each; three clerks, at \$1,300 each; five messengers, at \$1,300 each; one messenger, at \$1,200; keeper of building, \$1,800; chief detective, \$1,800; two assistant detectives, at \$1,400 each; three hall-men, at \$1,000 each; six watchmen, at \$720 each; one engineer, \$1,000; one porter \$900; in all, \$149,070.

The next amendment was, in line 937, after the word "clerks," to insert "one at \$1,100, and one;" in line 938, after "dollars," to strike out "each;" in line 940, after the word "and," to strike out "forty" and insert "thirty;" and in the same line, after the words "in all," to strike out "thirty-five thousand nine hundred and forty" and insert "thirty-six thousand six hundred;" so as to make the clause read:

Office of the Assistant Treasurer at Boston:

For assistant treasurer, \$5,000; for chief clerk, \$2,500; paying teller, \$2,500; assistant paying teller, \$2,000; chief interest clerk, \$2,500; receiving teller, \$1,800; first book-keeper, \$1,700; second book-keeper, depositors' accounts, \$1,500; clerk, \$1,800; specie clerk, \$1,500; assistant specie clerk, \$1,400; two coupon clerks, at \$1,400 each; two clerks, \$1,200 each; assistant book-keeper, \$800; money clerk, \$1,000; two assistant currency redemption clerks, one at \$1,100, and one at \$1,000; messenger and chief watchman, \$1,060; two watchmen, at \$850 each; in all, \$36,060.

The amendment was agreed to.

The next amendment was, in line 946, after the word "dollars," to insert "chief clerk, at \$2,400;" in line 948, after the word "dollars," to insert "one coin teller, \$1,500;" and in line 952, after the words "in all," to strike out "nineteen thousand six hundred" and insert "twenty-three thousand five hundred;" so as to make the clause read:

Office of assistant treasurer at San Francisco:

For assistant treasurer, \$5,500; for cashier, \$3,000; for book-keeper, \$2,500; chief clerk, at \$2,400; for assistant cashier, \$2,000; one coin teller, \$1,500; for assistant book-keeper, \$2,000; for one clerk, \$1,800; for four watchmen, at \$720 each; in all, \$23,500.

The amendment was agreed to.

The next amendment was, in line 963, after the word "dollars," to insert "redemption clerk, at \$1,600;" in line 968, after the word "dollars," to insert "superintendent of building, at \$1,100;" in line 969, before the word "clerks," to strike out "two" and insert "four;" and in line 971, after the words "in all," to strike out "twenty-nine thousand two" and insert "thirty-three thousand seven;" so as to make the clause read:

Office of assistant treasurer at Philadelphia:

For assistant treasurer, \$4,500; for cashier and chief clerk, \$2,500; book-keeper, \$2,500; chief interest clerk, \$1,900; assistant book-keeper, \$1,800; coin teller, \$1,700; chief registered interest clerk, \$1,900; assistant coupon clerk, \$1,600; redemption clerk, at \$1,600; one assistant registered interest clerk, at \$1,500; assistant coin teller, \$1,400; receiving teller, \$1,300; assistant receiving teller, \$1,200; superintendent of building, at \$1,100; four clerks and counters, at \$900 each; five watchmen, at \$720 each; in all, \$33,700.

The amendment was agreed to.

The next amendment was, in line 974, after the word "thousand," to insert "five hundred;" in line 976, before the word "clerks," to strike out "two" and insert "three;" and in line 981, after the words "in all," to strike out "eighteen thousand three" and insert "twenty thousand six;" so as to make the clause read:

Office of assistant treasurer at Baltimore:

For assistant treasurer, \$4,500; for cashier, \$2,500; for three clerks, at \$1,800 each; for two clerks, at \$1,400 each; for two clerks, at \$1,200 each; one messenger, \$840; three vault watchmen, \$2,160; in all, \$24,600.

The amendment was agreed to.

The next amendment was, in line 984, after the word "thousand," to insert "five hundred;" and in line 990, after the words "in all," to strike out "fourteen thousand eight" and insert "fifteen thousand three;" so as to make the clause read:

Office of assistant treasurer at Saint Louis:

For assistant treasurer, \$4,500; chief clerk and teller, \$2,500; assistant teller, \$1,800; book-keeper, \$1,500; assistant book-keeper, \$1,200; messenger, \$1,000; four watchmen, at \$720 each; in all, \$15,380.

The amendment was agreed to.

The next amendment was, in line 994, after the word "thousand," to insert "five hundred;" and in line 1001, after the words "in all," to strike out "fifteen thousand nine" and insert "sixteen thousand four;" so as to make the clause read:

Office of assistant treasurer at Chicago:

For assistant treasurer, \$4,500; for cashier, \$2,500; for paying teller, \$1,800; for book-keeper and receiving teller, at \$2,500 each; for two clerks, at \$1,200 each; for one messenger, \$840; and two watchmen, at \$720 each; in all, \$16,450.

The amendment was agreed to.

The next amendment was, in line 1004, after the word "thousand," to insert "five hundred;" in line 1008, after the word "dollars," to insert "minor-coin and fractional-currency clerk, at \$1,000;" and in

line 1012, after the words "in all," to strike out "thirteen thousand two" and insert "fourteen thousand seven;" so as to make the clause read:

Office of assistant treasurer at Cincinnati:

For assistant treasurer, \$4,500; for cashier, \$2,000; for book-keeper, \$1,800; receiving-teller, \$1,500; check clerk and interest clerk, each, \$1,200; minor-coin and fractional-currency clerk, at \$1,000; messenger, \$600; night-watchman, \$720; two watchmen, at \$120 each; in all, \$14,760.

The amendment was agreed to.

The next amendment was, in line 1017, after the word "receiving-teller," to strike out "one thousand five hundred" and insert "two thousand;" in line 1019, after the word "dollars," to insert "one clerk, at \$1,000;" in the same line, after the word "porter," to strike out "and counter, one thousand" and insert "nine hundred;" and in line 1022, after the words "in all," to strike out "eleven thousand six hundred" and insert "thirteen thousand;" so as to make the clause read:

Office of assistant treasurer at New Orleans:

For assistant treasurer, \$4,000; cashier, \$2,250; receiving-teller, \$2,000; book-keeper, \$1,500; one clerk, at \$1,000; porter, \$900; one watchman, at \$720; one night-watchman, at \$720; in all, \$13,090.

The amendment was agreed to.

The next amendment was, to strike out from line 1296 to line 1304, in the following words:

That so much of the first section of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, as provides for the pay of members, officers, and others of the territorial Legislatures, is hereby so amended as to take effect from and after the passage of this act.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in line 1307, after the word "thousand," to strike out "seven hundred and fifty" and insert "five hundred;" in line 1310, after the word "thousand," to strike out "five" and insert "eight;" in line 1311, after the word "each," to strike out "four" and insert "six;" in line 1312, after the word "four," to insert "one of whom shall be librarian;" in line 1313, before the word "clerks," to strike out "three" and insert "four;" in line 1314, after the word "one," to strike out "three clerks" and insert "one clerk;" in line 1315, after the word "dollars," to strike out "each; seven" and insert "eight;" and in line 1317, after the words "in all," to strike out "sixty-six thousand eight hundred and thirty" and insert "seventy thousand eight hundred;" so as to make the clause read:

For compensation of the Secretary of War, \$8,000; one chief clerk, \$2,500; one disbursing clerk, at \$2,000; one stenographer, at \$1,800; two chief clerks of division, at \$1,800 each; six clerks of class 4, one of whom shall be librarian; four clerks of class 3; four clerks of class 2; twelve clerks of class 1; one clerk at \$1,000; eight assistant messengers, seven laborers, and six watchmen for the north-west executive building; in all, \$70,800.

The amendment was agreed to.

The next amendment was, after line 1325, to insert:

For preparation of catalogue of library, War Department, \$500.

The amendment was agreed to.

The next amendment was, in line 1331, after the word "hundred," to insert "and fifty-one;" in line 1332, before the word "clerks," to strike out "fifty-seven" and insert "six;" and in line 1334, after the words "in all," to strike out "eighty thousand seven" and insert "ninety thousand nine;" so as to make the clause read:

In the Office of the Adjutant-General:

One chief clerk, at \$2,000; eleven clerks of class 4; seventeen clerks of class 3; thirty-five clerks of class 2; one hundred and fifty-one clerks of class 1; six clerks, at \$1,000 each; eight assistant messengers; in all, \$290,960.

The amendment was agreed to.

The next amendment was, in line 1340, after the word "one," to strike out "clerk of class 4" and insert "chief clerk, at \$1,800; one clerk of class 3;" in line 1342, after the word "one," to strike out "one clerk, at \$1,000" and insert "one assistant messenger;" and in line 1344, after the words "in all," to strike out "four thousand" and insert "fifty-three hundred and twenty;" so as to make the clause read:

Bureau of Military Justice:

One chief clerk, at \$1,800; one clerk of class 3; one clerk of class 1; one assistant messenger; in all, \$5,320.

The amendment was agreed to.

The next amendment was, in line 1355, after the word "twenty," to insert "four;" in the same line, after the word "forty," to insert "eight;" in the same line, after the word "one," to strike out "thirteen clerks, at \$1,000 each;" in line 1358, after the word "month," to insert "one messenger;" in the same line, before the word "assistant," to strike out "three" and insert "two;" and in line 1361, after the word "and," to strike out "forty-nine thousand eight hundred" and insert "fifty-two thousand one hundred and twenty;" so as to make the clause read:

In the Office of the Quartermaster-General:

One chief clerk, at \$2,000; seven clerks of class 4; one draughtsman, at \$1,800; nine clerks of class 3; twenty-four clerks of class 2; forty-eight clerks of class 1; twenty copyists, at \$900 each; one female messenger, at \$30 per month; one messenger; two assistant messengers; six laborers; one engineer, at \$1,200; one fireman; and five watchmen; in all, \$152,120.

The amendment was agreed to.

The next amendment was, in line 1366, after the word "four," to strike out "two" and insert "three;" in the same line, before the word "clerks," to strike out "three" and insert "four;" in line 1367,

after the word "two," to strike out "eight" and insert "ten;" in the same line, after the word "one," to strike out "four" and insert "two;" and in line 1369, after the words "in all," to strike out "twenty-eight thousand two" and insert "thirty-one thousand six;" so as to make the clause read:

In the Office of the Commissary-General:

One chief clerk, at \$2,000; one clerk of class 4; three clerks of class 3; four clerks of class 2; ten clerks of class 1; two clerks, at \$1,000 each; one assistant messenger; two laborers; and two watchmen; in all, \$31,680.

The amendment was agreed to.

The next amendment was, in line 1373, after the word "claims," to strike out "that may have been" and insert "heretofore;" so as to make the clause read:

That the Secretary of War is hereby authorized to detail as many supernumerary officers of the Army as may be necessary to investigate claims not heretofore examined by the Commissary-General for allowance.

The amendment was agreed to.

The next amendment was, in line 1380, after the word "four," to strike out "six" and insert "seven;" in line 1381, after the word "and," to strike out "six" and insert "five;" and in line 1386, after the word "ninety," to strike out "eight thousand seven" and insert "nine thousand one;" so as to read:

In the Office of the Surgeon-General:

One chief clerk, at \$2,000; eight clerks of class 4; seven clerks of class 3; nine clerks of class 2; one hundred and five clerks of class 1; fourteen clerks, at \$1,000 each; one anatomist, \$1,600; one engineer, \$1,400; one assistant messenger; eleven watchmen; and eleven laborers; in all, \$199,100, &c.

The amendment was agreed to.

The next amendment was, in line 1395, after the word "stationery," to insert "rent;" and in the same line, after the word "incidentals," to strike out "\$4,000; for rent, \$2,500; in all;" so as to make the clause read:

For contingent expenses, namely: Blank-books, stationery, rent, fuel, gas, furniture, repairs, and incidentals, \$6,500.

The amendment was agreed to.

The next amendment was, in line 1400, after the word "two," to strike out "four" and insert six;" and in line 1402, after the words "in all," to strike out "seventeen thousand nine" and insert "twenty thousand three;" so as to make the clause read:

In the Office of the Chief of Ordnance:

One chief clerk, at \$2,000; one clerk of class 4; two clerks of class 3; two clerks of class 2; six clerks of class 1; two clerks, at \$1,000 each; one assistant messenger; one laborer; in all, \$20,380: *Provided*, That the Secretary of War is hereby authorized to employ in this bureau not exceeding ten enlisted men.

The amendment was agreed to.

The next amendment was, in line 1415, after the word "dollars," to strike out "five" and insert "six;" in line 1416, after the word "four," to strike out "five" and insert "six;" in the same line, after the word "three," to strike out "ten" and insert "twelve;" in line 1417, after the word "one," to strike out "seven" and insert "three;" and in line 1419, after the words "in all," to strike out "fifty-four thousand nine" and insert "fifty-seven thousand one;" so as to make the clause read:

In the Office of the Paymaster-General:

One chief clerk, at \$2,000; six clerks of class 4; six clerks of class 3; twelve clerks of class 2; nine clerks of class 1; three clerks, at \$1,000 each; one assistant messenger; two watchmen; and three laborers; in all, \$57,140.

The amendment was agreed to.

The next amendment was, in line 1424, after the word "dollars," to strike out "three" and insert "four;" in line 1425, before the word "clerks," to strike out "two" and insert "three;" in line 1426, after the word "one," to strike out "three clerks" and insert "one clerk;" in line 1427, after the word "dollars," to strike out "each;" and in line 1428, after the words "in all," to strike out "twenty-two thousand" and insert "twenty-three thousand two hundred;" so as to make the clause read:

In the Office of the Chief of Engineers:

One chief clerk, at \$2,000; four clerks of class 4; two clerks of class 3; three clerks of class 2; three clerks of class 1; one clerk, at \$1,000; one assistant messenger; and two laborers; in all, \$23,240.

The amendment was agreed to.

The next amendment was, in line 1453, before the word "watchmen," to strike out "four" and insert "five;" and in line 1455, after the word "thousand," to strike out "two hundred" and insert "six hundred and twenty;" so as to make the clause read:

For five watchmen and two laborers in the building occupied by the Paymaster-General, \$4,620.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 1521, after the word "four," to strike out "three" and insert "two;" in line 1524, after the word "one," to strike out "four" and insert "three;" and in line 1525, after the words "in all," to strike out "thirty-five thousand six hundred and sixty" and insert "thirty-six thousand seven hundred;" so as to make the clause read:

For compensation of the Secretary of the Navy, \$2,000; for compensation of the chief clerk of the Navy Department, \$2,500; one disbursing clerk, \$2,000; four clerks of class 4; two clerks of class 3; one stenographer, \$1,600; one clerk of class 2; four clerks of class 1; three clerks, at \$1,000 each; two messengers; and for two laborers; in all, \$36,700.

The amendment was agreed to.

The next amendment was, in the item making appropriations for the Bureau of Provisions and Clothing, to increase the total appropri-

ation for compensation of chief clerk and other employes in that bureau from \$13,500 to \$14,500.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," in line 1609, before the word "clerks," to strike out "four" and insert "five;" in line 1612, before the word "watchmen," to strike out "thirty-six" and insert "forty;" and in line 1614, after the words "in all," to strike out "\$89,840" and insert "\$93,920;" so as to make the clause read:

For compensation of the Secretary of the Interior, \$8,000; assistant secretary, \$3,500; chief clerk and superintendent of the Patent Office building, \$2,700; stenographer, \$1,800; six clerks at \$2,000 each, one of whom shall be disbursing clerk; four clerks of class 4; four clerks of class 3; four clerks of class 2; five clerks of class 1; six copyists, at \$900; four assistant messengers; four laborers; for one captain of the watch, \$1,000; and for forty watchmen, to be allotted to day or night service, as the Secretary of the Interior may direct; in all, \$93,920.

The amendment was agreed to.

The next amendment was, in line 1624, before the word "hundred," to strike out "eight" and insert "nine;" and after the word "dollars," in the same line, to strike out:

And so much of section 507 of the Revised Statutes as provides for said salary, and section 450 of the Revised Statutes, are hereby repealed.

So as to read:

For salary of the superintendent of the same, \$1,900.

The amendment was agreed to.

The next amendment was, in line 1641, to increase the appropriation for temporary clerks for the Department of the Interior from \$6,000 to \$7,000.

The amendment was agreed to.

The next amendment was, in line 1651, to increase the appropriation for compensation of the chief clerk of the General Land Office from \$2,000 to \$2,250.

The amendment was agreed to.

The next amendment was, in line 1691, to increase the appropriation for compensation of the surveyor-general of the Territory of New Mexico and the clerks in his office from \$6,000 to \$8,500.

The amendment was agreed to.

The next amendment was, in line 1724, before the word "clerks," to strike out "six" and insert "seven;" in line 1725, after the word "thousand," to strike out "two" and insert "six;" in line 1726, after the word "dollars," to strike "eight" and insert "eleven;" in the same line, after the word "two," to strike out "eight" and insert "twelve;" and in line 1729, after the words "in all," to strike out "sixty-six thousand five" and insert "seventy-seven thousand five;" so as to make the clause read:

Indian Office:

For the Commissioner of Indian Affairs, \$4,000; chief clerk, \$2,000; five clerks of class 4; seven clerks of class 3; one stenographer, at \$1,600; eleven clerks of class 2; twelve clerks of class 1; ten clerks, at \$1,000 each; eight copyists, at \$900 each; two assistant messengers; and two laborers; in all, \$77,560.

The amendment was agreed to.

The next amendment was in line 1743, before the word "clerks," to strike out "thirty-two" and insert "forty-seven;" and in line 1750, before the word "dollars," to strike out "seventy-two thousand six hundred" and insert "ninety thousand eight hundred and seventy;" so as to make the clause read:

Pension Office:

For compensation of the Commissioner of Pensions, \$4,000; chief clerk, \$2,250; medical referee, \$2,250; twenty-six clerks of class 4, (five of whom may act as chiefs of division and shall each receive \$300 additional); fifty-two clerks of class 3; eighty-four clerks of class 2; one hundred and forty-seven clerks of class 1; ten clerks, at \$1,000 each; one skilled mechanic, at \$1,200; thirty copyists, at \$900 each; one engineer, at \$1,200; one assistant engineer, at \$1,000; one messenger and twelve assistant messengers; and for eight laborers and two watchmen; in all, \$490,870.

The amendment was agreed to.

The next amendment was to strike out from line 1756 to line 1767, in the following words:

Sections 4771, 4772, and 4773 of the Revised Statutes are hereby repealed: *Provided*, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations, whenever, in his judgment, the same may be necessary; and to increase or reduce a pension according to right and justice. But in no case shall a pension be withdrawn or reduced except upon notice to the pensioner, and a hearing upon sworn testimony, subject to the power of the Commissioner to suspend payment pending the same.

The amendment was agreed to.

The next amendment was in line 1785, after the word "thousand," to insert "five hundred;" in line 1786, after the word "thousand," to insert "four hundred;" in line 1787, after the word "thousand," to insert "four hundred;" in line 1789, before the word "hundred," to strike out "seven" and insert "eight;" in line 1797, after the word "languages," to strike out "eight" and insert "nineteen;" in line 1798, before the word "clerks," to strike out "thirty-five" and insert "thirty;" in line 1799, before the word "clerks," to strike out "twenty-six" and insert "thirty-two;" in line 1805, before the word "hundred," to strike out "nine" and insert "eight;" in line 1806, before the word "laborers," to strike out "thirty," and insert "fifty;" and in line 1808, after the words "in all," to strike out "three hundred and eighty-four thousand five hundred and" and insert "four hundred and twenty-four thousand and;" so as to make the clause read:

United States Patent Office:

For compensation of the Commissioner of the Patent Office, \$4,500; for assistant commissioner (who shall act as Commissioner in case of the death, resignation, absence, or sickness of the Commissioner, and shall perform such other duties as may

be assigned to him by the Commissioner,) \$3,000; for chief clerk, \$2,250; three examiners-in-chief, at \$3,000 each; examiner in charge of interferences, \$2,500; trademark examiner, \$2,400; twenty-two principal examiners, at \$2,400 each; twenty-two first assistant examiners, at \$1,800 each; twenty-two second assistant examiners, at \$1,600 each; twenty-two third assistant examiners, at \$1,400 each; one financial clerk, \$2,000, who shall give bond in such amount as the Secretary of the Interior may determine; one librarian, \$2,000; one machinist, \$1,600; four clerks of class 4; five clerks of class 3, (one of whom shall be translator of languages;) nineteen clerks of class 2; and thirty clerks of class 1; thirty-two clerks, at \$1,000 each; for seventy-four copyist-clerks, at \$900 each; for three skilled draughtsmen, at \$1,200 each; for one messenger and purchasing clerk, \$1,000; for one skilled laborer, \$1,200; for ten attendants in model-room, at \$800 each; ten assistant messengers; fifty laborers; six laborers, at \$600 each; five folders and pasters, at \$480 each; in all, \$424,050.

The amendment was agreed to.

The next amendment was, in line 1823, after the word "contingencies," to strike out "forty" and insert "thirty," and in line 1824, after the word "dollars," to strike out "and" and insert:

Provided, That not more than \$15,000 of this sum may be used for employment of temporary clerks, at not more than the rate of \$1,000 per annum for each clerk; and

So as to read:

For contingent and miscellaneous expenses of the Patent Office, namely: For construction and repair of model-cases, stationery portfolios for drawings, furniture and labor connected therewith, repairing, papering, painting, carpets, ice, advertising, books for library, moneys refunded, printing engraved patent-heads, international exchanges, extra labor on indexes and abstracts for annual reports and printing the same, and other contingencies, \$30,000: *Provided*, That not more than \$15,000 of this sum may be used for employment of temporary clerks at not more than the rate of \$1,000 per annum for each clerk; and no money appropriated by this paragraph shall be expended for advertising in newspapers published in the city of Washington other than the Patent Office Official Gazette.

The amendment was agreed to.

The next amendment was, in line 1841, to increase the appropriation for photolithographing, or otherwise producing plates for the Official Gazette, (including pay of employes engaged on the Gazette,) &c., from \$24,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in line 1846, after the word "this," to strike out "paragraph" and insert "and the two preceding paragraphs;" and in line 1848, after the words "Commissioner of Patents," to strike out "after due advertisement, and the contract awarded to the lowest bidder" and insert "and in the city of Washington, if it can be there done at reasonable rates;" so as to make the clause read:

For photolithographing or otherwise producing copies of the weekly issues of drawings to be attached to patents and copies, \$35,000; the work of said photolithographing or otherwise producing plates and copies referred to in this and the two preceding paragraphs to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can be there done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to make contracts therefor.

The amendment was agreed to.

The next amendment was, in line 1855, after the word "issues," to insert "and to fill orders;" so as to make the clause read:

For tracings of drawings preparatory to photolithographing back issues, and to fill orders, \$5,000.

The amendment was agreed to.

The next amendment was, in line 1878, to increase the appropriation for the compensation of the Auditor of Railroad Accounts from \$3,500 to \$3,600.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in line 1906, after the word "employes," to strike out "fourteen" and insert "fifteen;" and in line 1906, after the word "thirty," to strike out "five" and insert "six;" so as to make the clause read:

For compensation of the Postmaster-General, \$8,000; chief clerk to the Postmaster-General, \$2,200; one topographer, \$2,500; one law clerk, \$2,250; stenographer, \$1,800; appointment clerk of class 4; one messenger, (clerk of class 1,) \$1,200; one assistant messenger; one clerk of class 1; and for temporary employes, \$15,000; in all, \$36,670.

The amendment was agreed to.

The next amendment was, in line 1908, after the words "Postmaster-General," to strike out "three thousand five hundred" and insert "four thousand;" in line 1922, after the word "delivery," to insert "two clerks at \$1,000 each;" and in line 1923, after the word "seventy," to strike out "thousand one" and insert "two thousand six;" so as to make the clause read:

For First Assistant Postmaster-General, \$1,000; chief clerk, \$2,000; two clerks of class 4; twelve clerks of class 3; six clerks of class 2; twelve clerks of class 1; two clerks, at \$1,000 each; three assistant messengers; superintendent of blank agency, \$1,800; assistant superintendent of blank agency, \$1,600; four assistants to superintendent of blank agency, at \$1,200 each; two assistants to superintendent of blank agency, at \$900 each; one assistant messenger; one laborer, (for blank agency) superintendent of free delivery, \$2,100; one clerk of class 2, (office of superintendent of free delivery); two clerks, at \$1,000 each; in all, \$72,640.

The amendment was agreed to.

The next amendment was, in line 1928, before the word "clerks," to strike out "seven" and insert "eight;" in line 1930, after the word "twenty," to strike out "six" and insert "seven;" in line 1932, before the word "clerks," to strike out "four" and insert "three;" and in line 1934, after the words "in all," to strike out "ninety-nine thousand nine" and insert "one hundred and two thousand three;" so as to make the clause read:

For Second Assistant Postmaster-General, \$3,500; chief clerk, \$2,000; chief of division of inspection and equipment, \$2,000; eight clerks of class 4, one of whom shall have \$200 additional as superintendent of railway adjustment; twenty-seven

clerks of class 3; thirteen clerks of class 2; twelve clerks of class 1; three clerks, at \$1,000 each; two assistant messengers; in all, \$102,340.

The amendment was agreed to.

The next amendment was, in line 1996, after the word "dollars," to strike out:

And the Postmaster-General is hereby authorized to continue for not more than one year the contract for the publication of the United States Official Postal Guide with Messrs. Houghton, Osgood & Co., of Boston, Massachusetts.

So as to read:

For publication of copies of the Official Postal Guide, \$20,000, &c.

Mr. HOAR. I ask that that amendment be reserved until the chairman comes in. I will not question it now, but let it be passed over.

The PRESIDING OFFICER, (Mr. Whyte in the chair.) The Chair hears no objection, and that amendment will be reserved for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of Agriculture," to increase the appropriation for compensation of the Commissioner of Agriculture from \$3,000 to \$3,600.

The amendment was agreed to.

The next amendment was, in line 2040, to increase the total amount of the appropriation for the compensation of the Commissioner of Agriculture and clerks and employes in his office, from \$60,300 to \$62,900.

The amendment was agreed to.

The next amendment was, in line 2058, after the word "dollars," to strike out:

And said seed, except flower seed, shall be distributed to each congressional district in the several States and Territories in proportion to the agricultural population residing in the same: *Provided*, That not more than \$7,000 of this amount shall be used in the putting up and distribution of said seeds and plants.

So as to read:

For purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expense of putting up the same, \$65,000.

The amendment was agreed to.

The next amendment was, after line 2102, to insert:

To pay salaries and traveling and other necessary expenses of inspectors at the different shipping ports of the United States and elsewhere, and for controlling or eradicating infectious and contagious diseases among domesticated animals, \$50,000.

The amendment was agreed to.

The next amendment was, after the word "prisoners," in line 2161, to insert:

And for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 30, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,' or any acts amendatory thereof or supplementary thereto."

So as to read:

For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses and expenses of suits in which the United States are concerned, of prosecutions for offenses committed in violation of the laws of the United States, and for the safe-keeping of prisoners, and for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 30, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the United States, and for other purposes,' or any acts amendatory thereof or supplementary thereto," \$2,500,000.

Mr. BAYARD. Mr. President—

Mr. HOAR. I ask unanimous consent that we first go through with the bill in this way, any Senator reserving any amendment to which he objects.

The PRESIDING OFFICER, (Mr. Edmunds in the chair.) Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. BAYARD. I do not know why we should not just as well take the question on this amendment now. I do not propose to debate it, because the question has been already debated in another bill, but I simply object to concurrence in the amendment.

Mr. HOAR. There are several amendments further along that will be agreed to without objection. Let them be acted upon first.

The PRESIDING OFFICER. The question is on agreeing to this amendment. Is the Senate ready for the question?

Mr. HOAR. I ask unanimous consent that the bill be finished and such amendments as are not objected to be agreed to, and that any amendment about which there is a question be reserved.

Mr. THURMAN. I thought the chairman of the committee desired that the vote should be taken on the amendments as they were reached in the reading of the bill.

Mr. CONKLING. Certainly he did.

Mr. WINDOM. I am entirely willing to pass over the controverted amendment and finish the remainder of the bill, if Senators would like to do so.

Mr. BLAINE. That is not material, because if there is not any dispute upon an amendment there will be no trouble about it at any time.

Mr. THURMAN. Is the question on agreeing to the insertion of the words on page 89?

The PRESIDING OFFICER. The question is on agreeing to the insertion in lines 2161 to 2169.

Mr. THURMAN. I think we had just as well take the vote at once.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] asks unanimous consent that this amendment be passed over for the present. Is there objection?

Mr. CONKLING. I think we had better take the question on each amendment as we go along.

Mr. THURMAN. I think so.

Mr. CONKLING. The only effect will be to postpone it until we get into the Senate.

The PRESIDING OFFICER. Objection is made. Is the Senate ready for the question?

Mr. WITHERS called for the yeas and nays, and they were ordered.

Mr. DAVIS, of West Virginia. Let the amendment be again reported.

The PRESIDING OFFICER. The Secretary will report the amendment.

The Secretary read the amendment.

Mr. THURMAN. It is no part of the amendment to strike out the lines at present in the original bill, just below the words which have been inserted by the committee, I understand.

The PRESIDING OFFICER. That is not a part of the amendment. The question is on agreeing to the amendment reported by the Committee on Appropriations. Is the Senate ready for the question?

Mr. BAYARD. The amendment, I understand, is the insertion of the words printed in italics that we are to vote on now.

The PRESIDING OFFICER. That is it.

The Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "nay."

Mr. WITHERS, (when Mr. JOHNSTON's name was called.) On this subject my colleague [Mr. JOHNSTON] is paired with the Senator from California, [Mr. SARGENT.] If present, my colleague would vote "nay" and the Senator from California would vote "yea."

Mr. BAYARD, (when the name of Mr. JONES, of Nevada, was called.) On this subject the Senator from North Carolina, [Mr. RANSOM,] is paired with the Senator from Nevada, [Mr. JONES.] If the Senator from North Carolina were here, he would vote "nay" and the Senator from Nevada would vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. CONKLING, (after having voted "yea.") I voted affirmatively, but I learn that the Senator from Indiana, [Mr. VOORHEES,] is ill and absent, and deems himself paired with me. Therefore I ask to withdraw my vote. He would vote "nay" and I should vote as I have done if he were here.

The PRESIDING OFFICER. The vote is withdrawn.

Mr. BUTLER, (after having voted "nay.") I voted under a misapprehension. On this subject I am paired with my colleague, [Mr. PATTERSON.] I ask to recall my vote.

The PRESIDING OFFICER. The vote will be withdrawn.

Mr. SHIELDS. I am paired with the Senator from Nevada, [Mr. SHARON,] who is absent. If the Senator from Nevada were present, I should vote "nay" and he would vote "yea."

Mr. BAILEY. My colleague [Mr. HARRIS] was compelled to leave the Chamber to-night on account of sickness. He is paired with the Senator from Mississippi, [Mr. BRUCE.]

The result was announced—yeas 29, nays 26; as follows:

YEAS—29.

Allison,	Dawes,	Kirkwood,	Saunders,
Anthony,	Dorsey,	McMillan,	Spencer,
Blaine,	Edmunds,	Matthews,	Teller,
Booth,	Ferry,	Mitchell,	Wadleigh,
Burnside,	Hamlin,	Morrill,	Windom.
Cameron of Pa.,	Hoar,	Oglesby,	
Cameron of Wis.,	Ingalls,	Paddock,	
Chandler,	Kellogg,	Rollins,	

NAYS—26.

Bailey,	Dennis,	Kernan,	Saulsbury,
Barnum,	Eaton,	Lamar,	Thurman,
Bayard,	Garland,	McDonald,	Wallace,
Beck,	Gordon,	McPherson,	Whyte,
Cockrell,	Hereford,	Maxey,	Withers.
Coke,	Hill,	Merrimon,	
Davis of W. Va.,	Jones of Florida,	Morgan,	

ABSENT—21.

Bruce,	Eustis,	McCreery,	Sharon,
Butler,	Grover,	Patterson,	Shields,
Chaffee,	Harris,	Plumb,	Voorhees.
Conkling,	Howe,	Randolph,	
Conover,	Johnston,	Ransom,	
Davis of Illinois,	Jones of Nevada,	Sargent,	

So the amendment was agreed to.

Mr. THURMAN. Mr. President, I suppose the next amendment is to strike out the proviso on line 2170 and ending in line 2203.

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMAN. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The question now is on agreeing to the amendment which the Secretary will report.

The SECRETARY. The Committee on Appropriations propose to strike out from line 2170 to 2203, in the following words:

Provided, That the per diem pay of each juror, grand or petit, in any court of the United States, shall be \$2, and that the last clause of section 800 of the Revised Statutes United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed: and that all such jurors, grand and petit, shall be publicly drawn from a box containing the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court, and a commissioner to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State. All general and special laws in conflict herewith are hereby repealed. That the several sections of the Revised Statutes of the United States, from and including section 2011 to and including section 2031, and all other provisions of law authorizing the appointment of, or the performance of and duty by, any chief or other supervisor of elections, or any special deputy marshal, or other deputy marshal of elections, or the payment of any money to any such supervisor or deputy marshal of elections for any services performed as such, be, and the same are hereby, repealed.

Mr. THURMAN. Mr. President—

The PRESIDING OFFICER. The Chair will state the question. The Committee on Appropriations report to strike out the clause which the Secretary has just read. The question is on agreeing to the amendment proposed by the Committee on Appropriations striking out the clause.

Mr. THURMAN. I ask for a division of the amendment, and that the question may first be taken on striking out, beginning at line 2170 and ending with the word "repealed," in line 2194. Up to that word the provision moved to be stricken out relates wholly to juries. The subsequent part of the proviso proposed to be stricken out relates to a wholly different subject—to supervisors of elections and marshals. They are wholly distinct subjects, and I ask that the vote may be first taken on the jury proposition, beginning with line 2170 and ending with the word "repealed," on line 2194.

The PRESIDING OFFICER. The Chair is of opinion that the question is subject to a division, and will put the question on agreeing to the first branch of the divided proposition. The question, therefore, is on agreeing to strike out from line 2170 to and including the word "repealed," in line 2194. Is the Senate ready for the question?

Mr. THURMAN called for the yeas and nays, and they were ordered.

Mr. BAILEY. Is the question upon striking out or upon agreeing to the report of the committee?

The PRESIDING OFFICER. The report of the committee is to strike out, and the Chair therefore, for the more perfect understanding of the Senate, stated it as a motion to strike out, which is the recommendation of the committee.

Mr. THURMAN. Mr. President, one word. I do not propose to debate this question, although I have a very ardent desire to do so, I confess; but I wish to retain the text just as it came from the House, and therefore I am opposed to striking out.

The PRESIDING OFFICER. The question is on the amendment which has been stated, on which the yeas and nays have been ordered. The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with my colleague, [Mr. PATTERSON.] If he were present, he would vote "yea" and I should vote "nay."

Mr. CONKLING, (when his name was called.) On this question I am paired with the absent Senator from Indiana, [Mr. VOORHEES.] Were he here, I should vote "yea."

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CONKLING. The Senator from Nevada [Mr. JONES] is paired on this question with the Senator from North Carolina, [Mr. RANSOM.] Were the Senator from Nevada here, he would vote "yea."

Mr. BAYARD. I desire to announce that the Senator from North Carolina [Mr. RANSOM] is paired with the Senator from Nevada, [Mr. JONES.] If the Senator from North Carolina were here, he would vote "nay."

Mr. PLUMB, (after having voted in the affirmative.) I voted mistakenly. I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, I should vote "yea" and he would vote "nay."

Mr. WITHERS. I desire to announce that my colleague [Mr. JOHNSTON] is paired with the Senator from California, [Mr. SARGENT.] If my colleague were present, he would vote "nay" and the Senator from California would vote "yea."

The result was announced—yeas 29, nays 27; as follows:

YEAS—29.

Allison,	Dawes,	Kirkwood,	Saunders,
Anthony,	Dorsey,	McMillan,	Spencer,
Blaine,	Edmunds,	Matthews,	Teller,
Booth,	Ferry,	Mitchell,	Wadleigh,
Burnside,	Hamlin,	Morrill,	Windom.
Cameron of Pa.,	Hoar,	Oglesby,	
Cameron of Wis.,	Ingalls,	Paddock,	
Chandler,	Kellogg,	Rollins,	

NAYS—27.

Bailey,	Dennis,	Jones of Florida,	Morgan,
Barium,	Eaton,	Kernan,	Saulsbury,
Bayard,	Eastis,	Lamar,	Thurman,
Beck,	Garland,	McDonald,	Wallace,
Cockrell,	Gordon,	McPherson,	Whyte,
Coke,	Hereford,	Maxey,	Withers,
Davis of W. Va.,	Hill,	Merrimon,	

ABSENT—20.

Bruce,	Davis of Illinois,	Jones of Nevada,	Ransom,
Butler,	Grover,	McCreery,	Sargent,
Chaffee,	Harris,	Patterson,	Sharon,
Conkling,	Howe,	Plumb,	Shields,
Conover,	Johnston,	Randolph,	Voorhees.

So the amendment was agreed to.

The PRESIDING OFFICER. The words stated are stricken from the bill. The question now is upon agreeing to the recommendation of the Committee on Appropriations to strike out the remaining words of the clause that was read by the Secretary, namely, beginning with the word "that" on line 2194 and going to and including the word "repealed" in line 2203. Is the Senate ready for the question?

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On this question I am paired with my colleague, [Mr. PATTERSON.] If he were here he would vote "yea" and I should vote "nay."

Mr. CONKLING, (when his name was called.) I mention my pair with the Senator from Indiana, [Mr. VOORHEES.]

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BAILEY. My colleague [Mr. HARRIS] is absent on account of sickness, but he is paired, as I understand, with the Senator from Mississippi, [Mr. BRUCE.]

The result was announced—yeas 29, nays 26; as follows:

YEAS—29.

Allison,	Dawes,	Kirkwood,	Saunders,
Anthony,	Dorsey,	McMillan,	Spencer,
Blaine,	Edmunds,	Matthews,	Teller,
Booth,	Ferry,	Mitchell,	Wadleigh,
Burnside,	Hamlin,	Morrill,	Windom.
Cameron of Pa.,	Hoar,	Oglesby,	
Cameron of Wis.,	Ingalls,	Paddock,	
Chandler,	Kellogg,	Rollins,	

NAYS—26.

Bailey,	Dennis,	Kernan,	Saulsbury,
Barium,	Eaton,	Lamar,	Thurman,
Bayard,	Garland,	McDonald,	Wallace,
Beck,	Gordon,	McPherson,	Whyte,
Cockrell,	Hereford,	Maxey,	Withers,
Coke,	Hill,	Merrimon,	
Davis of W. Va.,	Jones of Florida,	Morgan,	

ABSENT—21.

Bruce,	Eastis,	McCreery,	Sharon,
Butler,	Grover,	Patterson,	Shields,
Chaffee,	Harris,	Plumb,	Voorhees.
Conkling,	Howe,	Randolph,	
Conover,	Johnston,	Ransom,	
Davis of Illinois,	Jones of Nevada,	Sargent,	

So the amendment was agreed to.

The PRESIDING OFFICER. The words are stricken from the bill. The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the head of "southern claims commission," to strike out from line 2205 to line 2225, in the following words:

For pay of three commissioners to the 1st day of January, 1880, at \$2,500 each; for salary of one clerk to the commission for same time, \$1,250; salary of messenger for same time, \$600; compensation of three investigating agents for same time, at \$700 dollars each, for summoning witnesses, mileage of Government witnesses, fees to commissioners for taking testimony, fees for examining and copying public records relating to claims and claimants, and for payment for testimony not taken by commissioners, \$3,000; compensation to two additional clerks for same time, at \$600 each; actual expense of office rent, fuel, furniture, stationery, postage, expressage, printing, and small repairs, \$2,000; reporting and transcribing rebutting testimony taken between July 1, 1879, and January 1, 1880, in cases exceeding \$10,000 in amount required by law to be taken before the commissioners, \$200; in all, \$17,850.

And in lieu thereof to insert:

For pay of three commissioners to the 10th day of March, 1880, at the rate of \$5,000 per annum each; one clerk, at the rate of \$2,500; one stenographer, at the rate of \$2,500; one messenger, at the rate of \$1,200; three additional clerks, at the rate of \$1,200 each; in all, \$17,222.21.

For compensation of three investigating agents, at \$6 per day when actually employed; also traveling expenses of agents, fees and mileage to Government witnesses, costs of summoning witnesses, fees to commissioners for taking testimony, fees for abstracts and exemplifications of public records relating to claims and claimants, \$6,000.

For contingent expenses, namely: Office rent, furniture, fuel, stationery, printing and binding, postage and expressage, labor, and assistance to short-hand reporter when needed, \$4,000.

The amendment was agreed to.

The next amendment was, in line 2248, after the word "Solicitor-

General," to strike out "six" and insert "seven;" in the same line, before the word "Assistant," to strike out "four" and insert "three;" in line 2249, after the word "Attorneys-General," to strike out "one of whom shall be for the Post-Office Department, at a salary each of \$4,500," and insert "at \$5,000 each; one Assistant Attorney-General for the Post-Office Department, at \$4,000;" in line 2258, after the word "thousand," to strike out "five" and insert "eight;" in line 2260, after the word "clerk," to insert "and clerk in charge of pardons, each;" and in line 2265, after the words "in all," to strike out seventy-two thousand one hundred and insert "seventy-three thousand four hundred and eighty;" so as to make the clause read:

Office of the Attorney-General:

For compensation of the Attorney-General, \$8,000; Solicitor-General, \$7,000; three Assistant Attorneys-General, at \$5,000 each; one Assistant Attorney-General for the Post-Office Department, at \$4,000; Solicitor of the Internal Revenue, \$4,500; examiner of claims, \$3,500; law clerk and examiner of titles, \$2,700; chief clerk, \$2,200; stenographic clerk, \$1,800; one law clerk, \$2,000; five clerks of class 4; additional for disbursing clerk, and clerk in charge of pardons, each \$200; one clerk of class 2; two clerks of class 1; five copyists, at \$900 each; one telegraph operator, at \$1,000; two assistant messengers; for two laborers, and two watchmen; in all, \$73,480.

The amendment was agreed to.

The next amendment was, to strike out section 2, in the following words:

SEC. 2. For the salary of the Superintendent of the Coast and Interior Survey, \$6,000: *Provided*, That the present Coast and Geodetic Survey, with supervisory and appellate powers over the same authorized by law, is hereby transferred from the Treasury Department to the Department of the Interior, and shall hereafter be known as the Coast and Interior Survey, and shall have charge of all surveys relating to questions of position and mensuration of the coast and interior, except the public land surveys, the special surveys intrusted to and to be made under the direction of the United States geological survey, the survey of the northern and northwestern lakes now under the direction of the War Department, and local surveys required for the improvement of rivers and harbors, and surveys necessary for military purposes immediately connected with the operations of the Army, in accordance with the plan reported to Congress by the National Academy of Sciences, under the act of June 20, 1878, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes."

For the salary of the director of the geological survey, which office is hereby established, who shall be appointed by the President by and with the advice and consent of the Senate, \$6,000: *Provided*, That this officer shall have the direction of the geological survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, in accordance with the plan reported to Congress by the National Academy of Sciences under the act of June 20, 1878, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes;" and that the director and the members of the geological survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations; and the geological and geographical survey of the Territories, and the geographical and geological survey of the Rocky Mountain region, under the Department of the Interior, and the geographical surveys west of the one hundredth meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879. And all collections of rocks, minerals, soils, fossils, and objects of natural history, archaeology, and ethnology, made by the Coast and Interior Survey, the geological survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress, shall be deposited in the National Museum.

That all laws, parts of laws, and all departmental regulations relating or having reference to the Coast and Geodetic Survey now in force and effect are hereby continued in force and effect, and made applicable to the Coast and Interior Survey until changed by competent authority.

For the expense of a commission on the codification of existing laws relating to the survey and disposition of the public domain, and for other purposes, \$20,000: *Provided*, That the commission shall consist of the Commissioner of the General Land Office, the Superintendent of the Coast and Interior Survey, the director of the United States geological survey, and three civilians to be appointed by the President, who shall receive a per diem compensation of \$10 for each day while actually engaged, and their traveling expenses; and neither the Commissioner of the General Land Office, the Superintendent of the Coast and Interior Survey, nor the director of the United States geological survey shall receive other compensation for their services upon said commission than their salaries, respectively, except their traveling expenses, while engaged on said duties; and it shall be the duty of this commission to report to Congress within one year from the time of its organization—first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands as arable, irrigable, timber, pasturage, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, supply of water for irrigation, and other physical characteristics; third, a system of land-parceling surveys adapted to the economic uses of the several classes of lands; and, fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers.

The publications of the Coast and Interior Survey shall consist of the annual report of operations, such geographic and topographic maps and geodetic and coast charts, and such discussions and treatises connected therewith, as the superintendent shall deem of value. The publications of the geological survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology and related sciences. The annual report of operations of the Coast and Interior Survey and of the geological survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of both surveys shall be issued in uniform quarto series if deemed necessary by the superintendent or director, but otherwise in ordinary octavos. The style and scale of the cartographic publications shall be determined by the head of each organization, so as to express the scientific results in the most effective manner. Three thousand copies of each shall be published for scientific exchanges by the heads of the surveys and for sale at the price of publication; and all literary and cartographic materials received by the heads of the surveys in exchange shall be the property of the United States, and form a part of the libraries of the two organizations; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was in line 6 of section [4] 3, after the word "each," to strike out:

And the words "during the session," as used in the first section of this act, shall be held to mean seven months.

So that the section will read:

SEC. [4] 3. That the pay of assistant messengers, firemen, watchmen, and laborers, appropriated for in this act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen and watchmen, \$720 per annum each; for laborers, \$600 per annum each.

The amendment was agreed to.

The next amendment was to strike out section 5, in the following words:

SEC. 5. That from and after the 1st of July, 1879, the salaries herein provided for shall be the salaries for the within-named officers and employés, respectively; and all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

The amendment was agreed to.

Mr. HOAR. There was an amendment passed over by general consent.

The PRESIDING OFFICER. The Chair will state it. There was reserved on page 82 for consideration, and which has not been acted upon, the recommendation of the Committee on Appropriations to strike out in lines 1996 to 2000 these words:

And the Postmaster-General is hereby authorized to continue for not more than one year the contract for the publication of the United States Official Postal Guide with Messrs. Houghton, Osgood & Co., of Boston, Massachusetts.

The question is on agreeing to the recommendation of the committee to strike these words out.

Mr. HOAR. I understand that since the committee recommended the striking of those words out of the bill they have been informed that the Postmaster-General desires to continue this provision in the bill, and the reason is that in order to make this contract with the Government it requires the collection of a very large number of data from different parts of the United States in regard to local post-offices, and that firm, or anybody who is to make the contract with the Government, ought to have a considerable time in advance. Therefore it is desirable that this firm should know if they are to have the contract—a provisional contract—from this time. The chairman of the committee will state whether he desires to insist on the amendment reported from the committee.

Mr. WINDOM. I will state the ground upon which the committee acted in striking it out, and then I shall have nothing further to say about it. The Senate will observe in reading the clause that it continues for one year a publication to a firm named. The committee thought it was not expedient to name the firm and limit the contract to one person or company. I will state, as the Senator from Massachusetts has suggested, that since the committee reported the bill a messenger from the Post-Office Department has said that the Department desires to have the clause remain as it came from the House.

Now the whole facts are given to the Senate, and I care not whether the clause is voted in or voted out. I shall vote, however, to strike out the provision as the committee recommended, because I do not believe in making contracts with a single individual named in a law.

Mr. THURMAN. I hope those words will not be stricken out. That is a very useful publication and I hope the words will be left in the bill.

Mr. DAVIS, of West Virginia. I understand the objection of the committee was to the naming of individuals. I agreed with the committee fully. I think that we ought not to name any one man. If we want the work done the Department ought not to be limited, and we ought not to force the Department to contract with a particular individual anywhere.

Mr. DAWES. While that is true in general, in the case of a peculiar kind of book such as this, and such as the Tribune Almanac and the almanac that Mr. Spofford gets up, which are continuous from year to year, there would be but one firm in the country that would undertake the publication.

Mr. DAVIS, of West Virginia. If that be so, the Department would have it done by that firm.

Mr. THURMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. DAVIS. Certainly.

Mr. THURMAN. The answer to the Senator from West Virginia is that there is not a word in the text of the bill that restricts the Postmaster-General to this firm. It is simply an authority of the Postmaster-General; that is all.

Mr. ANTHONY. It might do to say that the contract may be made with Messrs. Houghton, Osgood & Co., or others at his discretion. The Postmaster-General will undoubtedly make the contract at his discretion.

Mr. MATTHEWS. It only authorizes him to make the contract; it does not require him.

Mr. ANTHONY. And then it would authorize him to make a contract with anybody else.

Mr. CONKLING. Might I be allowed to ask a question? Suppose from lines 1999 and 2000 were stricken these words, "with Messrs. Houghton, Osgood & Co., of Boston, Massachusetts," then would not the Postmaster-General have all the authority he wants, and under the information from the Post-Office Department would he not contract with these same persons? If so, I venture to suggest that the better way is to strike out those words, and then he will continue it with these very parties, and yet if it is thought invidious to name them they will not be named in the bill.

The PRESIDING OFFICER. Did the Chair understand the Senator from New York to make that motion?

Mr. CONKLING. I will move to strike out, after the word "Guide," in line 1999, the names of these parties, so as to merely give the Postmaster-General authority to continue the publication.

The PRESIDING OFFICER. The Senator from New York proposes to perfect the part to be stricken out, thus: by striking out in lines 1999 and 2000 these words:

With Messrs. Houghton, Osgood & Co., of Boston, Massachusetts.

Mr. BAILEY. I ask if the publication of Messrs. Houghton, Osgood & Co. is not known as the United States Official Postal Guide? If so, striking out the name of Messrs. Houghton, Osgood & Co. would leave the amendment, I submit, virtually as it is, as an instruction, or direction, or recommendation, rather, to the Postmaster-General to continue the publication made under the direction of the Department.

Mr. DAWES. There is but one book of that kind in the United States, and it does not strike me that the suggestion of the Senator from New York will at all interfere with the ordinary current of business.

Mr. CONKLING. I do not mean my suggestion to interfere with this publication, but simply to preserve what the committee thought it was well to preserve and what I think too it is well enough to preserve, not to state in the bill the names of these parties. If my amendment prevails, I shall move also to strike out the words "contract for the" so that the Postmaster-General will be merely authorized to continue this publication, and doubtless he will continue it with these same parties.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York, [Mr. CONKLING.]

The amendment to the amendment was agreed to.

Mr. CONKLING. I move also to strike out the words in line 1998 "contract for the;" so as to read:

Continue for not more than one year the publication of the United States Official Postal Guide.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

Mr. DAWES. That would require the Postmaster-General to go to the expense of the publication.

Mr. CONKLING. Not at all. The Senator from Massachusetts will see that although the names be stricken out, if we leave in that he is to continue the contract, the contract being with them, would leave it just as it is now, whereas if you strike out the words "contract for the" he has already signified to us in his estimation the true way is to continue this contract with these parties, and the provision on its face would not be invidious.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York to the amendment.

The amendment to the amendment was agreed to.

Mr. HOAR. I should like to inquire of the chairman of the committee whether he now desires to press the recommendation of the committee, whether the amendment which has been made to the clause does not meet his views.

Mr. WINDOM. I have no desire to press it. I do not know how the other members of the committee may feel; I am entirely satisfied.

Mr. DAWES. If we vote "no," the clause will be left just as the Senator from New York has amended it.

Mr. CONKLING. There is no trouble about that at all.

The amendment to strike out the clause as amended was rejected.

Mr. McPHERSON. I desire to offer an amendment.

The PRESIDING OFFICER. The Chair will state that the reading of the bill has been concluded and this disposes of all the amendments that are proposed in it by the Committee on Appropriations. According to the usual course, if the Committee on Appropriations have any further amendments the Chair will first receive them, with the permission of the Senator from New Jersey.

Mr. McPHERSON. Very well.

Mr. WINDOM. I have three or four amendments. On page 10, line 229, I move to strike out the word "four" and insert "two;" so as to read "\$1,200" instead of "\$1,400."

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 229, strike out "four" and insert "two;" so as to read:

Messenger to the Speaker, \$1,200.

The amendment was agreed to.

Mr. WINDOM. On page 68, after line 1659, after the word "laborers," I move to insert "in all \$27,070." It is a mere change of footing.

The amendment was agreed to.

Mr. WINDOM. On page 93, after the word "thousand" in line 2265, I move in the footing to change "\$400" to "\$680;" so as to read "\$73,600."

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent, this amendment having been once agreed to, to change the statement of the aggregate on page 93, line 2266, which now reads "\$73,480" so that it will read "\$73,600." Is there objection? The Chair hears none, and the change is made.

Mr. WINDOM. In the items for the office of the Third Assistant

Postmaster-General, page 80, line 1944, after the word "fifty," I move to strike out "four" and insert "six;" so as to read:

Fifty-six female clerks, at \$900 each.

The amendment was agreed to.

Mr. WINDOM. I move on the same page to strike out the words "seventy-five," on line 1947, and insert "seventy-six;" and in the same line to strike out the word "one" and insert "nine;" so as to read: "\$176,900."

The amendment was agreed to.

Mr. WINDOM. One other amendment to conform to the present law. On page 14, line 328, after the word "thousand," I move to insert "two hundred;" so as to read:

For packing boxes, \$2,200.

The amendment was agreed to.

Mr. McPHERSON. I desire to offer an amendment on page 86, line 2107, after the word "dollars," to insert the words "which shall be immediately available;" so as to read:

To pay salaries and traveling and other necessary expenses, &c., \$50,000, which shall be immediately available.

The amendment was agreed to.

Mr. McPHERSON. Also on line 2092, after the word "agriculture," I move to strike out "under whose direction the investigation shall be made." The bill as it is leaves an employé of the Department of Agriculture full control of that appropriation instead of leaving it to the Department itself.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey, [Mr. McPHERSON.]

Mr. DAVIS, of West Virginia. Do I understand the Senator to desire to take from the Agricultural Department?

Mr. McPHERSON. Not at all. I desire that the Department of Agriculture shall have the \$5,000 instead of giving it to an employé of the Department. The entomologist of that Department will have control of the \$5,000 under the language as it is. I want the investigation to be under the direction of the Department itself.

Mr. DAVIS, of West Virginia. I think the Senator is right.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey.

The amendment was agreed to.

Mr. McPHERSON. I move another amendment. On page 86, in line 2088, after the words "cotton-plant," I move to insert "and other insects injurious to agriculture," to give a little toward the cotton-worm so that the money can be expended in any way upon any insects injurious to agriculture.

Mr. MORGAN. The appropriation for the prevention of the cotton-worm is very moderate. There is no object, I think, in putting in any addition to this clause, because the sum appropriated is a small sum for the investigation of this serious trouble to the agricultural interest of the country. The appropriation asked is only \$5,000. What has been done during the past season has been of very great value, and we think that the continuance of the investigation may be of great use, and I respectfully ask that when we have lost so many millions of dollars in the last ten or twelve years by the ravages of these insects we should be permitted to have this \$5,000 in addition to the \$5,000 appropriated last year, for the completion of the inquiries of scientists into the ravages of this insect.

Mr. McPHERSON. I withdraw the amendment if I may be permitted to do so.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the amendment.

Mr. BUTLER. I offer the following amendment: In line 2057, page 84, strike out "sixty-five" and insert "one hundred;" and after the word "dollars," in line 2058, insert:

Provided, That not more than \$25,000 of this amount shall be used by the Commissioner in the putting up and distribution of said seeds and plants.

I desire to state that this amendment meets the approbation of the Committee on Agriculture, whom I have consulted in reference to it. Hitherto the Commissioner has had \$75,000 for his Department. This bill allows him \$65,000. No amount is set apart for the distribution of seed. This amendment provides for \$100,000, of which \$25,000 is for the putting up and distribution of seed.

Mr. DAVIS, of West Virginia. Does it read "not exceeding \$25,000?"

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. Strike out in line 2057 the word "sixty-five" and insert "seventy-five;" and in line 2058, after "dollars," insert:

Provided, That not more than \$25,000 of this amount shall be used by the Commissioner in the putting up and distribution of said seeds and plants.

Mr. WINDOM. I have not been able to understand where it is.

The SECRETARY. In line 2057, page 84.

Mr. WINDOM. I raise the point of order on that, if the amount is to be raised each year.

Mr. BUTLER. I will simply say, in reply to the point of order, that this amendment has the approbation of the Committee on Agriculture.

The PRESIDING OFFICER. Has it been reported from the Committee on Agriculture and referred to the Committee on Appropriations?

Mr. BUTLER. No, sir.

The PRESIDING OFFICER. The Chair is obliged, then, to rule it out of order.

Mr. BUTLER. It has been informally reported by the Committee on Agriculture. I have consulted each member of the committee.

The PRESIDING OFFICER. The rule requires that an amendment increasing an appropriation shall not only be reported from a standing committee, but also referred to the Committee on Appropriations. It does not appear to the Chair to come within the rule, although the Chair will submit the question to the Senate if desired.

Mr. DAVIS, of West Virginia. It is clearly out of order, because it has not been referred to the Committee on Appropriations; and if the chairman raises the point of order of course it must fall; but I appeal to the chairman if in his opinion the great agricultural interests of this country ought not to have rather more recognition than it has in this bill. We all know that it is the foundation of all our wealth.

Mr. WINDOM. I am quite willing to give the great agricultural interests of the country all that it really needs, but I want to give it something; and unless we pass this bill it will get nothing. I think I prefer to give it what there is rather than to risk the loss of the entire sum.

The PRESIDING OFFICER. The Chair sustains the point of order; and there is no question now before the Senate.

Mr. SPENCER. On page 4, line 79, after the word "each," I move to amend by adding "for the present as well as the ensuing fiscal year." I do this in order that the clerk of the Committee on Military Affairs—I do not know about the other clerks—shall have his salary from the end of this session of Congress until the first of July; otherwise he will not get his salary from the end of the session. This bill provides that a few committee clerks, specifically designated, shall have an annual salary from the 1st of July. I want to provide that they shall have a salary from the end of this session of Congress until July.

Mr. BECK. We have no deficiency in this bill and have avoided that all through.

Mr. SPENCER. I do not know that it makes any difference about deficiencies.

Mr. CONKLING. I think if the Senate understands this amendment fully, there will not be objection to it. The paragraph names several committees, of which the Military Committee is not one, in respect of which this provision has been made heretofore. Now the Committee on Appropriations have introduced the Military Committee among those the clerk of which is to be a salaried officer, and without some such provision as the Senator from Alabama proposes the effect will be to leave the clerk of the Military Committee in a hiatus before this act takes effect, although he is made a salaried officer. The chairman of the committee says that the purpose being to make him a salaried officer he should be treated just like the others who are salaried officers, and who now, under existing law, do get their regular annual salary, whereas this particular clerk, having for the first time been made by this bill a salaried officer will not receive anything until the next fiscal year begins, unless this amendment is introduced. That is the idea.

Mr. SPENCER. Exactly.

Mr. DAVIS, of West Virginia. It is well known that no salary provided for in the bill begins till the next fiscal year.

Mr. CONKLING. The point is that these other clerks who are salaried clerks are provided for by existing law, and that unless there is a special provision made in this case, while we declare this clerk a salaried officer, he will get nothing from now until the next fiscal year begins.

Mr. DAVIS, of West Virginia. He will get his regular per diem.

Mr. CONKLING. Not at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama, [Mr. SPENCER.]

The amendment was agreed to.

Mr. MITCHELL. Under the head of "assay offices," page 48, I send an amendment to the Chair, and I ask that a letter be read.

The PRESIDING OFFICER. The Secretary will first report the amendment.

The Secretary read the amendment, as follows:

In line 1161, strike out the words "thirty-four hundred" and insert in lieu "ten thousand five hundred;" so as to read: "for wages of workmen, \$10,500."

Mr. MITCHELL. I can only say that this is recommended by the acting Director of the Mint and by the Secretary of the Treasury.

Mr. WINDOM. I am aware that that proposition is out of order, but I am also aware that the Secretary of the Treasury and the Director of the Mint are very anxious for it. Therefore, if the Senate give unanimous consent, I have no objection.

Mr. DAVIS, of West Virginia. Do I understand the Senator to say that there is a letter from the Secretary recommending this? It will be borne in mind that that is about three times the amount appropriated in our bill.

Mr. MITCHELL. That is true, and he gives the reasons for it in the letter, and I hope the point of order will not be made.

Mr. DAVIS, of West Virginia. I have not made any point of order.

Mr. MITCHELL. I will state in a word what is said in the letter.

Mr. DAVIS, of West Virginia. It is a very large increase.

Mr. MITCHELL. The letter states that at the time the estimates were sent in provision had not been made to carry out the provisions of section 3545 of the Revised Statutes, which reads:

For the purpose of enabling the mints and the assay office in New York to make returns to depositors with as little delay as possible, it shall be the duty of the

Secretary of the Treasury to keep in such mints and assay office, when the state of the Treasury will admit thereof, such an amount of public money or bullion procured for the purpose as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay office may be paid the value thereof in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund or any portion thereof.

The letter states that at the time the estimates were sent in, which are included in the House bill, provision had not been made by the Secretary to carry out this section of the Revised Statutes. Now such provision has been made by the Department, and it is necessary to increase the force and the operations at this assay office. That is all there is of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon.

Mr. DAVIS, of West Virginia. I ask that the letter recommending the increased appropriation be read.

Mr. ANTHONY. We do not want to hear the letter. We have heard the statement.

Mr. MITCHELL. I would have had it read before, but supposed it better to save time.

The PRESIDING OFFICER. The Secretary will read the letter. The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE DIRECTOR OF THE MINT.
Washington, D. C., February 10, 1879.

SIR: The bill as reported from the Committee on Appropriations of the House of Representatives, making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, under the head of United States assay office at Helena, Montana, appropriates for wages of workmen \$3,400, and for fuel, crucibles, chemicals, light, and other incidental expenses, \$5,515; and for the assay office at Boise, Idaho, for wages of workmen, fuel, crucibles, chemicals, repairs, and other incidental expenses, \$2,000.

At the time of submitting the estimates of appropriations required for the support of the mints and assay offices for the fiscal year ending June 30, 1880, arrangements had not been made by the Department to carry into effect the provisions of section 3545 of the Revised Statutes of the United States at the several mints and assay offices of the United States as provided by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and approved June 19, 1878.

Since submitting these estimates, arrangements have been made to carry into effect the provisions of law above cited, which will result in a largely increased business at the assay office at Helena, Montana, and Boise City, Idaho.

It will, therefore, be necessary to have increased appropriations in order to meet the public demand. I have, therefore, to respectfully request that you will procure an increase in the appropriations for wages of workmen at the assay office at Helena, Montana, from \$5,000 to \$12,000, and for contingent expenses from \$5,515 to \$15,000.

I have also to request that an appropriation for wages of workmen and contingent expenses at the assay office at Boise City, Idaho, be increased from \$2,000 to \$6,000.

I have the honor to be, very respectfully,

R. E. PRESTON,
Acting Director.

Hon. JOHN SHERMAN.

Mr. MITCHELL. I will state—

Mr. DAVIS, of West Virginia. That letter is not from the head of the Department.

Mr. MITCHELL. I said when I was up before that this letter was from the acting Director of the Mint and that it was indorsed by the Secretary of the Treasury. I have not that indorsement here. I have a dispatch, however, from the Department stating that they would try to get the indorsement and send it here. Through mistake it is not here at this time, but I can assure the Senator from West Virginia that it is indorsed by the Secretary of the Treasury, and furthermore, the amendments are less by several thousand dollars than the recommendations made in the letter.

Mr. DAVIS, of West Virginia. I notice the letter recommends \$6,000 and the amendment is for \$10,000.

Mr. MITCHELL. The Senator is mistaken. He did not pay attention to the letter. The amendment is less than the amount the letter recommends.

Mr. DAVIS, of West Virginia. If I am not greatly mistaken the letter wound up by saying \$6,000. I think that is correct. The Senator moved to amend, on line 1161, as I understood him, "for workmen \$10,000." I certainly should be opposed to going above the recommendation of the director.

Mr. MITCHELL. Now, Mr. President, I can assure the Senator that the amendment is less than the recommendation of the letter.

Mr. DAVIS, of West Virginia. Will the Senator please read the latter part of the letter referring to the workmen?

Mr. MITCHELL. I will:

It will therefore be necessary to have increased appropriations in order to meet the public demand. I have therefore to respectfully request that you will procure an increase in the appropriations for wages of workmen at the assay office at Helena, Montana, from \$5,000 to \$12,000.

My amendment is \$10,000—the recommendation \$12,000.

Mr. DAVIS, of West Virginia. Read on.

Mr. MITCHELL. I will:

And for contingent expenses from \$5,515 to \$15,000.

My amendment is \$12,000—\$3,000 less.

Mr. DAVIS, of West Virginia. Read on.

Mr. MITCHELL. That is all there is with reference to Montana. Now, we come to Idaho:

I have also to request that an appropriation for wages of workmen and contingent expenses at the assay office at Boise City, Idaho, be increased from \$2,000 to \$6,000.

My amendment corresponds precisely to the recommendation in that case.

Mr. DAVIS, of West Virginia. I was mistaken in the place. The increase is too great in regard to workmen, and I cannot consent to it.

Mr. MITCHELL. I will make this one remark: so far as the assay office at Helena, Montana, is concerned, it was established only about a year ago, and to-day it does twice the amount of business of all the other assay offices in the country put together.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MITCHELL. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment. The amendment was agreed to.

Mr. MITCHELL. Now in relation to the Idaho office, for the same reasons I move to amend on page 48, line 1164, by striking out "\$5,515" and inserting "\$12,000" and adding "\$4,000 of which shall be immediately available;" so as to read:

For fuel, crucibles, chemicals, light, and other incidental expenses, \$12,000, of which \$4,000 shall be immediately available.

Mr. DAVIS, of West Virginia. I rise to a point of order. These increases are made without any recommendation from any head of Department.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. CONKLING. Mr. President, on page 33, beginning at line 785, is this paragraph:

For dies, paper, and stamps, \$375,000; said engraving and printing to be done in the Bureau of Engraving and Printing of the Treasury Department, to be expended under the direction of the Secretary of the Treasury: *Provided*, The cost does not exceed the price paid under existing contracts.

I understand the purpose there to be to guard against excessive cost in the doing of this work, and I am told by responsible persons, citizens of the State of New York, that they are prepared to do it for a price less than that specified in existing contracts, wherefore I offer this amendment; and in line 790, I move to strike out the word "paid" and insert the word "proposed," and to insert "the," so that it will read:

Provided, The cost does not exceed the price proposed under the contracts—

Striking out "existing"—

which shall be offered by competent and responsible persons.

If it be an error to suppose that the persons to whom I refer and others are ready to fulfill these requirements at a less price than we now pay, the amendment will be of non-effect except that it would seem to be fair. If it turns out that there are persons ready to do this more cheaply, it will be advantageous to the Treasury.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from New York.

The SECRETARY. The amendment is to strike out the word "paid," in line 790, and insert the word "proposed;" to strike out in the same line the word "existing," and in line 791, after the word "contract," to strike out "which shall be offered by competent and responsible persons."

Mr. BECK. That is the old contest, I believe, to break up the Bureau of Engraving and Printing by people offering low rates for one year, and after our own bureau is broken up then doubling and quadrupling the price when we are at the mercy of outside bidders. It is a fight that has been before Congress over and over again. That will be the effect of it. Bidders might work cheap for a year, but the moment Government competition is removed and the Bureau of Engraving and Printing is destroyed, we are at their mercy and we have to pay what they may ask.

Mr. CONKLING. May I inquire of the Senator, for what length of time are the existing contracts?

Mr. BECK. I really do not know.

Mr. CONKLING. If the Senator does or does not know, I venture to ask him this question: Why does he think that "existing contracts" being taken as the measure of the price are any more or any less likely to break up the Printing Bureau than other contracts for the same length of time offered at a lower price? I do not see that if the contracts are now for a single year and they are taken as a gauge, I do not see why if fresh parties, equally competent, offer to do the same thing for 10, 15, or 20 per cent. less, that should not be taken as the gauge. And how can the Senator say that a higher contract made for a year is a fairer thing to measure by than a lower contract?

But, again, if I am not exceeding my time, how can it be that the Printing Bureau will be broken up? The appropriation is "for dies, paper, and stamps" so much money, "said engraving and printing to be done in the Bureau of Engraving." Suppose it should turn out that for only a single year parties were ready to do this much cheaper, so much money is saved; the year afterward they are not ready, the Senator supposes, to do it at so low a price. Then work would be resumed under the same provision in next year's bill by the Printing Bureau. Why? Because the contractors having in the mean time asked for more the Printing Bureau could do it equally as cheap, as now. So I submit in either event we run no risk such as he supposes.

I do not know that this is an old controversy on this point; far from it. On the contrary I supposed that it was the settled intention all the time to say that we should not pay a premium extravagantly for

the sake of having this work done in one place or another, but wherever and however it could be properly, satisfactorily done for the smallest cost, thus and there we intended to have it done.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was rejected.

Mr. INGALLS. If there be any Senators who propose that the Union veterans shall not receive their arrears of pension to which they are entitled under existing laws unless Jefferson Davis and four or five thousand ex-confederate soldiers can also be placed upon the pension-rolls, I intend that the responsibility shall rest with them and not with me. I therefore offer as an amendment to this bill the following as an additional section:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, namely: For the arrears of pensions due on claims in which the pensions were allowed prior to January 25, 1879, \$25,000,000; the amounts paid out respectively for Army and Navy pensions to be accounted for separately to the proper accounting officers of the Treasury Department. For pensions for Army and Navy invalids, widows, minors, and dependent relatives, for the fiscal year ending June 30, 1879, \$1,800,000, in addition to the amounts heretofore appropriated for those purposes; the amounts paid out on account of Army and Navy pensions respectively to be accounted for separately to the proper accounting officers of the Treasury Department. For temporary clerks in the Pension Office, and for furniture, rent of additional rooms, and other contingencies, \$52,200, in addition to the appropriations which have been or shall be made under other acts; the same to be available until June 30, 1880: *Provided*, That no more than \$3,500 shall be used for furniture, contingencies, and rent.

That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been, or shall hereafter be, allowed, shall be graded according to the degree of the pensioner's disability from time to time, and the provisions of the pension laws in force over the period for which the arrears shall be computed.

Mr. DAVIS, of West Virginia. I rise to a question of order. The same amendment was offered on the sundry civil bill to-night and it was subject to two or three objections, among them that of legislation, and it has not been referred to the Committee on Appropriations. I make the point again.

Mr. INGALLS. Why did not the Senator make his point of order on the amendment offered by the Senator from Oregon, [Mr. MITCHELL?]

Mr. DAVIS, of West Virginia. That is a question for the Senator himself.

The PRESIDING OFFICER. The Senator from West Virginia raises the point of order that this amendment contains general legislation upon a general appropriation bill, and also that it has not been reported from a standing or select committee and referred to the Committee on Appropriations. The Chair will submit the question of order to the Senate. Is the amendment offered by the Senator from Kansas in order notwithstanding the objection of the Senator from West Virginia?

Mr. INGALLS called for the yeas and nays; and they were ordered.

Mr. DAVIS, of West Virginia. It has not been referred to the Committee on Appropriations. That is a fact conclusive, I believe, of itself. As to legislation, that is another point. I submit to the Chair the fact that it has not been referred to the Committee on Appropriations nor come from a standing committee. It may come from the Committee on Pensions for aught I know, but it certainly has not been referred as an amendment to this bill, and I ask the Chair to rule upon it.

The PRESIDING OFFICER. The Chair submits under the rule, as he has authority to do in grave cases, to the Senate a difficult question of order. Upon that the yeas and nays have been ordered.

Mr. CONKLING. As this is a grave question upon which we are called to vote, would it be in order to inquire the opinion of the Chair on the question, to assist us in our deliberations?

The PRESIDING OFFICER. It would be in order to inquire.

Mr. CONKLING. I wish the Chair would consider that inquiry made.

The PRESIDING OFFICER. The Chair will so consider it. Is the Senate ready for the question?

Mr. COKE, (at three o'clock and twenty-six minutes a. m.) I move that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the question of order submitted to the Senate. As many as are of opinion that the amendment proposed by the Senator from Kansas is in order notwithstanding the point made against it by the Senator from West Virginia, will vote "yea;" those of the contrary opinion will vote "nay."

Mr. DAVIS, of West Virginia. The single point I make is that it does not come from a committee. The other point as to legislation may come afterward.

Mr. INGALLS. I beg to state, if I do not interrupt the Chair, that the amendment does come from the Committee on Pensions.

Mr. DAVIS, of West Virginia. But it has not been referred to the Committee on Appropriations.

Mr. INGALLS. But it was referred to the Committee on Appropriations and reported by that committee on the 24th of February.

Mr. DAVIS, of West Virginia. The rule requires that every amendment shall be referred to the Committee on Appropriations at least one day before it is acted on.

Mr. CONKLING. I should like to know—and I speak seriously now—of any Senator who can tell me, has this amendment been re-

ported by the Committee on Appropriations as an amendment to this bill?

Mr. INGALLS. No, sir.

Mr. BECK. It never was submitted to that committee.

Mr. CONKLING. I was misled by a remark some Senator made.

Mr. BECK. This proposition never has been submitted to the Committee on Appropriations, and no Senator will rise in his place and say that it has.

The PRESIDING OFFICER. Is the Senate ready for the question? The Secretary proceeded to call the roll.

Mr. CONKLING. (when his name was called.) I am paired, I have once or twice said, with the absent Senator from Indiana, [Mr. Voorhees.] I do not know how he would vote on this subject, and as it is submitted without recommendation by the Chair, I am a little at a loss myself how to vote; but I think the more prudent way is to abstain from voting, as the Senator from Indiana is not here.

Mr. KIRKWOOD. (when his name was called.) On this question I am paired with the Senator from Georgia, [Mr. Hill.] If he were here, I should vote "yea."

Mr. PLUMB. (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. Randolph.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BAILEY. My colleague [Mr. Harris] is sick, and paired on political questions with the Senator from Mississippi, [Mr. Bruce.] This is not a political question, and I do not know how either of them would vote.

The result was announced—yeas 16, nays 36; as follows:

YEAS—16.

Allison,	Dorsey,	McMillan,	Rollins,
Blaine,	Ferry,	Matthews,	Saunders,
Cameron of Pa.,	Hamlin,	Mitchell,	Spencer,
Chandler,	Ingalls,	Paddock,	Teller.

NAYS—36.

Anthony,	Coke,	Jones of Florida,	Morrill,
Bailey,	Davis of W. Va.,	Kellogg,	Saunders,
Barnum,	Dawes,	Kernan,	Shields,
Bayard,	Eaton,	Lamar,	Thurman,
Beck,	Eustis,	McDonald,	Wadleigh,
Booth,	Garland,	McPherson,	Wallace,
Burnside,	Gordon,	Maxey,	Whyte,
Butler,	Hereford,	Merrimon,	Windom,
Cockrell,	Hoar,	Morgan,	Withers.

ABSENT—24.

Bruce,	Dennis,	Johnston,	Plumb,
Cameron of Wis.,	Edmunds,	Jones of Nevada,	Randolph,
Chaffee,	Grover,	Kirkwood,	Ransom,
Conkling,	Harris,	McCreery,	Sargent,
Conover,	Hill,	Oglesby,	Sharon,
Davis of Illinois,	Howe,	Patterson,	Voorhees.

The PRESIDING OFFICER. The Senate decides that the amendment is not in order.

Mr. PADDOCK. By direction of the Committee on Agriculture and by informal consent of a majority of the Committee on Appropriations, I offer the following amendment: On page 87, after line 2109, insert:

For experimental cultivation and analysis of the different varieties of sorghum and other sugar-producing plants, \$5,000, of which sum there shall be paid to the chemist of the Department of Agriculture as additional compensation \$1,000.

Mr. ANTHONY. I think, with great respect, it is trifling with the Senate to introduce amendments that Senators know to be out of order.

Mr. PADDOCK. I do not know it to be out of order. It is introduced by direction of a standing committee, and assented to by a majority of the Committee on Appropriations.

Mr. ANTHONY. But it must be reported from the Committee on Appropriations in order to be in order.

Mr. PADDOCK. It is a very important matter, and I ask unanimous consent for its consideration. This chemist is one of the most competent men in his specialty in this country, and has served a very great purpose in his particular line. There is no service that has been rendered to science in this country that is more valuable than that he has rendered in his line, and I ask the unanimous consent of the Senate that the amendment may be considered.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that his amendment be received for consideration.

Mr. PLUMB. I object.

The PRESIDING OFFICER. Objection is made, and it is not received.

Mr. FERRY. I move to insert after line 98:

For messenger in charge of the Official Reporter's room, \$1,200.

Mr. ANTHONY. Is that in order?

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ANTHONY. Does it come from a committee? Has it been referred to the Committee on Appropriations?

The PRESIDING OFFICER. The Chair has no information that it does, and assumes that it does not until that appears. If the point of order is made the Chair will sustain it unless the amendment comes within the rule on the statement of some Senator. Does the Senator from Rhode Island make the point of order?

Mr. ANTHONY. I do.

The PRESIDING OFFICER. The Chair sustains the point of order. Mr. WINDOM. I give notice that from now on I will make a point of order on each amendment moved where I can discover one applicable.

Mr. FERRY. I have one more amendment. It is to strike out in line 81 the word "one," and insert "five," so as to give the Postmaster of the Senate the same that the Postmaster of the House receives.

The PRESIDING OFFICER. The Senator from Michigan proposes in line 81, page 4, to strike out "one" and insert "five;" so as to read "Postmaster to the Senate, \$2,500" instead of "\$2,100."

Mr. WINDOM. I make the point of order that it has not been recommended by a standing committee of the Senate.

The PRESIDING OFFICER. If the fact be so, and the Chair assumes it is, unless the Senator from Michigan states otherwise, the Chair must sustain the point of order. The point of order is sustained.

Mr. KERNAN. I offer the following amendment: On page 88, lines 2144 and 2145, strike out "\$189,500" and insert in lieu thereof:

One hundred and ninety-one thousand dollars; and the salary of the district judge of the southern district of New York, from and after the 30th of June next, be \$5,500 per annum.

Mr. WINDOM. I make the same point on that as on the last amendment.

Mr. KERNAN. I withdraw it if the Senator makes the point of order.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. KERNAN. I am sorry the point is made in that case.

Mr. WINDOM. And I am sorry to have to make it.

Mr. McDONALD. I desire to make an inquiry. May not a Senator move to amend the text of the bill by striking out and inserting?

The PRESIDING OFFICER. The Chair is of opinion that he may; but it depends entirely upon what proposition is proposed to be inserted whether it is in order.

Mr. McDONALD. Either to reduce or increase.

The PRESIDING OFFICER. The Chair will intimate an opinion that a Senator may move to reduce; and he will reserve his opinion on the question of an increase until he can see what it is that is proposed.

Mr. McDONALD. I desire to amend on line 1929, page 79, by striking out "\$200 additional" and inserting "\$2,000;" so as to read:

One of whom shall have \$2,000 as superintendent of railway adjustments.

In place of "\$200 additional," as it stands in the bill now. It makes simply a difference of \$200.

Mr. WINDOM. I raise the point of order that it has not been recommended by a standing committee of the Senate.

The PRESIDING OFFICER. The Chair sustains the point of order if that be the fact. The point of order is sustained.

Mr. McDONALD. The committee had no opportunity to recommend it.

Mr. MATTHEWS. (at three o'clock and forty-five minutes a. m. Sunday, March 2.) I move that the Senate adjourn.

Mr. WINDOM. I hope not.

The motion was not agreed to.

Mr. WADLEIGH. I move to strike out "four" and insert "five" in place thereof, in line 1786, page 74; so as to read:

Trade-mark examiner, \$2,500.

Mr. WINDOM. I raise the same point of order on that, that it has not been recommended by a standing committee, and yet I think it is just precisely in the bill as the Senator proposes to have it. I think his amendment would make no change.

The PRESIDING OFFICER. It stands in the bill \$2,400.

Mr. WINDOM. I make the point of order, then, that it has not been recommended.

Mr. WADLEIGH. His pay was \$2,520 before the war, and always was so before that.

The PRESIDING OFFICER. The Chair feels obliged to sustain the point of order.

Mr. MITCHELL. The chairman of the committee gave notice a few minutes ago that he would object to all amendments. Before that notice was given, however, I had submitted an amendment in regard to the assay office at Helena. Objection was made at the time by the honorable Senator from West Virginia, a member of the Committee on Appropriations. Since then he has looked into the matter, and is of the opinion that there should be an increase; and I have concluded to modify my amendment by reducing it, and I hope the chairman will not make any point.

Mr. WINDOM. I do not see how I can take back my pledge.

Mr. MITCHELL. For the reason that my amendment was offered before the chairman gave the notice.

Mr. WINDOM. As I have already said, I believe in that proposition which the Senator desires; and if the Senator asks unanimous consent and nobody objects I shall not interpose.

Mr. MITCHELL. I will reduce the amount. In the appropriations for the assay office for Helena, Montana, in line 1164, page 48, I move to strike out the words "five thousand five hundred and fifteen" and insert the words "eight thousand."

Mr. MATTHEWS. I object.

The PRESIDING OFFICER. The Senator from Oregon, on page

48, line 1164, moves to strike out "five thousand five hundred and fifteen" and insert "eight thousand;" so as to read:

For fuel, crucibles, lights, and other incidental expenses, \$8,000.

Mr. WINDOM. I raise the point of order.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that this amendment be received for consideration. Is there objection?

Mr. MATTHEWS. I object.

The PRESIDING OFFICER. The Senator from Ohio objects. The amendment is not received.

Mr. MITCHELL. I now ask, in line 1171, that the words "two thousand" be stricken out and "five thousand" inserted in the bill, and I appeal to my friend from Ohio not to object to this. It is for the assay office at Boise City, Idaho Territory.

Mr. MATTHEWS. I object to everything except an adjournment at this hour on Sunday morning.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent to receive for consideration an amendment in line 1171, to strike out "two thousand" and insert "five thousand."

Mr. MATTHEWS. I object.

The PRESIDING OFFICER. The Senator from Ohio objects. The amendment is not received.

Mr. MITCHELL. I have done my duty.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. KERNAN. I will offer one amendment, and I simply ask that it be not objected to. It raises the salary of the district judge in the city of New York \$1,500. We cannot have a good judge there on the low salary now allowed. I move, in line 2145, page 88, to strike out the words "one hundred and eighty-nine thousand five hundred dollars," and insert in lieu thereof the words "one hundred and ninety-one thousand dollars; and the salary of the district judge for the southern district of New York shall, from and after the 30th day of June next, be \$5,500 per annum."

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that this amendment be received for consideration. Is there objection?

Mr. McMILLAN. I object.

The PRESIDING OFFICER. Objection is made. The amendment is not received.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. WINDOM. Mr. President—

Mr. SPENCER. I hope the Senator from Minnesota will yield to me.

Mr. WINDOM. For what purpose?

Mr. SPENCER. I wish to move to take up the river and harbor bill.

Mr. WINDOM. I have no objection to the Senator trying it.

Mr. SPENCER. I move that the Senate proceed to the consideration of the bill (H. R. No. 6463) making appropriation for the construction, repair, preservation, and completion of certain works on rivers and harbors, and other purposes.

Mr. THURMAN. Mr. President, I hope before that bill is taken up the Senate will take a vote, that I do not suppose there is any necessity for any debate upon, on the motion made by the Senator from Minnesota [Mr. WINDOM] to reconsider the vote by which the bill relative to arrears of pensions was passed.

Mr. WINDOM. I should be very glad indeed to have a vote on the question at this moment.

Mr. THURMAN. That is what I want—a vote on the motion to reconsider.

Mr. WINDOM. If the Senator from Alabama will yield to me tomorrow morning or when the Senate meets to make that motion to reconsider, I will not press it now.

Mr. SPENCER. I will yield at some future time.

Mr. WINDOM. After the bill is taken up?

Mr. SPENCER. I want to pass the river and harbor bill now.

Mr. THURMAN. I desire to try the consideration of that motion to reconsider, and if the Senator from Alabama will withhold his motion to take up the river and harbor bill for ten minutes—

Mr. SPENCER. No, I insist on my motion.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. THURMAN. Then I move that we proceed to the consideration of the motion made by the Senator from Minnesota [Mr. WINDOM] to reconsider the vote by which the bill, which is familiarly known as the bill appropriating for arrears of pensions, was passed.

The PRESIDING OFFICER. That motion is not in order at this time, there being one pending motion before the Senate.

Mr. EATON. The motion of the Senator from Alabama is before the Senate. It may be voted down, I suppose.

Mr. THURMAN. The Senator from Alabama made his motion first, and of course I cannot make mine.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to proceed to the consideration of the river and harbor bill.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be read.

Mr. WINDOM. I now move that the Senate take a recess for six hours and five minutes. ["Oh, no!"]

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate now take a recess for six hours and five minutes.

Mr. GORDON. Is not the motion amendable?

The PRESIDING OFFICER. It is not amendable.

Mr. WINDOM. I will compromise with my friends about me by saying seven hours and five minutes.

Mr. BLAINE. Why is not the motion amendable?

Mr. CONKLING. May I inquire of the Chair is it not in order so far to amend the motion as to propose a different time?

The PRESIDING OFFICER. The Senator from New York will suspend a moment. The Chair will put no question until the Senate shall be in order.

Mr. CONKLING. I wish merely to learn from the Chair whether it is not in order to suggest a different hour by way of amendment.

The PRESIDING OFFICER. The Chair thinks, with great diffidence, that under the rules of the Senate it is not amendable any more than a motion to adjourn is.

Mr. CONKLING. Then if I make one offer—

The PRESIDING OFFICER. But a negating of this motion would of course enable Senators to make another.

Mr. CONKLING. No doubt that is true; but I may be allowed to say that if we take a recess with a view to giving any rest, I hope it will be long enough to enable us to go to sleep and get our breakfasts and get back here. A recess for only five or six hours I submit will be of no use for that purpose.

Mr. FERRY. Mr. President—

The PRESIDING OFFICER. Debate proceeds by unanimous consent.

Mr. FERRY. I desire to remind the Chair that on the occasion when we sat up so late last week, on a motion amending the motion that was pending by the Senator from Connecticut we fixed the hour of meeting at one o'clock, showing that a motion to adjourn to a certain time is amendable.

Mr. GORDON. If the Senator will make a motion to take a recess until one o'clock to-morrow, I think it will be satisfactory.

Mr. WINDOM. I will state the reason for moving a recess to the hour named. It is very important that the conferees having charge of these bills should be able to meet as early as possible. If we take a recess until one o'clock they will have very little time. The House meets at nine, and it seems to me we can get here without much difficulty at eleven.

Mr. CONKLING. The river and harbor bill is the only one left. The conferees can take the other bill.

Mr. WINDOM. The conferees have not been appointed.

Mr. CONKLING. They can be appointed in five minutes.

Mr. WINDOM. They have not yet been asked for. The House has to announce the disagreeing votes on these two bills, and will be in session at nine o'clock. I think eleven o'clock is a fair compromise under all the circumstances.

Mr. HAMLIN. Is it in order to move that the Senate now adjourn to meet at ten o'clock to-day?

Mr. FERRY. I move that the Senate do now adjourn; that will carry us to eleven o'clock.

Several SENATORS. To Monday.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. HAMLIN. I move that the Senate do now adjourn to meet at eleven o'clock to-day.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate do now adjourn to meet at eleven o'clock to-day, which motion takes precedence, under the rules, of a motion for a recess.

Mr. GORDON. Now is not that motion amendable?

The PRESIDING OFFICER. The Chair is of opinion that it is not. Is the Senate ready for the question on the motion that the Senate do now adjourn to eleven o'clock, the 2d of March I suppose the Senator means?

Mr. HAMLIN. Yes.

Mr. CHANDLER. Such a thing as adjourning to that hour on Sunday was never heard of.

The PRESIDING OFFICER. Debate is not in order. The question is on the motion of the Senator from Maine.

The motion was not agreed to; there being on a division—ayes 24, noes 32.

The PRESIDING OFFICER. The question recurs on the motion for a recess.

Several SENATORS. To what hour?

Mr. WINDOM. Eleven o'clock was the motion.

Mr. GORDON. I move now that we adjourn until twelve o'clock.

The PRESIDING OFFICER. The Senator from Georgia, pending this motion—

Mr. GORDON. I have no objection to saying a recess until twelve o'clock. I move, then, that we take a recess until twelve o'clock.

The PRESIDING OFFICER. The pending motion then is, the motion to adjourn being withdrawn, that of the Senator from Minnesota, that the Senate take a recess until eleven o'clock, which pre-

cedes the motion of the Senator from Georgia. Is the Senate ready for the question on the motion of the Senator from Minnesota?

CONFERENCE COMMITTEES.

Mr. ANTHONY. I ask unanimous consent to make a suggestion which I think will facilitate business.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ANTHONY. I think it is perfectly competent for us to appoint conferees when we send a bill over to the House.

Mr. BLAINE. It has been done.

Mr. CONKLING. There is no difficulty about it.

Mr. ANTHONY. If we do that we can have the committees of conference get to work immediately.

Mr. GORDON. Make a motion to that effect.

The PRESIDING OFFICER. The pending motion is the motion of the Senator from Minnesota, that the Senate now take a recess until eleven o'clock.

Mr. WINDOM. I withdraw that for the purpose of testing the motion made by the Senator from Rhode Island, which seems to be a very novel one; but I have so much confidence in his parliamentary knowledge that I yield to it.

The PRESIDING OFFICER. Is the motion for a recess withdrawn?

Mr. WINDOM. I withdraw it.

The PRESIDING OFFICER. Does the Senator from Georgia withdraw his motion?

Mr. GORDON. For the present.

Mr. ANTHONY. I move that the conferees be appointed by the Chair upon the two bills passed to-day.

The PRESIDING OFFICER. The river and harbor bill is before the Senate. The Senator from Rhode Island asks unanimous consent to move, without displacing the river and harbor bill I suppose he intends—

Mr. ANTHONY. Certainly.

The PRESIDING OFFICER. That the Senate request a conference with the House of Representatives upon the amendments proposed by the Senate to the legislative bill.

Mr. MORRILL. I should like to ask if any Senator knows of a single precedent of that kind?

The PRESIDING OFFICER. The Chair is of opinion that the motion is in order. Of course it is very unusual, but the Chair believes it to be consistent with the rules of parliamentary law. The question is on agreeing to the motion of the Senator from Rhode Island.

Mr. BAILEY. What is the motion?

The PRESIDING OFFICER. That the Senate request a conference with the House of Representatives upon the amendments proposed by the Senate to the legislative, executive, and judicial appropriation bill. Is the Senate ready for that question?

Mr. THURMAN. Is there any precedent for this?

Mr. ANTHONY. I think there are precedents, although I do not remember any?

Mr. THURMAN. Let us hear.

The PRESIDING OFFICER. It is stated on the subject of conferences in the Constitution, Manual, and Digest used by the Senate: "a conference may be asked, before the House asking it has come to a resolution of disagreement, insisting or adhering," and so on. That is a more extreme case than the one in hand, because the Senate has disagreed to the House bill as it stands and proposed to change it. The Chair has no doubt, therefore, in respect of the parliamentary propriety of the motion, and rules it to be in order.

Mr. BLAINE. It has been done within the last fifteen years three or four times between the Senate and House of Representatives, I think.

Mr. HOAR. I desire to inquire of the Chair whether, if a conference be appointed, the conferees can deal with anything but the existing condition of things as the bill is sent from the Senate? If the House afterward were to insist on their amendments, the conference will then fall to the ground if it is appointed in this way.

Mr. THURMAN. I am very sorry I could not hear one word the Senator from Massachusetts said. I want, however, to ask one question of those who are better versed in the rules than I am—

Mr. HOAR. Will the Senator from Ohio permit me to repeat what I said? I should like to have him hear it before we determine this question. My point is that although it is undoubtedly competent to ask a conference and appoint a conference at any stage of a bill, yet the conference, if accepted, must be a conference upon the bill in that stage; and if the House insists on its amendments the conference which we have asked for falls to the ground.

Mr. EATON. Oh, no.

Mr. THURMAN. The trouble with me is what good is to come by appointing conferees now?

Mr. ANTHONY. Because the House meets at nine or nine and a half o'clock, and they can appoint conferees at once, and the committees can get together and be at work. It enables us to adjourn to meet at a later hour.

Mr. THURMAN. Is it the opinion of the Senator from Rhode Island that if the House should appoint conferees and they should meet and recommend one thing or the other thing, upon the adoption of the conference report, that would pass the bill without the House ever having acted upon the amendments made by the Senate?

Mr. ANTHONY. Undoubtedly.

Mr. BLAINE. These amendments go to the House with the request that there be a conference. If the House should recede and agree to all the Senate has done, then the conferees would have nothing to meet about; but whatever is left then goes to the conference if the House joins in it; and then both bodies will be in position to receive the result of that conference.

Mr. THURMAN. I do not quite see it yet. It may be for want of knowledge on this subject, but I do not quite see the point. Here is a proposition for a conference, and I can very well conceive a case in which it would be proper to appoint conferees before the other House had considered our amendments. But we appoint conferees. Suppose the House appoints managers on its part. Managers of what? Of disagreeing votes? No; there are no disagreeing votes yet, for we do not know whether the House will agree to our amendments or not. They appoint managers then to consider what? A set of managers to consider the amendments made by the Senate to the House bill.

Mr. GORDON. I want to make a suggestion to my friend from Ohio. The House of course will not appoint its conferees until it has acted upon this bill. If it disagrees with the amendments it will then appoint its conferees, and will find the Senate conferees ready to meet them. That is all there is in it.

The PRESIDING OFFICER. Will the Senate agree to the motion of the Senator from Rhode Island that it request of the House of Representatives a conference on the amendments proposed by the Senate to the bill of the House entitled the legislative, executive, and judicial appropriation bill?

Mr. THURMAN. I think we had better take the regular course. I for one shall vote against that proposition.

The motion was agreed to.

Mr. WINDOM. Now I move a like conference on the sundry civil bill.

The motion was agreed to.

The PRESIDING OFFICER. How shall the committee be appointed? ["By the Chair."] Is there objection? The Chair hears no objection.

The Chair will name as the committee on the legislative bill the Senator from Minnesota, [Mr. WINDOM,] the Senator from Iowa, [Mr. ALLISON,] and the Senator from Kentucky, [Mr. BECK.]

On the sundry civil bill, so-called, the Senator from Minnesota, [Mr. WINDOM,] the Senator from Arkansas, [Mr. DORSEY,] and the Senator from West Virginia, [Mr. DAVIS.]

RECESS.

Mr. WINDOM. Now I move that the Senate take a recess until two o'clock.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate now take a recess until two o'clock of the 2d of March.

Mr. THURMAN. I rise to a question of order.

The PRESIDING OFFICER. The Chair will hear the Senator, although the motion is not debatable.

Mr. THURMAN. This is the first day of March. How, then, can we take a recess until a certain hour on the second day of March?

Mr. GORDON. It is the same day; say three o'clock to-day.

Mr. THURMAN. But the Chair was putting it to take a recess to such an hour on the second day of March. We are in the session of the first day of March yet.

Mr. GORDON. The motion is, I understand, to take a recess until two o'clock to-day.

Mr. WINDOM. I understood the motion to be made for a recess to two o'clock.

The PRESIDING OFFICER. The Chair put it at two o'clock of the 2d of March. He has not found out yet which two is meant. The Chair will state it "the next two."

Mr. BLAINE. "The next two" will do.

The PRESIDING OFFICER. The Chair will put the question in this way, that the Senate take a recess until two o'clock, whatever two o'clock next happens.

Mr. WINDOM. Two o'clock on the second day of March.

The PRESIDING OFFICER. Objection is made to that.

Mr. FERRY. Two o'clock to day.

The PRESIDING OFFICER. The motion is to take a recess until the two o'clock next occurring.

The motion was agreed to; and (at four o'clock and eleven minutes a. m., Sunday, March 2) the Senate took a recess until two o'clock p. m.

SUNDAY'S SESSION.

The Senate reassembled at two o'clock p. m., (Sunday, March 2, 1879,) and the Vice-President called the Senate to order.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. Mr. President, I ask leave to present the petition of Isaac Lindsley and the Pawtucket Hair-Cloth Company, praying that letters-patent granted to said Lindsley September 26, 1871, for an improvement in looms for weaving hair-cloth, may be declared a valid patent for seventeen years from its date, notwithstanding that letters-patent were previously procured from Great Britain by him for the same invention. I move its reference to the Committee on Patents.

The motion was agreed to.

Mr. EDMUNDS. Is there a quorum present, Mr. President.

The VICE-PRESIDENT. There is not.

Mr. EDMUNDS. I hope no business will be done until there is a quorum. It is bad enough to do business on Sunday even with a quorum.

Mr. SPENCER. I call for the regular order.

The VICE-PRESIDENT. The regular order is to secure a quorum.

Mr. SPENCER. I think there is a quorum present here.

Mr. EDMUNDS. I ask the Chair to have the roll called.

The VICE-PRESIDENT. The roll of the Senate will be called.

The Secretary called the roll.

The VICE-PRESIDENT. There is a quorum present, forty-one Senators having answered to their names.

CREDENTIALS.

Mr. BUTLER presented the credentials of Wade Hampton, chosen by the Legislature of South Carolina a Senator from that State for the term beginning March 4, 1879; which were read, and ordered to be filed.

REPORTS OF COMMITTEES.

Mr. HAMLIN, from the Committee on Foreign Relations, to whom was referred the resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the passage of House joint resolution No. 234, providing for a treaty with the republic of Mexico, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the Legislature of Florida, praying an appropriation to pay the unpaid balance awarded to citizens under the provisions of the acts of Congress passed in furtherance of article 9 of the treaty between Spain and the United States, of February 22, 1819, asked to be discharged from its further consideration; which was agreed to.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2200) for the relief of William J. Piper of Frankfort, New York, reported it without amendment.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 471) granting a pension to Martha J. Robinson, widow of James H. Robinson, reported it without amendment.

PRINTING OF ELECTION TESTIMONY.

Mr. ANTHONY. I ask the Senate to proceed to the consideration of the resolution to print the report of the select committee to inquire into the alleged frauds in the late elections, with the accompanying testimony, which was submitted yesterday.

The Senate, by unanimous consent, proceeded to consider the following resolution submitted by Mr. TELLER:

Resolved, That 200 copies of the report of the select committee to inquire into the alleged frauds in the late elections, with the accompanying testimony, be printed for the use of said committee.

Mr. ANTHONY. I am directed by the Committee on Printing to report an amendment. I move to insert at the end of the resolution:

And that 200 extra copies of the said report and testimony be printed.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. ANTHONY. The Committee on Printing, to whom was referred the resolution to print 2,000 additional copies of the report of the select committee to inquire into alleged frauds in the late elections, with the accompanying testimony, have instructed me to report it back without amendment, and to recommend its passage.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 2,000 additional copies of the report of the select committee to inquire into alleged frauds in the late elections, with the accompanying testimony, of which 800 copies shall be for the use of the Senate and 1,200 copies for the use of the House of Representatives.

TREASURY DISCREPANCIES COMMITTEE.

Several Senators addressed the Chair.

Mr. DAVIS, of West Virginia. I offer a resolution as morning business; I believe that is first in order. I do not ask action upon it now.

Mr. EDMUNDS. There is no morning business to-day.

The VICE-PRESIDENT. There is no morning hour. Is there objection to receiving the resolution? The resolution will be received.

Mr. EDMUNDS. Let it be read, subject to objection.

The resolution was read, as follows:

Resolved, That the select committee appointed under the resolution of November 19, 1877, to investigate the finance reports, books, and accounts of the Treasury Department, be continued as now organized until the further order of the Senate, with authority to sit during the recess, and with all the powers conferred by the said resolution of November 19, 1877.

Mr. DAVIS, of West Virginia. Let it be printed and lie on the table. I have no particular wish to have it considered now.

Mr. EDMUNDS. I do not know that I have any objection to it.

The VICE-PRESIDENT. The resolution will lie on the table.

Mr. INGALLS. I was going to make a statement upon the resolution offered by the Senator from West Virginia, and that is, that three members of that committee are re-elected but will not be sworn in until there is another session of Congress. Whether it be competent

for them to act on that committee during the recess I leave to the Senate to decide.

The VICE-PRESIDENT. That can be decided when the resolution is called up for action.

Mr. DAVIS, of West Virginia. I suggest that the resolution was intended to cover that. As now organized we have full power to sit until we make a report, and I suppose that will cover the cases referred to by the Senator.

RICHARD STEVENSON'S HEIRS.

Mr. McDONALD. I ask for the present consideration of House bill No. 5271. It will not lead to any debate, I know. It is identical with the Senate bill No. 1415; which was referred to the Committee on the Judiciary and reported back unanimously with a recommendation that it pass. This is a House bill in lieu of that, which I ask the present consideration of.

Mr. EDMUNDS. What is it?

Mr. McDONALD. Senate bill for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen. It releases the heirs and legal representatives of Richard Stevenson, late an assistant quartermaster of volunteers, and his official sureties or bondsmen, from any liability to the United States on account of any moneys or property received or disbursed by him as such quartermaster, and directs the proper accounting officers of the Treasury to close all his accounts as such quartermaster, in accordance with the intent of the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McDONALD. I desire to move the indefinite postponement of the bill of the Senate No. 1415, which is identical with this bill.

The motion was agreed to.

LANDS IN MICHIGAN.

Mr. FERRY. I ask the Senate to consider House joint resolution No. 191, which was reported from the Committee on the Judiciary with amendments. I think there will be no objection to it. The Senator from Wisconsin [Mr. Howe] had it in charge. It releases the reversionary claim and interest of the United States in and to certain lands in Michigan.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. As the Senator from Michigan got this started, I shall not object to its being taken up. It may be considered subject to objection through every stage. That joint resolution which has been read is not the one that the Judiciary Committee agreed upon at all.

Mr. DAVIS, of West Virginia. I wish to inquire whether this joint resolution was reported to-day, and if not, when was it reported to the Senate? If it was reported to-day I must object to its present consideration.

Mr. FERRY. It was reported from the Judiciary Committee several days since and is on the Calendar.

Mr. EDMUNDS. After this is disposed of I shall call for the regular order.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 191) releasing the reversionary interest and claim of the United States in and to certain lands in the State of Michigan.

The VICE-PRESIDENT. The amendments of the Committee on the Judiciary will be reported.

The SECRETARY. In line 5, after the word "in," the Committee on the Judiciary propose to insert the words "such of;" in line 8, after the word "act," to insert the words "as were granted to aid the construction of the road from Grand Haven to Flint, and thence to Port Huron;" and in line 12, to strike out the words "under the operation of the laws of the State of Michigan, or of the officers thereof;" so as to make the joint resolution read:

That the United States hereby releases to the State of Michigan any and all reversionary interest which may remain in the United States in such of the lands granted to and acquired by the said State of Michigan by act of Congress of June 3, 1856, and certified to the said State in accordance with the said act, as were granted to aid the construction of the road from Grand Haven to Flint, and thence to Port Huron. This release shall not in any manner affect the legal or equitable rights in said lands which have been acquired, but all such rights shall be and remain unimpaired.

The amendment was agreed to.

Mr. EDMUNDS. I move in line 11, to strike out the word "the" before "legal," and insert the word "any;" so as to read, "any legal or equitable rights," &c.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

CAPTAIN S. S. BLACKFORD.

Mr. EDMUNDS. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded, being the unfinished business, and the Senate resumes consideration of the river and harbor appropriation bill.

Mr. MORRILL. I desire to appeal to the Senate to allow the census bill to be taken up in order that the amendments of the House may be concurred in.

Mr. SPENCER. I object.

The VICE-PRESIDENT. Objection is made.

Mr. MORRILL. The select Committee on the Census have instructed me to propose that all the amendments of the House of Representatives shall be concurred in. It will take but a few minutes.

Mr. EATON. I understand that the request of the Senator from Vermont was objected to. I wish to state that the other morning on my motion a resolution was laid on the table to pay one of the officers of the Senate, the captain of the Capitol police, a certain sum, \$500 I think. I am satisfied myself that the information upon which I acted was incorrect. Therefore, I should like to call up that resolution and let it be passed.

The VICE-PRESIDENT. Is there objection to the resolution being taken from the table and considered?

Mr. EDMUNDS. Let us know what it is.

The VICE-PRESIDENT. It will be reported.

The Secretary read the following resolution submitted by Mr. MITCHELL, February 21:

Whereas S. S. Blackford, in the proper discharge of his duties as captain of the Capitol police, while making an arrest in the Capitol on the 26th day of December, 1878, was seriously injured, having the top bone of his right and only arm fractured and his arm otherwise disabled, so as to render him almost entirely helpless for a period of more than six weeks, and from the results of which injuries he may never recover: Therefore,

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the said S. S. Blackford, out of the contingent fund of the Senate, the sum of \$500, to enable him to pay for medical and other expenses incurred and which may hereafter be incurred on account of said injuries.

The Senate proceeded to consider the resolution.

Mr. DAVIS, of West Virginia. I have no objection at all to paying the actual expenses incurred, let them be what they may; but I understand the person whom it is intended to relieve has been regularly on duty, has received his regular salary, and will continue to get it, for he is now on duty. It is true his arm was probably seriously hurt. I should have no objection whatever to paying his expenditures for physicians' fees, or any expenses incident to that accident. Those expenses the Senate should pay, but I think it wrong to appropriate so large an amount when perhaps one-fifth of it would pay all the expenses he incurred. That is all I have to say upon the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN D. C. ATKINS of Tennessee, Mr. A. S. HEWITT of New York, and Mr. EUGENE HALE of Maine managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN D. C. ATKINS of Tennessee, Mr. M. J. DURHAM of Kentucky, and Mr. CHARLES FOSTER of Ohio, managers at the conference on its part.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 1108) to protect Holmead Cemetery, in the District of Columbia.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 1651) to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for lands lying in the District of Columbia and the records thereof; and

A bill (H. R. No. 5065) to give circuit courts supervisory jurisdiction in certain criminal cases.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 362) granting a pension to A. G. Ege;

A bill (S. No. 399) granting a pension to Abigail S. Tilton;

A bill (S. No. 663) granting a pension to William H. H. Buck;

A bill (S. No. 687) granting a pension to William H. Bagley;

A bill (S. No. 801) to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys;

A bill (S. No. 872) granting a pension to Mrs. Ann W. Steele;

A bill (S. No. 889) granting a pension to John Etzell;

A bill (S. No. 989) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands;

A bill (S. No. 929) granting a pension to Hiram Howard;

A bill (S. No. 932) granting a pension to Cornelius Le Roy;

A bill (S. No. 969) granting a pension to Mrs. N. E. Belrichards;

A bill (S. No. 971) granting a pension to William Liebig;

A bill (S. No. 996) granting a pension to Edmund Woog;

A bill (S. No. 1040) granting a pension to Richard Middleton;

A bill (S. No. 1073) granting lands to the State of Minnesota in lieu of certain lands heretofore granted to said State;

A bill (S. No. 1163) granting a pension to Mary E. Parker;

A bill (S. No. 1188) granting a pension to Harmon Vann;

A bill (S. No. 1189) granting a pension to Ellen Devlin;

A bill (S. No. 1214) granting a pension to Amos Argle;

A bill (S. No. 1285) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872;

A bill (S. No. 1309) granting an increase of pension to Isabella H. Silvey;

A bill (S. No. 1310) granting a pension to Edmund R. Batchelder;

A bill (S. No. 1380) granting a pension to Josiah Kellogg;

A bill (S. No. 1419) granting a pension to Mrs. Rosa Gale;

A bill (S. No. 1509) granting a pension to John Willans;

A bill (S. No. 1625) to remove the political disabilities of William T. Welcker, of California;

A bill (S. No. 1705) granting an increase of pension to James C. Daggett;

A bill (S. No. 1723) granting arrears of pension to Mrs. Jane Dulaney;

A bill (S. No. 1741) granting a pension to Elizabeth McNeil Benham;

A bill (S. No. 1742) granting a pension to Frances McNeil Potter;

A bill (S. No. 1848) granting an increase of pension to Charles C. Smith;

A bill (S. No. 1759) granting a pension to Sarah E. Webb and minor children;

A bill (S. No. 1775) to remove the political disabilities of Isaac R. Trimble, of Baltimore County, Maryland;

A bill (S. No. 1776) to remove the political disabilities of Henry H. Lewis, of Baltimore, Maryland;

A bill (S. No. 1841) granting a pension to John McNulta;

A bill (S. No. 1844) to remove the political disabilities of S. W. Ferguson, of Mississippi; and

A bill (H. R. No. 5065) to give circuit courts supervisory jurisdiction in certain criminal cases.

NOTICES OF BUSINESS.

Several Senators addressed the Chair.

Mr. EDMUNDS. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. HOWE. What is the regular order?

The VICE-PRESIDENT. The consideration of the river and harbor bill.

Mr. HOWE. Then I have the floor on the regular order. Touching the river and harbor bill, whatever may be its merits, there are two other bills on the Calendar which have been there a long while; which have passed the House of Representatives; which, if the Senate would be good enough to concur in, would make two families comfortable, and which, if the Senate refuse to concur in before the termination of the session, will not only reduce two families to destitution, and utter destitution, but will send me to private life not any poorer or richer, but much more unhappy than I need be. I have not asked the Senate to disturb the Calendar, or anything else up to this moment, to consider either of those bills. I am not going to press them now against this demand for the regular order, but I shall take my seat in the hope that between this time and twelve o'clock on Tuesday noon, the Senate will allow these two little matters to be considered. They will make me very much richer, not in pocket; they will not make the Treasury any poorer.

Mr. SPENCER. I will yield to the Senator from Wisconsin, but I will not yield to anybody else. If there is any debate on the bill he wishes to call up I shall insist on the regular order.

Mr. COCKRELL. The Senator from Alabama cannot do that. I call for the regular order. We are all equally interested in matters and have not had an opportunity of calling them up. When we get through with the river and harbor bill, we can call these matters up and consider them.

The VICE-PRESIDENT. The Secretary will read the bill, and the Senate will proceed to its consideration.

Mr. MORRILL. Before the Secretary proceeds to read the bill I wish to give notice that I shall at the close of the consideration of the river and harbor bill ask the Senate to take up the amendments of the House to the census bill.

Mr. BURNSIDE. I ask unanimous consent to state that the bill touching the printing of books for the blind was to come before the Senate by unanimous consent some three mornings since and was set aside against what I think was a fair understanding. I now give notice that at the earliest moment I shall ask the Senate to consider the bill and pass it in the form in which it passed the House.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. SPENCER. Before we proceed with the consideration of this bill, I move that the five-minute rule be applied to it.

The VICE-PRESIDENT. The Senator from Alabama moves that the five-minute rule be applied to debate on this bill.

The motion was agreed to.

Mr. SPENCER. I ask that the amendments of the Committee on Commerce be acted upon as they are reached in the reading of the bill. The VICE-PRESIDENT. That order will be observed.

Mr. PADDOCK. I ask the Senator who has charge of the bill to give way a moment to allow a bill to be taken from the table.

The VICE-PRESIDENT. He has objected and several Senators have objected to any business interfering with the regular order.

Mr. PADDOCK. It is simply to concur in a House amendment to a Senate bill and it will not take two minutes to consider it.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent to take up a bill at this time. Is there unanimous consent?

Mr. SPENCER. It is objected to.

The VICE-PRESIDENT. The Chair so stated.

Mr. PADDOCK. It is simply to concur in a House amendment to a Senate bill. It will not take two minutes.

Mr. SPENCER. There will be plenty of opportunities to transact legislative business after the river and harbor bill is passed. When this bill is passed all the appropriation bills will be in committees of conference, and we shall then have at least thirty-six hours for legislative business, and ample opportunities will be afforded Senators to get their bills through.

Mr. PADDOCK. If my friend had kept his seat the amendment of the House would have been concurred in before this time.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, in section 1, line 8, to increase the appropriation for improving Penobscot River, Maine, from \$2,000 to \$6,000.

The amendment was agreed to.

The next amendment was, in line 29, section 1, to increase the appropriation for improving Providence River and Narragansett Bay, Rhode Island, from \$30,000 to \$60,000.

The amendment was agreed to.

The next amendment was, in line 38 of section 1, to increase the appropriation for improving Thames River, Connecticut, to secure a fourteen-foot channel, from \$7,500 to \$12,000.

The amendment was agreed to.

The next amendment was to strike out lines 40 and 41, as follows: For improving Housatonic River, Connecticut, \$2,000.

The amendment was agreed to.

The next amendment was, in line 42, to increase the appropriation for improving harbor at Bridgeport, Connecticut, from \$6,000 to \$10,000.

The amendment was agreed to.

The next amendment was, in line 44, after the word "Connecticut," to strike out "five" and insert "ten;" and after the word "dollars," in line 45, to strike out:

Of which sum not exceeding \$1,500 shall be expended on the bar below the bridge.

So as to read:

For improving harbor at Norwalk, Connecticut, \$10,000.

The amendment was agreed to.

The next amendment was, in line 51, to increase the appropriation for improving harbor at New Haven, Connecticut, from \$7,500 to \$15,000.

The amendment was agreed to.

The next amendment was, in line 64, after the word "harbor," to insert "Minnesota;" and after "twenty" to insert "five;" so as to read:

For improving Duluth Harbor, Minnesota, \$25,000.

The amendment was agreed to.

The next amendment was, after line 87, to insert:

For the improvement of the navigation of the Allegheny River from the mouth of French Creek to Pittsburgh, Pennsylvania, \$10,000.

The amendment was agreed to.

The next amendment was, in line 94, to increase the appropriation "for improving the harbor at Baltimore, Maryland," from \$100,000 to \$160,000.

The amendment was agreed to.

The next amendment was, in line 97, to increase the appropriation "for improving James River, Virginia," from \$60,000 to \$75,000.

Mr. WITHERS. I move to amend the amendment of the committee by striking out "\$75,000" and inserting "\$100,000." This improvement of James River is one of the greatest importance, not only to the State of Virginia, but to the whole country. The appropriations that have been made, as the estimates of the engineers will show, are merely sufficient now to operate upon the upper end of the channel near Richmond. By increasing the appropriation to \$100,000 the en-

gineers will be enabled to remove the bar at another point below. The estimates of the engineers show that this whole amount can be expended in securing an average of eighteen feet of water from the Chesapeake to the city of Richmond; which will give sea-going vessels of large tonnage the opportunity of coming up to the city of Richmond. The increase I propose is in the interest of economy to this extent, that a large part of it, a good portion at any rate of the appropriations made in small sums is lost by reason of the failure to complete the work at the point at which the operations are going on.

Mr. SPENCER. I hope the Senator from Virginia will wait until we can get through with the amendments of the committee.

Mr. EDMUNDS. Now is just the time. It is the only time the Senator can make the motion in Committee of the Whole.

Mr. WITHERS. If I let it pass now it will go beyond my control. I only wished to make the statement I have made. I do not propose to discuss the question.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Virginia to the amendment of the Committee on Commerce, increasing the appropriation for the improvement of the James River from \$75,000 to \$100,000.

Mr. EDMUNDS. I believe the Senate decided the other day, incidentally, on the arrears of pension bill that this river and harbor bill is not a general appropriation bill. I believe that has been held hitherto in respect of amendments to it; but I think there is a rule that applies to this particular bill, as to amendments being made to increase the appropriations. I should like to ask the Senator from Virginia whether this amendment which he now proposes was, according to Rule 28, referred to the Committee on Commerce?

Mr. WITHERS. This particular amendment was referred to the Committee on Commerce with the evidence to sustain the application for an increased appropriation. I asked for a hundred thousand dollars, and presented the report of the engineers and several accompanying papers. I wish to call attention to the fact that the city of Richmond has herself expended nearly as much as the General Government has done on this improvement.

Mr. EDMUNDS. I think it right, in making an apology to the Senator from Virginia for asking him the question, to say that on looking at the rule I do not think it would apply to this motion. The rule is as to amendments proposing "to add new items of appropriation." This is merely increasing an item in the bill; so that I do not think the rule will apply to the amendment of the Senator from Virginia.

Mr. WITHERS. I call the attention of the Senator from Vermont to the fact that in every river and harbor bill we have ever passed that principle has been recognized as to amendments, and the amounts have been increased at the pleasure of the Senate.

Mr. EDMUNDS. I say I see that the rule only provides for certain amendments that propose new items, instead of those that increase the old ones. It seems to be in conformity with the spirit of all these river and harbor bills, that every facility shall be given to increasing the appropriation; and, therefore I think, the rule has been very carefully prepared with that view. I should like to ask the Senator from Virginia what was the amount appropriated for this object in the last river and harbor bill?

Mr. WITHERS. It was \$75,000, according to my recollection.

Mr. RANSOM. Seventy-five thousand dollars.

Mr. EDMUNDS. I should like in this same connection (because it is perhaps as well now as at any time) to be informed as to the amount of the total of the appropriations in the bill as it came from the House. Perhaps the Senator in charge of the bill can tell us.

Mr. SPENCER. The total amount of the appropriations in the bill as it came from the House and as it was referred to the committee was \$5,800,000. The Senate Committee on Commerce have increased it by amendments \$1,198,000; so that the total amount appropriated by the bill as it now stands is \$6,998,000.

Mr. EDMUNDS. That is a very gratifying increase, Mr. President; but still, I am bound to say in respect of this amendment of the Senator from Virginia, that I think his river, which really amounts to a river and has commerce, is one to which we can be liberal, if we may be to any, because it is really a commercial river of the United States; and I have only called attention to these questions in order to see upon what principles the bill is proceeding. I dare say the Senator is right; I do not know.

Mr. MITCHELL. I should like to inquire of the Senator from Virginia what is the estimate by the War Department for this year for this improvement?

Mr. WITHERS. One hundred and sixty thousand dollars, I think.

Mr. SPENCER. The estimate is \$150,000 for the pending year.

Mr. WITHERS. I was giving the amount from mere recollection.

It is \$150,000, as the chairman of the committee informs us.

Mr. MITCHELL. How much does the Senator ask?

Mr. WITHERS. I ask for \$100,000.

Mr. SPENCER. The committee agreed to appropriate \$75,000.

Mr. WITHERS. The committee very generously increased the appropriation, because they knew that \$60,000, as fixed in the bill by the House, would be insufficient to produce any practical result; but \$100,000 would go very far toward placing the work on a permanent basis, so that nothing subsequently would be required.

Mr. SPENCER. I hope the amendment of the Senator from Virginia will not be adopted. The committee recommended an increase

of \$15,000 for the James River. They have also doubled the appropriation for the Appomattox River, making it \$20,000 instead of \$10,000 as it came from the House.

Mr. WITHERS. We can consider the Appomattox appropriation when we come to it.

Mr. SPENCER. I am stating what the committee has done for the State of Virginia as a reason why the amendment to the amendment of the committee should not be adopted. The committee have also increased the appropriation for Norfolk from \$50,000 to \$75,000. I think we have been as liberal to Virginia as we could be; and I hope the amendment will not be adopted.

Mr. WITHERS. I am not complaining of the illiberality of the committee, but, on the contrary, I am very much obliged to them for their liberality. I only wanted to call the attention of the committee and the Senate to the importance of especially two points in this bill as regards my State, the improvement of the harbor of Norfolk and the improvement of James River, where I think the appropriations made by this bill are nothing like as large in proportion as they are for places of similar importance in other localities. I ask simply that the appropriations for these two points shall be increased to such an extent as to make permanent improvements, for which money will not be required to be subsequently spent in such large amounts. The other appropriations in the bill for Virginia I am not complaining of. The Appomattox appropriation referred to by the acting chairman of the committee is perfectly satisfactory to me.

Mr. SPENCER. The allowances by the Committee on Commerce for these works are larger in proportion to the recommendation of the Department than for any other places named in the bill that I know of.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Virginia [Mr. WITHERS] to the amendment of the Committee on Commerce.

The question being put, there were on a division—ayes 24, noes 11; no quorum voting.

Mr. SPENCER. I desire to say one word.

Mr. EDMUNDS. Debate is not in order when there is no quorum.

The VICE-PRESIDENT. There is no quorum voting, and nothing is in order save a call of the Senate.

Mr. WITHERS. I call for the yeas and nays on my amendment. That is the way to decide the question and develop a quorum.

The yeas and nays were ordered.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HOAR. I rise to a question of order. If debate is not in order when a quorum is not present, is it in order to transact business by ordering the yeas and nays on the same question and calling the roll?

The VICE-PRESIDENT. The Chair does not understand the Senator.

Mr. HOAR. My question was whether, when debate is not in order because a quorum is ascertained not to be present, it is in order to proceed with business by ordering the yeas and nays on any question?

The VICE-PRESIDENT. That is one of the means of ascertaining whether a quorum is actually present.

Mr. HOAR. I did not understand that the Chair was doing it for that purpose, but for passing on the amendment of the Senator from Virginia. But the effect is that this ruling of the Chair cuts off debate.

Mr. WITHERS. I do not understand the point made by the Senator from Massachusetts.

The VICE-PRESIDENT. The Chair understands the point raised by the Senator from Massachusetts to be that the yeas and nays cannot be demanded on the amendment of the Senator from Virginia when no quorum is present.

Mr. WITHERS. That is the only method of demonstrating the existence or the lack of a quorum.

Mr. HOAR. The Senator from Alabama, representing the committee, rose to make an explanation of the bill, which I for one was desirous of listening to. He was ruled out of order because a quorum was ascertained not to be present; and then when he sat down the Senate proceeded to the business of ordering the yeas and nays and calling the roll on the question. My point of order is that we cannot go on with that business and thereby take the Senator off the floor and decide the question without debate.

The VICE-PRESIDENT. The point of order taken is correct. The Chair has no doubt about it. The Chair thought he would save the time of the Senate and develop the presence of a quorum in that way.

Mr. HOAR. I want to hear the speech of the Senator from Alabama.

Mr. EDMUNDS. The Senator cannot hear it without a quorum.

Mr. SPENCER. Let the roll be called.

Mr. MITCHELL. I move a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

Mr. ANTHONY. I think the Chair by counting the Senate can ascertain whether a quorum is present.

The VICE-PRESIDENT. There is a quorum present; there is no doubt about it.

Mr. HAMLIN. And the Chair can determine it by his own personal count, from which, of course, an appeal can be had if anybody wants to take it.

The VICE-PRESIDENT. The Chair is satisfied that a quorum is present.

Mr. EDMUNDS and others addressed the Chair.

The VICE-PRESIDENT. The Chair will hear all Senators upon this important question. Does the Senator from Vermont desire to be heard?

Mr. EDMUNDS. I do not desire to be heard; I only wish to proceed in order. If the Chair is satisfied that a quorum is present, then I shall be delighted to hear the Senator from Alabama.

Mr. SPENCER. I do not claim the floor.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia, [Mr. WITHERS,] on which the yeas and nays have been ordered. The Secretary will proceed with the call.

The Secretary proceeded to call the roll.

Mr. WADLEIGH, (when Mr. ROLLINS's name was called.) My colleague [Mr. ROLLINS] is unable to be present on account of sickness.

The roll-call having been concluded, the result was announced—yeas 20, nays 24; as follows:

YEAS—20.			
Bailey,	Grover,	McCreery,	Teller,
Bruce,	Harris,	McPherson,	Voorhees,
Coke,	Hereford,	Maxey,	Wadleigh,
Edmunds,	Jones of Florida,	Merrimon,	Wallace,
Garland,	Lamar,	Mitchell,	Withers.
NAYS—24.			
Anthony,	Chandler,	Ingalls,	Patterson,
Barnum,	Dawes,	Kernan,	Plumb,
Blaine,	Dorsey,	McDonald,	Ransom,
Burnside,	Gordon,	Matthews,	Sargent,
Butler,	Hamlin,	Merrill,	Saunders,
Cameron of Wis.,	Hoar,	Paddock,	Spencer.
ABSENT—32.			
Allison,	Conover,	Howe,	Randolph,
Bayard,	Davis of Illinois,	Johnston,	Rollins,
Beck,	Davis of W. Va.,	Jones of Nevada,	Saulsbury,
Booth,	Dennis,	Kellogg,	Sharon,
Cameron of Pa.,	Eaton,	Kirkwood,	Shields,
Chadwick,	Eustis,	McMillan,	Thurman,
Cockrell,	Ferry,	Morgan,	Whyte,
Cooking,	Hill,	Oglesby,	Windom.

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on the amendment of the committee.

The amendment was agreed to.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Commerce was, in line 99, to increase the appropriation "for improving Appomattox River, Virginia," from \$10,000 to \$20,000.

Mr. EDMUNDS. I should like to have the Senator from Alabama tell us why the appropriation for this river is doubled and where it is?

Mr. SPENCER. It is at Petersburg, in Virginia. It is a navigable stream. The largest kind of ships go up that river to Petersburg. The appropriation is for the improvement of the river from its mouth to Petersburg. The amount recommended for this year as absolutely needed for that work was \$30,000.

Mr. EDMUNDS. Then if it was absolutely needed, why did not the committee give us \$30,000 instead of wasting this money by giving only two-thirds of it?

Mr. SPENCER. It will not waste the money. We did not feel that we could give the entire amount recommended this year.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in line 104, to increase the appropriation "for improving Cape Fear River, North Carolina," from \$25,000 to \$100,000.

Mr. EDMUNDS. I should be glad to have the Senator in charge of the bill tell us how much the last year's appropriation was for this river, and why the committee have quadrupled the sum proposed by the House of Representatives?

Mr. RANSOM. I take pleasure in stating to the Senator from Vermont that the appropriation for last year was \$160,000, and this year the engineer in charge of the Atlantic coast from above Baltimore to Georgia came before the committee and recommended this appropriation, and recommended it in the most earnest terms, saying that this sum would complete the improvement of the river.

Mr. EDMUNDS. I ask my honorable friend from North Carolina if he concurs in the opinion of the engineer?

Mr. RANSOM. I hope so. I have been in the habit of concurring in the opinion of the engineer. I have no reason to question it.

Mr. EDMUNDS. I am delighted to hear that. This is the first instance I ever knew where any sum of money was to complete the improvement of a river. If this river happens to be completed by this appropriation it will be more famous than any river the Scripture has ever told us of.

Mr. RANSOM. I hope the river will not be completed; I hope the work will be.

Mr. EDMUNDS. I am afraid not.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, in line 112, to increase the appropriation "for improving harbor at Norfolk, Virginia, and its approaches" from \$50,000 to \$75,000.

The amendment was agreed to.

The next amendment was, in line 124, to increase the appropriation "for improving Neuse River, North Carolina," from \$15,000 to \$45,000.

The amendment was agreed to.

The next amendment was to strike out lines 136 and 137 of section 1, as follows:

For improving Roanoke River, North Carolina, \$1,500.

Mr. EDMUNDS. Mr. President, I wish to make a point of order that it is not in order to strike an appropriation out of this bill. I think it is contrary to all precedents.

The VICE-PRESIDENT. The Secretary will report the amendment.

The amendment was read.

Mr. EDMUNDS. Does the Chair overrule the point of order?

The VICE-PRESIDENT. He does.

Mr. EDMUNDS. I am sorry for that.

The VICE-PRESIDENT. The Chair overrules the point of order. He has known it to be done.

Mr. EDMUNDS. I never did before. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee striking out the words which have been read.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in line 139, to increase the appropriation "for improving harbor at Charleston, South Carolina," from \$100,000 to \$250,000.

The amendment was agreed to.

The next amendment was, in line 144, to increase the appropriation "for improving inside passage between Fernandina and Saint John's, Florida," from \$3,000 to \$7,000.

The amendment was agreed to.

The next amendment was to strike out lines 137 and 138, as follows:

For improving Choctawhatchee River, Florida and Alabama, \$5,000.

The amendment was agreed to.

The next amendment was to strike out lines 165, 166, and 167, in the following words:

For improving New River, from Lead Mines, in Wythe County, Virginia, to mouth of Greenbrier, \$12,000.

Mr. WITHERS. I ask that the Senate non-concur in the recommendation of the committee striking out this clause.

Mr. HEREFORD. It will be seen that the Committee on Commerce of this body has stricken out the whole of the appropriation for New River. The amount recommended by the Secretary of War is \$35,000. The amount placed in the bill by the House on the recommendation of the Committee on Commerce of that body was \$12,000. Now it is stricken out by the committee of this body, and I hope the request made by the Senator from Virginia will be complied with to non-concur in the recommendation of the committee of this body.

Mr. EDMUNDS. I should like to call the attention of the Senator from West Virginia to the question whether there is not an error in the clause proposed to be stricken out. It now reads:

For improving New River, from Lead Mines, in Wythe County, Virginia, to mouth of Greenbrier, \$12,000.

The question I wish to have answered is whether it ought not to read "For improving the lead mines in Wythe County, Virginia?" [Laughter.]

Mr. HEREFORD. Do I understand the Senator to propound that question to me?

Mr. EDMUNDS. I propound it generally, to anybody who can answer it.

Mr. WITHERS. I can give the information to the Senator from Vermont, as I am perfectly familiar with the whole locality. The object is to secure transportation for the products of the lead and iron mines in that vicinity down to the railroads, and of course to throw it in communication with the river.

Mr. EDMUNDS. That is satisfactory.

Mr. HEREFORD. This river runs through two States, and benefits a section of country two hundred miles in extent.

Mr. WITHERS. More than that.

Mr. SPENCER. The reason why the committee struck out this appropriation is because it will take a great many millions of dollars to make this river navigable to its mouth.

Mr. EDMUNDS. Does it lack water?

Mr. WITHERS. The statement of the Senator from Alabama is no doubt true, it would cost millions. We do not expect to make the river navigable to its mouth at this session, but we want to utilize a certain portion of it at this session so as to make it available for commercial purposes.

Mr. SPENCER. It is not a very large stream, and the committee thought they could consistently recommend the striking out of the clause.

Mr. HAMLIN. I want to inquire of the Senator whether that is a trout stream or not?

Mr. SPENCER. We did not obtain any information on that subject.

Mr. HEREFORD. My friend from Maine has so many trout streams in his State that I can see why he should ask the question.

Mr. WITHERS. The river is larger than any in Maine except the Kennebec.

Mr. HEREFORD. I desire to say, in reply to the Senator from Alabama who represents on this bill the Committee on Commerce as to his statement that it will take several millions to complete this work, that he is entirely in error. I hold in my hand the report of the Chief of Engineers made to this body through the Secretary of War, in which he uses the following language:

Amount estimated, required for completion of the existing project, \$70,000.

That is all.

Mr. SPENCER. But my friend from West Virginia does not profess to say that the existing project is to make that river navigable to its mouth?

Mr. HEREFORD. No, sir; we do not propose to make it navigable to its mouth. But for the completion of the project that is now on hand, all that is estimated for is \$70,000; \$35,000 was proposed by the Chief of Engineers for this year, and the House appropriated \$12,000, about one third of that amount. That appropriation has been stricken out by the Senate committee, and we ask that it may be reinstated. It is a very small sum.

Mr. SPENCER. I should like to ask my friend from West Virginia how a steamboat could get into this river?

Mr. HEREFORD. There is a steamboat already in it and running on it regularly.

Mr. SPENCER. How did it get in there?

Mr. HEREFORD. Like a steamboat gets into any other river.

Mr. EDMUNDS. I should like to ask whether the steamboat is as new as the river seems to be?

Mr. HEREFORD. The steamboat is a good deal newer than the river. The river is somewhat older than the Senator from Vermont, and the river is a great deal longer than all the rivers in the Senator's State.

Mr. EDMUNDS. I supposed that this New River was one that was constructed when the State of West Virginia came in. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee striking out the clause.

Mr. HEREFORD called for the yeas and nays, and they were ordered.

Mr. ANTHONY. My rule of voting upon this bill, upon which of course I have very little information, is to follow the committee. If we vote down the committee and load the bill with millions upon millions, it will be lost. It is for the interest of every Senator who is desirous of having any appropriations made that this bill should pass as reported by the committee. If we repudiate the committee, we shall defeat the bill.

Mr. HEREFORD. I propose to stand by the House committee and the House in this bill, which gave just one-third of what is asked by the Department for this improvement.

Mr. SAULSBURY. I desire to say to the Senator from Rhode Island that there is in this bill but one single appropriation left for the State of Delaware, \$3,500, to improve Wilmington Harbor. There are other appropriations for the improvement of the Delaware River that are not designed and do not inure to the benefit of the State. There was another appropriation, for improving Mispillion Creek, Delaware. The House appropriated \$3,000 to improve that stream, upon which there are three yards for building vessels. Vessels are built there of a thousand tons burden. And yet the committee have stricken that off, leaving the only appropriation for the State—\$3,500—for Wilmington Harbor.

With such evidence I shall not feel the same obligation the Senator from Rhode Island does to follow the committee. I do not think the action of the committee has been just toward the different sections of the country, and I shall therefore not follow the committee.

Mr. SPENCER. I desire to state in answer to the Senator from Delaware that the reason why we struck out the item to which he refers, for the improvement of Mispillion Creek, was because we could not find any recommendation from the engineers.

Mr. SAULSBURY. I do not know what the Senator could find. There has been an estimate and a survey made of it. There was an appropriation made by the House less than was recommended, as I am informed by my colleague in the other House, and that was stricken out by the committee.

Mr. SPENCER. We failed to find it this year, and that is the reason why we struck the clause out. We should be glad to have it shown us now.

Mr. WITHERS. Here is an appropriation of \$5,500 for the harbor at New Castle.

Mr. SAULSBURY. The Senator from Virginia speaks of New Castle Harbor. The ice-harbor at New Castle is for the benefit of commerce going to Philadelphia, where it may take refuge behind those ice piers, and that is not for the interest of the State of Delaware.

Mr. WITHERS. Is it for the interest of commerce generally?

Mr. SAULSBURY. I should like to know whether the improvement of the rivers of Virginia is for the interest of commerce generally.

Mr. WITHERS. Most assuredly it is, and for that purpose only.

Mr. SAULSBURY. I do not think so.

Mr. WITHERS. I do.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Commerce, on which the yeas and nays have been ordered.

Mr. SPENCER. Let us have another division.

Mr. EDMUNDS. No; the yeas and nays have been ordered. This is too important to let it pass in that way.

The question being taken by yeas and nays, resulted—yeas 26, nays 20; as follows:

YEAS—26.			
Anthony,	Davis of Illinois,	Kirkwood,	Plumb,
Barnum,	Dennis,	McCreery,	Ransom,
Booth,	Eaton,	McDonald,	Sargent,
Butler,	Hamlin,	Matthews,	Spencer,
Cameron of Pa.,	Hoar,	Mitchell,	Wadleigh.
Cameron of Wis.,	Howe,	Paddock,	
Chandler,	Ingalls,	Patterson,	
NAYS—20.			
Brace,	Gordon,	Lamar,	Saulsbury,
Conover,	Grover,	McPherson,	Teller,
Davis of W. Va.,	Harris,	Maxey,	Voorhees,
Edmonds,	Herdford,	Merrimon,	Wallace,
Ferry,	Jones of Florida,	Morgan,	Withers.
ABSENT—30.			
Allison,	Coke,	Jones of Nevada,	Saunders,
Bailey,	Conkling,	Kellogg,	Sharon,
Bayard,	Dawes,	Kernan,	Shields,
Beck,	Dorsey,	McMillan,	Thurman,
Blaine,	Eustis,	Morrill,	Whyte,
Burnside,	Garland,	Oglesby,	Windom.
Chaffee,	Hill,	Randolph,	
Cockrell,	Johnston,	Rollins,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 167, to insert:

For improving Pensacola Harbor, Florida, \$40,000.

The amendment was agreed to.

The Secretary resumed the reading of the bill to line 178.

Mr. COKE. I move to amend the bill in line 177, after the word "Texas," by inserting:

To deepen the channel at the mouth of the Sabine River.

Mr. SPENCER. I suggest to the Senator that he wait until the committee's amendments are through with, and then will be the proper time to offer amendments to the bill.

Mr. COKE. Very well.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Commerce was, in line 214, to increase the appropriation "for improving the Mississippi River at and near Vicksburg, and protection of harbor at Vicksburg, Mississippi," from \$27,000 to \$50,000.

The amendment was agreed to.

The next amendment was, in line 238, to strike out the words "Sioux City, Iowa, twenty-five" and insert "Fort Benton, Montana, thirty;" so as to read:

For survey of Missouri River from its mouth to Fort Benton, Montana, \$30,000.

The amendment was agreed to.

The next amendment was, in line 242, to increase the appropriation "for Missouri River at or near Fort Leavenworth" from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, after line 242, to insert "for improvement of Arkansas River between Fort Smith, Arkansas, and Wichita, Kansas, \$20,000."

The amendment was agreed to.

The next amendment was, in line 254, to increase the appropriation "for improving the Missouri River at Eastport, Iowa, and at Nebraska City, Nebraska," from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in line 257, to increase the appropriation "for improving the Missouri River at Council Bluffs, Iowa, and at Omaha, Nebraska," from \$40,000 to \$50,000.

The amendment was agreed to.

The next amendment was, in line 259, to increase the appropriation "for improving the Missouri River above the mouth of the Yellowstone River" from \$25,000 to \$45,000.

The amendment was agreed to.

The next amendment was, in line 273, after "White River," to strike out "Buffalo Shoals," and in line 274, before the word "thousand," to strike out "two" and insert "ten," and after "thousand" to strike out "five hundred;" so as to make the item read:

For improving White River, Arkansas, \$10,000.

The amendment was agreed to.

The next amendment was, in line 280, to increase the appropriation "for removing bar in the Mississippi River opposite Dubuque, Iowa," from \$4,000 to \$8,000.

The amendment was agreed to.

The next amendment was, in line 289, after the word "river," to strike out "Wisconsin, six" and insert "below Taylor's Falls, eight;" so as to read:

For improving Saint Croix River below Taylor's Falls, \$8,000.

The amendment was agreed to.

The next amendment was, after the word "Minnesota," in line 291, to insert "and Dakota;" and in line 292, after the word "twenty," to insert "five;" so as to read:

For improving Red River of the North, Minnesota and Dakota, exclusively for dredging, \$25,000.

The amendment was agreed to.

The next amendment was, after line 296, to insert:

For improving Fourche Le Fevre River, Arkansas, \$10,000.

The amendment was agreed to.

The next amendment was, in line 302, before the word "thousand," to strike out "fifteen" and insert "six;" and in line 303, before the word "thousand," to strike out "six" and insert "fifteen;" so as to make the clause read:

For improving Cumberland River above Nashville, Tennessee, \$39,000; of which sum \$18,000 shall be expended from Nashville to the Kentucky line, \$6,000 from the Kentucky line to Smith's shoals, and \$15,000 at Smith's Shoals.

The amendment was agreed to.

The next amendment was, in line 324, before the word "thousand," to strike out "twenty-five" and insert "ten;" so as to read:

And provided, That in either case the entire cost of such lands to the United States shall not exceed \$10,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out from lines 325 to 339, inclusive; as follows:

In consideration of the proposition of the Buffalo Bayou Ship-Channel Company to turn over their work at Morgan's Point, and to surrender their charter granted by the Legislature of Texas, and the rights accruing thereunder, to the United States, which proposition is now on file in the War Department, and is hereby accepted, the Government hereby adopts the line surveyed from the cut in Red Fish Bar to the cut in Morgan's Point, and the sum of \$40,000 is hereby appropriated for the improvement of that line: *Provided*, That no part of said sum shall be expended until said Buffalo Bayou Ship-Channel Company shall file with the Secretary of War, in manner and form to be by him approved, their acceptance of this provision of this act.

Mr. SPENCER. I desire to say, in behalf of the Committee on Commerce, in reference to this amendment that the committee recede from the amendment. The reason that they struck out that clause was that at the time they could not find the recommendation of the Engineer department. It has been furnished to us since, and we are all convinced that the appropriation should be made.

Mr. MAXEY. I desire to say in this connection that this is one of the most important improvements in the whole South, and I am very glad the committee desire to correct their misapprehension. I hope the lines will not be stricken out, but remain where they are in the bill.

Mr. EDMUNDS. I should like to hear a report from the War Department upon this important proposition read. It apparently involves a contract or trade between the United States and a corporation of the State of Texas, which may involve the United States in liabilities to a very great extent; I do not know. Therefore I should be glad to hear the official communication upon the subject read.

Mr. SPENCER. I think the Senator from Texas has it.

Mr. EDMUNDS. Let it be sent to the desk, and we shall hear what it is.

Mr. SPENCER. We struck it out in the committee because we had not sufficient information on the subject then, but we have obtained it since.

Mr. MAXEY. The War Department says, by telegram on the 25th of February, 1879:

There is on file in this office a resolution of the board of directors of the Buffalo Bayou Ship-Channel Company, approved at an annual meeting of the stockholders, looking to the transfer to the United States of the channel constructed by said company, at the cost thereof or at a valuation by a commission of United States engineers—

Mr. EDMUNDS. We are entirely unable to hear the Senator from Texas. Will he be kind enough to send his official communication to the Clerk's desk and let it be read there. I could not hear a single word the Senator from Texas was reading.

The VICE-PRESIDENT. The paper will be read from the desk.

The Secretary read as follows:

[From War Department.]

WASHINGTON, D. C., February 25, 1879.

To Hon. GEORGE E. SPENCER, United States Senate:

There is on file in this office a resolution of the board of directors of the Buffalo Bayou Ship-Channel Company, approved at an annual meeting of the stockholders, looking to the transfer to the United States of the channel constructed by said company at the cost thereof or at a valuation by a commission of United States engineers, the transfer to be made upon the completion by the United States of a channel for vessels of twelve feet draught connecting therewith. No recommendation has ever been made by this office in the matter. The value of the work of the company as estimated by Captain Howell in November, 1877, was \$179,658.

H. G. WRIGHT,
Acting Chief of Engineers.

Mr. MAXEY. I ask that this telegram from the War Department be read in the same connection.

The Secretary read as follows:

[From War Department.]

WASHINGTON, D. C., February 28, 1879.

To Hon. S. B. MAXEY, United States Senate:

River and harbor act of 1876 appropriated \$72,000 for ship-channel between Red Fish Bar and Morgan's Point. Act of 1878 makes this appropriation available between Red Fish Bar and Bolivar Channel. Appropriation for next year was asked for continuation of latter. Nothing asked for former, thus leaving channel through Upper Bay to be provided for and its location determined by Congress. Statement in dispatch of 25th that no recommendation had ever been made by this office in the matter had reference solely to the transfer by the company to the United States.

H. G. WRIGHT,
Acting Chief of Engineers.

Mr. MAXEY. If I can get the attention of the Senate for a few moments, I will try to explain this to the entire satisfaction of the Senator from Vermont, as well as of everybody else.

The ship-channel company was organized under a charter from the Legislature of Texas, the object of which was to secure a twelve-foot channel from Houston, Texas, down Buffalo Bayou and through Galveston Bay to the outer sea. In the course of that work, it was found to be advantageous to cut a canal across a narrow point or tongue of land known as Morgan's Point, running out between Buffalo Bayou and Galveston Bay. This cut-off or canal was dug across Morgan's Point, nearly opposite the mouth of San Jacinto River, which empties into Buffalo Bayou. They were enabled by this cut-off or canal to save the distance as well as a short turn going around the point, and thus secure a much better way to enter the bay through that canal.

This company did make the canal, and I think the work was well done, and the place for it well selected, so as to get the benefit of the current of San Jacinto River, which aids in pressing the water of Buffalo Bayou through this canal into Galveston Bay. That was under a charter of the State of Texas. I, as well as the other members of the Texas delegation, were seeking to have the appropriation made by the General Government for the improvement of trade, and we were unwilling to subject the commerce of the State to the levy of a toll by a private company. Therefore, we thought it best that the company should file a surrender of the charter and an acquittance of all claim thereto or rights thereunder in the event that the Government of the United States should accept the work which they have done, to be used as a part of the work which the Government is having done in securing this ship-channel; and you will bear in mind, Mr. President, that the Government has been making appropriations, and has been improving this work on the ship-channel so as to secure a twelve-foot channel to the open sea. Now, in running the channel from Red Fish Bar up into Buffalo Bayou, the best way is directly through this canal. That was a clear proposition; otherwise we should have had to run around Morgan's Point at largely greater expense, and over a longer and more difficult route.

Hence the friends of this improvement, which is one of the most important in the State, demanded that before the Government money should be put down there a surrender of the charter should be filed with the War Department, provided the Government would pay for the work which had been done by this company a price fixed by the United States engineer in the event that they believed that that work would be profitable and beneficial, and that that should be filed before any money should be expended in further improvement.

That has been done; and then, as a further guard, the Senate will find that this appropriation as it passed the House specifically provides on page 15, after making the appropriation of \$80,000, that "no part of said sum shall be expended until the Buffalo Bayou Ship-Channel Company shall file with the Secretary of War, in manner and in form to be by him approved, the acceptance of this act." That is the wording of it. The whole purpose and design is to secure an absolute surrender of charter and quitance by the ship-channel company under their State charter to the Government of the United States, so that the commerce of the State of Texas passing through that twelve-foot channel should be free of toll to any company or individual, and that the Government should exercise absolute control of it the same as over other national waters. That is the purpose and design of it.

I will further state that in addition to the \$72,500 appropriated for this work in 1876, and a further sum of \$75,000 in the last bill, it is recommended by the Engineer department that the sum of \$250,000 can be profitably expended in opening up this great commerce line to free and unrestricted, untaxed navigation. I trust this brief explanation, which I have made as clear as I could without maps, may be satisfactory; and it is proper that I should add that the commerce over this route is now great and constantly increasing, and the effect of this improvement will be to materially cheapen freights and thus benefit the people.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. EDMUNDS. Is there a five-minute rule on this bill?

The VICE-PRESIDENT. It has been adopted.

Mr. EDMUNDS. Mr. President, I greatly regret that the Senator from Texas should insist and that the Senator from Alabama should agree that this proposition should stand in this bill, which is an appropriation bill of whatever character you may call it. Here is a proposition which requires that the executive department shall accept a surrender of a State charter to the United States by which, if it could be done at all, which I am by no means prepared to admit, the United States have the responsibility to perform the duty that that charter imposed upon the corporation from whom it is to take this transfer. It seems in the bill that it is stated that a proposition is now on file in the War Department for that transfer of the charter of this private corporation to the United States for pay, and this bill declares that that proposition is hereby accepted. We have had no such proposition laid before us. We do not know what the proposition is. We do not know how much it involves of responsibility—I am not speaking of mere money at the present moment, that on a bill of this kind is of no account of course, but I am speaking of the ultimate responsibility of the United States not only in respect of treasure but in respect of specific duties that that charter undoubtedly

requires this State corporation to perform; and yet the Senate of the United States is asked in the absence of any recommendation from the Executive or the Department or of the Chief of Engineers, and in the absence of the proposition itself, to shut up its eyes and accept that proposition, be it what it may.

Now, Mr. President, that is a species of legislation that, however meritorious it might turn out to be in the end, I must be excused from committing myself to, and I ask for the yeas and nays on the question of agreeing to this amendment.

The yeas and nays were ordered.

Mr. MAXEY. As a matter of course the Senator from Vermont, who is in this as in all things else, to say the least, exceedingly plausible, may succeed in killing one of the most important of all the commercial measures embodied in this bill.

I speak from personal knowledge in regard to that, having walked along that canal its entire length and having traveled all along that line. It is a very important work, and I assume that when the House put this clause in the bill and recited the nature and the character of this contract and surrender of charter, the presumption of law is that they had ample evidence to support the recitals; and I am not aware that there is any law which required them to bring forward the evidence which was before them and submit that evidence to the Senate rather than the conclusion drawn from that evidence, and which was properly examined by their committee.

The bill provides distinctly and emphatically that not one dollar of this money shall be paid until the entire control of the canal is transferred by the ship-channel company to the Government of the United States with complete surrender of charter rights, and the very object and design of that clause was that the commerce of the country should go through that channel free, and not be subject to tolls on the part of that company or any other company or any person whomsoever. If the purpose is to obstruct the commerce and to let this great work which has been going on by the Government of the United States for several years past, so be it. In the last two bills before this \$147,500 have been appropriated for this work. If the object now is to drop all this, and let it go, and to assume that what was stated in this bill here is not true, and that the evidence does not support it, I have nothing more to say, only that it would be an exceedingly unwise and improper thing to do.

Mr. HOAR. I should like to ask the Senator from Texas what is the relation which the United States sustains when a charter issued by a State is, to use the phrase in this bill, surrendered by the corporation or persons chartered to the United States; are the United States liable to *quo warranto* in the State courts; are they liable to the laws regulating corporations?

Mr. MAXEY. Not in the slightest degree, in my judgment; not only so, but I do not believe that any charter granted by any State can interfere with national water-lanes. Besides, this company is entirely solvent, and as I understand free from debt, and therefore the United States could not possibly suffer.

Mr. HOAR. But is there any precedent?

Mr. MAXEY. The point made by the Senator from Vermont has, in my judgment, no force in it as a question of law. I cannot from memory recite a precedent; but the well-settled principles of law, and well-settled control by the National Government of national waters, would soon, if there was necessity, make a precedent in favor of eminent domain in the United States Government.

Mr. HOAR. I only know about this matter what the bill contains. I have not been able to follow entirely the explanation which the Senator from Texas has made with so much warmth; but what the bill seems on its face to provide for is the United States becoming a State corporation, or the assignee of a charter granted by a State to a State company. Now, if that be the case, is there any precedent for such legislation, or any defense for it? It may be that it does not mean that.

Mr. EDMUNDS. Mr. President, we do not know how much this State public work cost built under the charter of this State corporation, and we do not know how much it is proposed that we shall pay for it. We do not know whether or not it is to be turned over to the United States because it is a failing speculation for the corporators, like the Dismal Swamp Canal between North Carolina and Virginia, which has been so often pressed on us, or that it is to be bought in view, so far as the corporation is concerned, of getting out of an unfortunate speculation and having the United States foot the bill. We do not know anything about it. This proposal which is made to the United States is not laid before us. The Executive Department, bound to recommend public measures that it thinks to be suitable, says in this communication to us through one of its subordinate officers, but not from the Chief Magistrate or the Secretary of War, that no recommendation has been made. The honorable Senator from Texas says that if the disposition is to defeat the commerce of Texas, that is one thing. So say I. There is no such disposition. If the Senator from Texas who, through all this session filled up with a knowledge of the necessity of making this contract with this corporation, has not introduced any bill about it that I remember, or brought it to the attention of the Senate, asks us to pass on this snap at the last moment, I think we may ask with some propriety how it happens that we should not have had a bill on the subject, a careful investigation, the official documents, and a report of a committee in writing that would have set forth the whole thing to our view.

There is another thing about this. The honorable Senator says that it is of great interest to the United States to keep up this commerce—so be it—and that the United States has exclusive jurisdiction over navigable waters. So be it. But I never heard before that a canal company authorized by a State to dig a canal, thereby made that canal when dug, or contemplated on a map, a national water of the United States. That may be the law in the part of the Union from which my friend comes, but it is not thought to be the law east of the Alleghenies, I believe.

Mr. President, we have year after year found, the Senator says, and I have no doubt correctly—

Mr. MAXEY. I ask the Senator from Vermont if the waters of the Mississippi are cut off in a new direction that is not a national work?

Mr. EDMUNDS. I may admit that.

Mr. MAXEY. In like manner if you dig a canal whereby you admit waters through a canal at the expense of the natural channel it comes under the control of the United States.

Mr. EDMUNDS. I was saying that I might admit, I did not say that I did admit, that a natural cut-off in a navigable river that Providence had built would become a navigable water of the public. I think I may admit that without great danger. But now the Senator says that if a State corporation digs a channel through the earth and takes any part of the navigable waters of the United States to run through that channel, the channel itself becomes public water and open to public control, and of course implying the responsibility of public preservation, care, and improvement. I must express, with great deference to my honorable friend, my dissent from that proposition. I do not think it is sound either in constitutional law or in that general consideration of philosophy and justice and good sense which should characterize the observations of my honorable friend from Texas. [Here the hammer fell.] Is my time is out?

The VICE-PRESIDENT. The Senator's time has expired.

Mr. EDMUNDS. Very well.

The VICE-PRESIDENT. The question is on the amendment of the Committee on Commerce to strike out the lines read.

Mr. SPENCER. I wish only to say that the committee, on later information, have consented to disagree to the amendment.

Mr. COKE. Mr. President, I desire to say a word on this amendment. The work it proposes to discontinue has been in progress since 1873, and is, I think, the most important public work on the coast of Texas. Without being able to speak in any other than a conjectural way, I would say that one-third of the commerce of Texas is floated over the channel the appropriation as it came from the House was intended to improve. I have seen an estimate that three hundred thousand bales of cotton annually go over it, and that \$1 on each bale, which would be charged by the railroad for conveying it to Galveston, is saved, because it is shipped as cheaply from Clinton or Houston to New York as it would be from Galveston, where it would otherwise reach the sea. This is only one item. The committee which struck out the appropriation for this work could not have been aware of its vast importance. We believe in Texas that for commercial purposes it is an absolute necessity, giving competition, as it does, with the railroad, greatly to the advantage, amounting to hundreds of thousands of dollars annually, of our trade and commerce. I cannot imagine how the fears of the honorable Senator from Vermont that the United States will be involved in the liabilities of the ship-channel company are to be realized.

Mr. KIRKWOOD. Will the Senator allow me to ask him a question? Does he know whether this corporation is involved in debt or not?

Mr. COKE. Without knowing personally anything about it, I think it very safe to say that the corporation is not in debt. The late Charles Morgan, of New York, a distinguished millionaire, as I understand it, virtually constituted the corporation in his life-time, and since his death his heirs and legatees occupy the same relation to it. I presume the solvency of Morgan's estate will not be questioned.

Mr. KIRKWOOD. The reason of my asking the question is this: If we take the charter and assets of the company and the company shall be found in debt, equity, I apprehend, would require us to pay that debt; and not knowing how that may be, it is rather a step in the dark for us to assume the obligation.

Mr. COKE. While I would probably controvert the Senator's legal proposition as applied to the provision of this bill on this subject if it were necessary, I repeat that the well-known character of Charles Morgan, his ability and success as a financial manager, and the great wealth of his estate, amounting, according to newspaper statements, to eight or ten millions of dollars, while the entire cost of the work proposed to be transferred is estimated not to exceed \$180,000, renders this unnecessary. I do not believe that anybody who is informed as to the facts would for one moment entertain the remotest fear of danger from that source.

If the fears of the honorable Senator from Iowa were well grounded, still I would believe that the Government should take the risk and own the property, and relieve the commerce of the country of the burden of paying the tribute which will be exacted while it remains in private hands. It is too important a thoroughfare, too many millions of commerce travel over it to be under other than Government control. I hope the Senate will think well before it concludes to follow its committee in reversing the action of the House and striking a blow, when instead the helping hand should be extended.

The VICE-PRESIDENT. The Senator's time has expired. The question is on the amendment of the Committee on Commerce.

The question being taken by yeas and nays, resulted—yeas 12, nays 37; as follows:

YEAS—12.			
Anthony, Blaine, Booth.	Chandler, Edmunds, Kernan.	Kirkwood, Morrill, Rollins.	Sargent, Saulsbury, Wadleigh.
NAYS—37.			
Barnum, Burnside, Butler, Cameron of Pa., Cameron of Wis., Coke, Davis of W. Va., Dawes, Dorsey, Eustis.	Ferry, Garland, Gordon, Harris, Hereford, Hill, Howe, Ingalls, Jones of Florida, Kellogg.	McCreery, McDonald, McPherson, Matthews, Maxey, Merrimon, Mitchell, Morgan, Paddock, Plumb.	Saunders, Spencer, Teller, Thornton, Voorhees, Wallace, Withers.
ABSENT—27.			
Allison, Bailey, Bayard, Beck, Bruce, Chaffee, Cockrell.	Conkling, Conover, Davis of Illinois, Dennis, Eaton, Grover, Hamlin.	Hoar, Johnston, Jones of Nevada, Lamar, McMillan, Oglesby, Patterson.	Randolph, Ransom, Sharon, Shields, Whyte, Windom.

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to strike out lines 342 and 343, as follows:

For improving Hiawasee River, Tennessee, \$3,000.

Mr. HARRIS. I hope that this amendment proposed by the committee will not be concurred in. It is true it is not a very large river, and it is equally true that it is a very small appropriation. My personal knowledge of the matter is not very accurate, but I beg to read a brief statement from my colleague in the House, the immediate representative of that district, whose statement is entitled to all the respect that the Senate could give my own. He says that—

Twenty thousand dollars has been expended on this river in the last two and a half years. The engineer reports that \$10,000 will finish it to Broad Shoals, eighty-five miles from its mouth and within fifteen miles of the Ducktown copper mines. It runs through a rich agricultural country. One or more steamboats are constantly running on the river now as far as the mouth of Coosa River. The Ducktown Copper Company, when in full blast, have been compelled to transport by wagons all their ores of copper to Cleveland on the railroad forty-six miles and take back all of their supplies. Their transportation account has averaged more than \$40,000 per annum. By completing this work so that boats can run regularly to the Broad Shoals, the Ducktown Copper Company will save annually twenty to twenty-five thousand dollars, and it will open up one of the richest iron regions in the South.

The appropriation is very small; the work, I think, is more than equal in importance to such an appropriation as this which is asked; and I very much hope that the committee as well as the Senate will allow the amendment to be non-concurred in and let the little appropriation of \$3,000 stand.

Mr. SPENCER. This is a very small matter indeed. I want to say that the committee recommended the striking out of this item, because this is such a small stream, it is of very little consequence any way. From information derived from the Senator from Tennessee and some other information I am satisfied that if the committee had had it at the time they would have recommended the appropriation.

Mr. HARRIS. As to the smallness of the stream, it is small, I grant, as compared with the larger ones; still it runs for one hundred or more miles into a very rich agricultural region and a very rich mineral region. The Ducktown copper mines are equal in richness and production to any copper mines in America, and this is an exceedingly rich iron region in addition, as well as a highly productive agricultural region; and exactly why its commercial facilities and advantages should be ignored when larger rivers are receiving their thousands and their hundreds of thousands of dollars to improve their natural advantages and facilities I cannot see. The river is small, the appropriation asked for is small, and I think there is quite as much justice in this as in any other appropriation in the bill.

Mr. SPENCER. The Senator from Tennessee did not understand me. I said the committee recommended the striking out on account of the smallness of the stream. They did not have the information they now have.

Mr. HARRIS. Oh, I did not understand the honorable Senator.

Mr. SPENCER. If they had had the information they would not have recommended the striking out.

The VICE-PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, after line 349, to insert:

For an ice-harbor at the mouth of Muskingum River, Ohio, \$30,000.

The amendment was agreed to.

The next amendment was, after the words "two hundred," in line 352, to insert "and fifty;" after the word "sum," in line 353, to strike out:

No part shall be expended on the Davis Island dam; and the sum of \$150,000, or so much thereof as remains unexpended, set apart by the Secretary of War out of the appropriation for the improvement of the Ohio River made by the act of June 18, 1878, for said Davis Island dam, is hereby prohibited from being expended on said Davis Island dam, and the same is made available and directed to be expended

in the general improvement and deepening of the channel of said river and the removal of snags and obstructions therein. But of the sum hereby appropriated and made available for the improvement of the Ohio River.

And after "Grand Chain," in line 367, to strike out "and \$30,000 between Pittsburgh and mouth of Beaver;" so as to make the clause read:

For improving the Ohio River, \$250,000, of which sum \$50,000, or so much thereof as may be necessary, shall be expended in the removal of obstructions at Grand Chain.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 389.

Mr. HOWE. I am sorry to appeal from the action of the Committee on Commerce.

Mr. SPENCER. I suggest to the Senator from Wisconsin to reserve his amendment until after we get through the committee amendments. Then it will be proper for him to offer it.

Mr. HOWE. It is just as convenient now.

Mr. SPENCER. But I have objected to others coming in now.

Mr. HOWE. I only want to add \$12,000.

Mr. SPENCER. Wait until we get through the committee amendments.

Mr. HOWE. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 408, after the word "Fox," to strike out "rivers" and insert "Wisconsin Rivers;" and in line 409, after the word "hundred," to insert "and fifty;" so as to read:

For improving Fox and Wisconsin Rivers, Wisconsin, \$150,000.

The amendment was agreed to.

The next amendment was, in section 1, line 415, to increase the appropriation "for improving the harbor at Michigan City, Indiana," from \$20,000 to \$40,000.

The amendment was agreed to.

The next amendment was, in line 429, before the word "hundred," to strike out "two" and insert "three;" and after "hundred" to strike out "and fifty;" and in line 431, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For improving Saint Mary's River and Saint Mary's Falls Canal, \$300,000, of which sum \$200,000 shall be expended on the canal, and \$100,000 shall be expended on the survey and improvement of the river toward obtaining a depth in present channel of sixteen feet.

The amendment was agreed to.

The next amendment was, in line 438, to increase the appropriation "for improving the harbor at Saugatuck, Michigan," from \$3,000 to \$5,000.

The amendment was agreed to.

The next amendment was, in line 450, to increase the appropriation "for improving the harbor at Muskegon, Michigan," from \$2,500 to \$7,000.

The amendment was agreed to.

The next amendment was, in line 458, to increase the appropriation "for improving the harbor at Toledo, Ohio," from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, in line 466, to increase the appropriation "for improving the harbor at Ashtabula, Ohio," from \$9,000 to \$18,000.

The amendment was agreed to.

Mr. MATTHEWS. I ask the committee to consent to inserting the words "and surveying" in line 462; so as to read:

For improving and surveying harbor at Sandusky City, Ohio, \$1,000.

Mr. SPENCER. There is no objection. It has been surveyed, and they want a new survey.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 487, the item for improving Oakland Harbor, California.

Mr. SARGENT. I wish to strike out "July" there and insert "September." The time fixed by the committee is entirely too short. I suppose there is no objection.

Mr. SPENCER. I do not think there is any objection to that.

The VICE-PRESIDENT. The Chair hears no objection. "September" will be inserted in place of "July" in line 486.

The reading of the bill was continued in line 495.

Mr. SPENCER. In making up this copy by the Printer there was a mistake. After line 494 the words "and Feather River" should be stricken out, so as to read, "for improving Sacramento River, California;" and then the "eight" should be stricken out and "twenty" inserted, so as to make the appropriation \$20,000 for improving Sacramento River.

The VICE-PRESIDENT. The Chair hears no objection. The amendment is agreed to.

The reading of the bill was continued to line 498.

Mr. MITCHELL. I desire to inquire of the committee whether it was not the intention of the committee to provide \$6,000 for a bar at the mouth of the Columbia River?

Mr. SPENCER. It was the intention of the subcommittee to put in more.

Mr. MITCHELL. I do not wish to do anything not recommended by the committee. I offer at this point, so as to conform to the views of the committee, after line 504, to insert:

For continuing the survey and observation of current at the bar at the mouth of the Columbia River, \$5,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, in line 504, to increase the appropriation "for constructing canal around the Cascades of Columbia River" from \$50,000 to \$100,000.

The amendment was agreed to.

The next amendment was, in line 509, to increase the appropriation "for examinations and surveys for reservoir at sources of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers; completing survey," from \$12,000 to \$25,000.

The amendment was agreed to.

The next amendment was, in line 511, to increase the appropriation "for improving Coos Bay, Oregon," from \$40,000 to \$60,000.

The amendment was agreed to.

Mr. MITCHELL. I wish to offer an amendment here, with the consent of the Committee on Commerce, to insert the words "the entrance to" after "improving," in line 511.

Mr. SPENCER. I do not see any objection to that.

Mr. MITCHELL. Also after "Coos Bay" I move to insert the words "and harbor."

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Is there objection to the amendment suggested by the Senator from Oregon? The Chair hears none.

Mr. MITCHELL. I ask that the clause be read as amended.

The PRESIDING OFFICER. It is "for improving the entrance to Coos Bay and Harbor, Oregon, \$60,000."

Mr. MITCHELL. I believe that is correct according to the recommendation of the Department.

The Secretary continued the reading of the bill. The next amendment was to strike out lines 526 and 527, as follows:

For improving Mispillion Creek, Delaware, \$3,000.

Mr. BAYARD. Mr. President—

Mr. RANSOM. Will my friend yield to me? The subcommittee who had this matter in hand were under the impression from its not being brought forward in the estimate of this year that there was no estimate for this improvement. We are informed by the Senators from that State that they have looked into it and that there is an estimate, which seems to have been overlooked.

The VICE-PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 529, to increase the appropriation for "improving the Delaware River at or near Cherry Island Flats" from \$75,000 to \$100,000.

The amendment was agreed to.

The next amendment was to strike out lines 534 and 535, as follows:

For improving Woodbridge Creek, New Jersey, \$4,000.

Mr. McPHERSON. I understand that the committee were prompted to strike out the appropriation for this improvement from the fact that they had before them no evidence that a survey had been made or that the improvement had been recommended by the proper department of the Government, the Engineer Corps. I have in my hand the report of the survey of Engineer J. H. Holmes, and also the report of Brigadier-General A. A. Humphreys, giving an estimate of the amount of traffic through this creek for the past ten years, which amounted to an average of about one hundred and thirty thousand tons a year. The estimated amount during the past year has been about three hundred thousand tons. I would ask the committee to consent to have it restored to the body of the bill.

Mr. SPENCER. The committee did recommend striking out this appropriation, because at the time they could not find the estimate.

Mr. McPHERSON. I have in my hand the estimate, which can be read if the Senator desires.

Mr. SPENCER. It is not necessary to take time in that way. That was the reason.

Mr. McPHERSON. I have the estimate, and it can be read.

Mr. SPENCER. The committee have no objection to the item if it is recommended by the Department.

The PRESIDING OFFICER. The question is on the amendment. The amendment was rejected.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Commerce was, in line 542, to increase the appropriation "for improving Flushing Bay, New York," from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, in line 544, after the word "river," to strike out "at Buffalo Rapids, ten," and insert "twenty-five;" so as to make the item read:

For improving Yellowstone River, \$25,000.

The amendment was agreed to.

The next amendment was to strike out lines 558 and 559, in the following words:

For improving Urbana Creek, Virginia, \$5,000.

The amendment was agreed to.

The next amendment was, in line 566, to change the appropriation "for improving Boston Harbor, to be expended in the improvement of Anchorage Shoals, the channel at the lower, middle, and dredging

the upper harbor near the mouth of Mystic River," from \$25,000 to \$50,000.

The amendment was agreed to.

Mr. DAWES. I ask the committee not to confine the \$50,000 to that particular point, but to have it so that \$25,000 of it may be expended on the harbor under the direction of the engineer.

Mr. SPENCER. Will the Senator send his amendment to the desk? There is no objection to the change of phraseology. We left the phraseology as it came from the House.

Mr. DAWES. Then just leave it "for improving Boston Harbor, \$50,000," striking out all after the word "harbor" in line 563 down to and including the word "twenty-five" in line 566; so as to read:

For improving Boston Harbor, \$50,000.

Mr. SPENCER. Very well.

The VICE-PRESIDENT. The bill will be so amended, no objection being interposed.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 579, to increase the appropriation "for improving entrance to Wood's Holl Harbor, Massachusetts," from \$5,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in line 583, to increase the appropriation "for improving L'Anquille River, Arkansas," from \$3,000 to \$5,000.

The amendment was agreed to.

The next amendment was, after line 596, to insert:

For the commencement of the work of constructing a harbor of refuge at Scituate, Massachusetts, \$20,000.

The amendment was agreed to.

The next amendment was to strike out lines 602 and 603, in the following words:

For improving Southport Harbor, Connecticut, \$2,000.

The amendment was agreed to.

The next amendment was to strike out lines 618 and 619, as follows:

For improving Neuse River, North Carolina, from Smithfield to Goldsborough, \$6,000.

The amendment was agreed to.

The next amendment was to strike out from line 622 to line 634, in the following words:

For improving Aransas Pass and Bay up to Rockport and Corpus Christi, Texas, \$35,000, which sum shall be expended in deepening the channel across the outer bar of Aransas Pass and the protection of the head of Mustang Island: *Provided*, That if the expenditure of said sum in the manner indicated herein involve the improvement of any channel or way owned or controlled by any corporation or person with the right to levy tolls or otherwise to affect the navigation and commerce thereof, no part of said sum shall be expended until such right, ownership, and control shall have been surrendered and relinquished to the United States, free of cost, in manner and form to be approved by the Secretary of War.

Mr. COKE. Mr. President—

Mr. SPENCER. The Senator from Texas will yield to me a moment. The committee moved to strike out this appropriation because it could not find the estimate. Since the bill was sent to the Printer the estimates were furnished it, and are here and can be read. I hope the amendment will be disagreed to.

Mr. RANSOM. There can be no objection to disagreeing to this amendment. The whole committee are in favor of the clause.

Mr. COKE. Then I suppose I need say nothing.

The amendment was rejected.

The next amendment was, after line 634, to insert:

For improvement of Missouri River at Vermillion, Dakota, \$5,000.

The amendment was agreed to.

The next amendment was, in line 637, to increase the appropriation "for improving Brunswick Harbor, Georgia," from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, in line 640, to increase the appropriation "for improving Portsmouth Harbor, New Hampshire," from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, in line 648, to increase the appropriation "for improving the Osage River, Kansas and Missouri," from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was to strike out lines 676 and 677, in the following words:

For improving Savannah River above Augusta, Georgia, \$10,000.

The amendment was agreed to.

The next amendment was, in line 678, after the word "river," to strike out "in front of" and insert "at;" in line 679, after the word "Illinois," to strike out "ten" and insert "twenty;" and in the same line, after the word "dollars," to strike out "but no part of this sum shall be expended on the harbor;" so as to make the clause read:

For improving navigation of Mississippi River at Quincy, Illinois, \$20,000.

The amendment was agreed to.

The next amendment was, in line 682, to increase the appropriation "for improving Harlem River, New York," from \$100,000 to \$150,000.

The amendment was agreed to.

The next amendment was, in line 688, to increase the appropriation "for improving the Delaware River at Schooner Ledge" from \$50,000 to \$75,000.

The amendment was agreed to.

The next amendment was, after line 688, to insert:

That the sum of \$150,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended by the Secretary of War in the commencement of the construction of a breakwater at such point on the Pacific Ocean, between the Strait of Fuca and San Francisco, California, as may, in the opinion of a majority of the board of United States engineers for the Pacific coast, be most suitable, the interests of commerce, local and general, being considered.

Mr. MITCHELL. I move an amendment on line 693 by inserting, after the word "breakwater," the words "and harbor of refuge."

Mr. SPENCER. I see no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Commerce was, after line 698, to insert:

For continuing the improvement of Currituck Sound and North River Bar, North Carolina, \$25,000.

The amendment was agreed to.

Mr. RANSOM. I beg leave now, from the Committee on Commerce, to offer an amendment, to come in after line 701:

For Yackin River, North Carolina, \$20,000.

The amendment was agreed to.

The reading of the bill was continued to the end of section 1.

Mr. RANSOM. Before the second section is reached there is a verbal amendment I wish to make on page 16, where lines 369, 370, and 371 now read:

For improving Little Kanawha River, West Virginia, dredging, removing obstructions, and for wing-dams, if required, \$18,000.

I move to strike out all after the word "Virginia" and to insert "according to the report of the Secretary of War, \$18,000." This does not affect the amount at all. The item will then read:

For improving Little Kanawha River, West Virginia, according to the report of the Secretary of War, \$18,000.

The amendment was agreed to.

Mr. SPENCER. Before going to the second section, which only provides for surveys, I move to amend on page 10 by striking out the proviso from line 232 to 237, in these words:

Provided, That not exceeding \$20,000 thereof shall be used by the War Department in making a practical test of the flume invented by M. J. Adams; said test to be made under the supervision and direction of said Adams, but without compensation to said Adams for his services.

There is an appropriation of \$20,000 for an invention. If the Engineer department think fit to use anybody's invention it is very proper for them to do so, but I do not think it is a proper thing to legislate for. I move to strike out the proviso.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment to strike out the proviso.

The amendment was agreed to.

Mr. SPENCER. I now move to amend after line 701, on page 20, by inserting:

For dredging the channel in the Potomac River through the flats in front of the landing at Mount Vernon, \$4,000.

Mr. COCKRELL. Is there any necessity for that according to the report of the engineers?

Mr. SPENCER. It is recommended by the Secretary of War, and there seems to be a very pressing necessity for it. The steamers from Washington to Mount Vernon find it impossible to get over the bar, and an appropriation of \$4,000 is asked for.

The amendment was agreed to.

Mr. SPENCER. Now let the second section of the bill be read.

The PRESIDING OFFICER. The reading of the bill will be continued.

Mr. CAMERON, of Pennsylvania. I desire to offer an amendment at this time.

The PRESIDING OFFICER. The Senator having charge of the bill desires that the amendments of the Committee on Commerce shall first be acted upon, which is the ordinary custom.

Mr. CAMERON, of Pennsylvania. Then I shall wait.

The Secretary read section 2 to line 64.

Mr. SPENCER. After "Susquehanna River" I move to insert:

Between Nanticoke Dam and the New York State line.

Mr. KERNAN. Where is this dam? How far from the New York line?

Mr. SPENCER. I think it is in Pennsylvania. A great deal of coal goes up and down the river. This item is only for a survey. It makes no appropriation.

Mr. KERNAN. Is it slack-water navigation?

Mr. SPENCER. I do not know what it is for.

Mr. WALLACE. I hope the amendment will not prevail. Let the survey be made as the bill stands; then we can have the engineers apply the money to some portion of the river that can be valuable to the people of the State. Nanticoke Dam is on the northern branch of the river, hundreds of miles from the Maryland State line, at a point where there can be no value in its navigation to the people of the State of Pennsylvania.

Mr. EDMUNDS. We can make it of value by spending money on it.

Mr. WALLACE. I do not believe in spending money up there on

the headwaters of the river and allowing a large portion of the stream to go undeveloped. I trust the amendment will not prevail.

Mr. SPENCER. The Susquehanna River has been surveyed, and if the Senator will look at the report of the engineer he will find that this was a mistake in the House. The chairman of the House committee gave me this amendment and said it was intended to be put in in the House, but these words were left out by mistake. It was at the request of the chairman of the House committee that I moved this amendment.

Mr. EDMUNDS. That ought to be satisfactory, if the House committee wants it!

Mr. SPENCER. It is only a survey.

Mr. WALLACE. The purpose of the amendment will be covered by the bill as it stands, and the discretion where the money shall be applied will be left with the Engineer Corps, where it ought to be left. It therefore seems to me that it is wrong to urge this amendment.

Mr. SPENCER. This does not appropriate any money, I will say to the Senator from Pennsylvania. It only applies to a survey under the law.

Mr. WALLACE. I imagine that work cannot be had on any part of the Susquehanna River without the expenditure of money, even if it be a simple survey; and it is a direction to the Engineer Corps to survey a part of the river which is away in the northern part of the State from that where an improvement of the navigation is specially desirable.

The amendment was rejected.

The reading of the bill was continued to line 76 of section 2.

Mr. EDMUNDS. I should like to ask the chairman of the committee whether "Bayou Courtableau, Louisiana," is so very important as to require it to be surveyed twice. On page 31, line 29, there is a provision for the survey of Bayou Courtableau, Louisiana, and on page 33, line 76, there is another provision for it. Is the bayou so large that it must be surveyed twice?

Mr. SPENCER. In answer to the Senator I will say that is evidently a mistake. I move to strike out the last one.

Mr. EDMUNDS. Can you do with one?

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Alabama to strike out line 76 of section 2? The Chair hears none, and it is agreed to.

The Secretary continued the reading of the bill to line 82 of section 2.

Mr. RANSOM. I move to strike out "Danville," in line 81, and insert "Clarksville."

Mr. EDMUNDS. How far above Danville is Clarksville?

Mr. RANSOM. Clarksville is below Danville.

Mr. EDMUNDS. Is the survey from the source to the mouth?

Mr. RANSOM. In that direction.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 99 of section 2.

The next amendment was, after line 99 of section 2, to insert:

Cheyenne River, Dakota;

Continuing survey of the Yellowstone River.

The amendment was agreed to.

Mr. SPENCER. In line 103 of section 2 I move to strike out "for removal of Bell's Rock, in;" so as to read:

Survey and estimate, York River, Virginia.

Mr. EDMUNDS. I should like to have that explained.

Mr. SPENCER. The object is to limit the survey to a particular purpose.

Mr. EDMUNDS. You are going to leave the rock?

The amendment was agreed to.

The next amendment was, after line 105 of section 2, to insert:

Bayfield Harbor, Wisconsin;

Ashland Harbor, Wisconsin;

Manistique River, Michigan;

Saint Mary's Falls ship-canal, for a sixteen-foot channel;

Kankakee River, Indiana and Illinois.

The amendment was agreed to.

Mr. MITCHELL. I offer the following amendment simply to correct a mistake in the last river and harbor bill, to come in at line 94, page 34, section 2. It does not add any appropriation:

For an accurate examination and survey of Alsea Harbor, Oregon, and bar in front of it;

Umpqua River, Oregon, between Scottsburg and its mouth;

The Cowlitz River, Washington Territory, for purpose of ascertaining the cost of removing snags and other obstructions.

The amendment was agreed to.

Mr. SARGENT. I move, on page 32, after line 61 of section 2, to insert:

Sacramento River, California.

The amendment was agreed to.

Mr. BAILEY. In line 58, page 32, there is a verbal error. It should be changed. I move to strike out "Coney" and insert "Caney;" so as to read, "Caney Fork, Cumberland River, Tennessee."

The amendment was agreed to.

Mr. COCKRELL. At the end of line 111, section 2, I desire to insert:

Gasconade River from its mouth to Vienna, in Maries County, Missouri.

The amendment was agreed to.

Mr. RANSOM. After the last amendment, at line 111 of section 2, I move to insert:

For the resurvey of the outlet to Wolf Lake, in Lake County, Indiana.

For resurvey of Oconoke River, North Carolina.

For resurvey of Catawba River, North Carolina.

Mr. EDMUNDS. I should like to hear that explained. The outlet of Wolf Creek, if that be the name, has been surveyed once, and I am told that it has dried up since.

Mr. McDONALD. It has not dried up, but the water has deepened there, and it is quite evident that a resurvey of it will disclose the fact that with a little dredging there can be a very excellent harbor made at that point—an important one for lumber and staves and heavy freights from the upper part of the lake.

The amendment was agreed to.

Mr. DAVIS, of Illinois. On page 32, after line 43 of section 2, I move to insert:

Illinois River.

The Illinois River is one of the most important streams in the western country and needs a survey.

The amendment was agreed to.

Mr. SAULSBURY. I move, at the end of the second section, to add an amendment for a survey:

For survey of Broad Creek, a prong of the Nanticoke River, from its mouth to Laurel, Delaware.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will proceed. The Secretary read section 3.

Mr. DENNIS. On page 31, line 21, section 2, after "Easton," I move to strike out "creek."

The amendment was agreed to.

The PRESIDING OFFICER. There is an amendment of the Committee on Commerce not yet reported which will now be read.

The Secretary read the amendment, which was to insert as additional sections the following:

SEC. 4. It shall be lawful for the Arkansas River Transfer Railway Company, a corporation having authority under the laws of the State of Arkansas, to build a railway from some suitable point in the city of Little Rock across the Arkansas River to some suitable point in the town of Argenta, all being in the county of Pulaski, in said State, to build a railway transit and wagon-bridge across said river, and that when constructed all trains of all railways terminating at the Arkansas River, at or near the location of said bridge, and all foot-passengers, animals, and vehicles shall be allowed to cross said bridge for a reasonable compensation, to be paid to the owners thereof; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States in and for the eastern district of the State of Arkansas.

SEC. 5. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot, or with unbroken or continuous spans: *Provided*, That if said bridge shall be made with unbroken or continuous spans, it shall not be in any case of a less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the span over the main channel of the river be less than two hundred and fifty feet, nor shall there be a greater number of spans than four crossing the remaining width of said river, and the piers of said bridge shall all be parallel with the current of said river: *And provided also*, That if any bridge shall be constructed under this act as a draw-bridge, the same shall be a pivot-draw over the main channel, with spans of not less than one hundred and sixty feet in the clear on each side of the center or pivot pier of said bridge, and that there shall not be a greater number of fixed spans than four crossing the remaining width of said river, and said bridge shall not be less than ten feet above high-water mark, as understood at the location of said bridge, measuring to the bottom chord of said bridge, and all the piers of said bridge shall be parallel with the current of said river: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under said bridge, except when a railroad train is passing over the same; but in no case shall any unnecessary delay occur in opening the draw after the passage of said train.

SEC. 6. That any bridge constructed under this act and according to its provisions shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate paid for their transportation over the railroads or public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph purposes across said bridge.

SEC. 7. That said bridge shall not be built or commenced until the railway company aforesaid shall submit to the Secretary of War, for his approval, a plan with the necessary drawings of their bridge, conforming to the above requirements, nor until he shall approve the plan and location of said bridge, and notify the company of the same in writing. And should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation or modification by law, whenever the public good shall, in the judgment of Congress, so require, without any expense or charge to the United States.

SEC. 8. That the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river by the construction of said bridge, without expense to the United States, is hereby expressly reserved.

Mr. EDMUNDS. I wish to ask the Chair whether this amendment is in order?

The PRESIDING OFFICER. Does the Senator make a point of order on the amendment?

Mr. EDMUNDS. Yes; I confess that I expect it will be overruled because by the decision of the Senate on the arrears of pension bill it was held that that was not a general appropriation bill, and as far as I can understand it it is exactly like this, but still I should like to have the ruling of the Chair upon the question.

The PRESIDING OFFICER. The Chair feels reluctant to decide any points of order that have been decided by the Vice-President and by previous occupants of the chair, and would prefer that the matter be submitted to the Senate.

Mr. SPENCER. I wish to say in reference to this amendment that it was regularly referred to the Committee on Commerce and was adopted. The provision passed the Senate nearly a year ago as a separate bill, but has not yet passed the other House and is in committee there. It is not proper to state the condition of the business of the House, but the bill passed the Senate nearly a year ago.

The PRESIDING OFFICER. The Chair will submit the question to the Senate: Is the point of order raised by the Senator from Vermont well taken?

Mr. GARLAND. I did not distinctly hear the point of order submitted by the Senator from Vermont. I should like to know what it is.

The PRESIDING OFFICER. Will the Senator from Vermont please state the point of order again?

Mr. EDMUNDS. I asked the Chair to rule first whether this is a general appropriation bill, and second, whether this is legislation.

The PRESIDING OFFICER. On the first point the Chair would hold this is a general appropriation bill.

Mr. EDMUNDS. I do not see that it is any more so than the arrears of pension bill which was held not to be by the Senate. I only make the point of order to see if these two propositions stand on the same ground. I am not objecting to the merits of this proposition, but I should merely like to have the Senate determine with a view to the future, as I believe it has hitherto, that you may do anything on a river and harbor bill that you like, but still to guard against accidents I should like to have the Senate decide the question.

Mr. GARLAND. On the question of order I do not concur with the Senator from Vermont. I am willing the Senate shall dispose of that as it seems proper without any observations from me; but upon the proposition itself—

The PRESIDING OFFICER. That is not now debatable.

Mr. GARLAND. I want merely to suggest that it has received the sanction of the Senate heretofore by a separate bill in so many words to effect the same object.

Mr. DORSEY. I ask unanimous consent to say a word, as the question is not debatable—

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair thinks that the merits of the question are not debatable on the point of order.

Mr. DORSEY. I am not familiar enough with the points of order that may be raised against this proposition to decide them, but I should like to say a single word in regard to the merits of the provision itself. This measure has passed the Senate now three times, the last time more than a year ago, but for some reason it lodges in a very close place in the House and never gets out. It is an amendment permitting the citizens of Little Rock to build a bridge across the river at that place from the center of the town, that I think every citizen of the town desires to have constructed. Under the laws of the United States it cannot be constructed until permission is obtained from Congress. The provision has been prepared by the War Department and the Chief of Engineers, and is entirely consistent with the system laid down in reference to their bridges.

The PRESIDING OFFICER. The Chair will submit the question to the Senate: Shall this amendment be received?

Mr. EDMUNDS. Is it in order?

The PRESIDING OFFICER. Shall it be received under the point of order submitted by the Senator from Vermont?

The question being put, was decided in the affirmative.

The PRESIDING OFFICER. The question now is, Will the Senate agree to the amendment?

Mr. EDMUNDS. I move to amend section 5, in line 4, by inserting after the word "States" the words "and also to repeal this act."

Mr. SPENCER. There is no objection to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. HOWE. On page 17, line 391, I move the only amendment I shall move upon this bill, to strike out "eighteen" and insert "thirty:" so as to read:

For harbor of refuge at entrance to Sturgeon Bay, Wisconsin, \$30,000.

The amendment was agreed to.

Mr. KERNAN. I offer the following amendment, and I ask that a short letter from the Secretary of War be read in connection with it. On page 3, line 49, I move to insert:

For completing sea-wall already commenced on the west side of Governor's Island, New York, and constructing sea-wall on the southeast portion of said island, \$39,000.

The Secretary read as follows:

February 25, 1879.

SIR: I have the honor to invite your attention to the estimate of \$39,000 for completing sea-wall already commenced on west side of Governor's Island, New York, and constructing sea-wall on its southeast portion (page 129, Book of Estimates) and to appendix N of the Book of Estimates, (page 206,) and page 11 of the annual report of the Chief of Engineers for 1878, in explanation of said estimate, and beg to say that it is very desirable that an appropriation be made in accordance therewith during the present session of Congress.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

Hon. WM. WINDOM,

Chairman Committee on Appropriations, United States Senate.

Mr. SPENCER. I do not think there can be any objection to the amendment.

The amendment was agreed to.

Mr. CAMERON, of Pennsylvania. I offer the following amendment:

Page 16, after line 367, insert:

For the improvement of the harbors of Pittsburgh and Allegheny City, by continuing the construction of Davis Island Dam, \$200,000.

Mr. SPENCER. I raise a point of order on that amendment.

The PRESIDING OFFICER. The Senator from Alabama will state his point of order.

Mr. SPENCER. The point of order is that it is not recommended by any Department or by any committee.

The PRESIDING OFFICER. Does the Senator from Alabama insist on the point of order?

Mr. SPENCER. Certainly.

The PRESIDING OFFICER. The Chair will submit the question to the Senate. Senators who believe the amendment ought to be received will vote "ay," those opposed "no." [Putting the question.] The yeas have it. The amendment is not accepted.

Mr. FERRY. I move on page 29, after line 457, to insert:

For improving harbor and river at Au Sable, Michigan, \$12,000.

The amendment was agreed to.

Mr. BUTLER. I offer the following amendment:

At the end of the second section, page 34, insert:

The Pedee River, South Carolina.
The Santee River, South Carolina.
The Wateree River, South Carolina.
The Broad River, South Carolina.
The Catawba River, South Carolina.

The amendment was agreed to.

Mr. BAYARD. After line 77, on page 4, I move to insert:

For removal of obstructions from the harbor at the Delaware breakwater, \$25,000; and the Secretary of War is hereby directed to give notice for a period of thirty days, in some newspaper published in the city of Philadelphia, to the owners, underwriters, and all other persons claiming title to or interest in the several vessels sunk in the harbor of Delaware breakwater, or the entrance thereto, to remove the same within thirty days from the date of said notice, and at the expiration of said time if such obstructions be not removed it shall be the duty of the Secretary of War, and he hereby is authorized and directed, to cause such obstructions to be removed from said harbor.

Mr. SPENCER. I wish to raise a point of order on that. It is not recommended by any committee or Department.

Mr. BAYARD. This amendment was referred to the Committee on Commerce four days ago. It is recommended by the Chief of Engineers and by the Secretary of War. I would further say that this is a matter touching the entire commerce of the Atlantic coast. The breakwater is a shelter for hundreds of vessels at a time, and these wrecks put every vessel which seeks refuge there in great danger. It is essential to the preservation of the harbor, and I trust that every one will see the propriety of it.

Mr. RANSOM. The committee withdraw the point of order in this case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. KELLOGG. I offer the following amendment: page 24, lines 574 and 575, strike out "ten" and insert "twenty-five;" so as to increase the appropriation for improving Bayou la Fourche, Louisiana, to \$25,000.

Mr. SPENCER. I shall have to raise the point of order on that.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. SPENCER. That it is not recommended by any standing committee of the Senate nor by the Department.

Mr. EDMUNDS. The rule does not require a standing committee to recommend it.

The PRESIDING OFFICER. Has the amendment been referred to the Committee on Commerce?

Mr. SPENCER. No, sir.

The PRESIDING OFFICER. If not referred the Chair would hold that under Rule 28 it is not admissible.

Mr. KELLOGG. I suppose the Chair will hear me controvert the point of order.

The PRESIDING OFFICER. The point of order is not debatable except on an appeal.

Mr. KELLOGG. I must appeal to the Senate, for this is reported from a committee of the Senate and accompanied by an estimate from the head of the proper Department.

The PRESIDING OFFICER. Shall the Senator from Louisiana have leave to speak?

Mr. EDMUNDS. I should like to call the attention of the Chair to this point of order if the Chair will please to have the rule read—

The PRESIDING OFFICER. The Secretary will report the rule.

The Secretary read as follows:

In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

Mr. EDMUNDS. I call your attention, Mr. President, to the language of that rule. It is that an amendment that proposes a new item of appropriation must be referred. This amendment is not of that character, it does not make any new item at all but merely increases an item that exists in the bill. That very point was suggested

on the amendment offered by the Senator from Virginia [Mr. WITHERS] some time ago, and by universal consent that distinction was observed, and I submit with great confidence to the Chair that he will see the propriety of the distinction.

Mr. KELLOGG. I cannot understand why this point of order should be now made after three or four amendments have been proposed where there was no estimate from the head of the Department, as I understand. If I am mistaken of course I shall be glad to be set right; but take the amendment moved by the Senator from Michigan—

Mr. FERRY. If the Senator alludes to the amendment I offered, I will say that there has been an estimate, and the amendment was referred to the Committee on Commerce, so that in that instance I complied with all the injunctions of the rule.

Mr. KELLOGG. I believe I also have complied with the rules. The point of order, however, I did not see raised in regard to amendments from certain quarters while it is raised as to others without any statement whether they were predicated upon the estimate of the head of a Department or were reported by a committee.

The amendment that I offer proposes to increase the appropriation for deepening the channel of Bayou la Fourche from \$10,000, the amount reported by the Committee on Commerce, to \$25,000, and I ask the Secretary to read a communication from the Chief of Engineers, accompanied by two telegrams, which I send to the desk.

The PRESIDING OFFICER. Is there objection to these papers being read? The Chair hears none, and the Clerk will report them. The Secretary read as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 3, 1879.

SIR: Your letter of the 29th ultimo was duly received—

Mr. SPENCER. I should like to know if the Chair did not rule on my point of order?

The PRESIDING OFFICER. The Chair was advised subsequently by the statement of Senators that this is not a new item of appropriation, but it proposes to increase an item already in the bill. Therefore it is not open to the point of order. The Secretary will proceed to the reading of the paper.

The Secretary continued the reading, as follows:

I beg leave, in reply, to transmit the inclosed copies of telegrams received at this office from Captain C. W. Howell, Corps of Engineers, in relation to the improvement of Bayou la Fourche, Louisiana, which it is believed will furnish the desired information.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. J. H. ACKLEN,
United States House of Representatives:
[Copy of telegram.]

NEW ORLEANS, January 31, 1879.

CHIEF OF ENGINEERS,
United States Army, Washington, D. C.:

Five thousand dollars additional will be required for Bayou la Fourche. The original estimate would have been sufficient but for the unfavorable character of the past season, which of course could not have been foreseen.

HOWELL, Engineers.

[Copy of telegram.]

NEW ORLEANS, February 1, 1879.

CHIEF OF ENGINEERS,
United States Army, Washington, D. C.:

For widening and deepening low-water channel of Upper Bayou la Fourche, to temporarily improve flat-boat navigation, \$25,000 will be required.

HOWELL, Superintendent.

Mr. KELLOGG. Now I withdraw my appeal, and ask that the Chair submit the question to the Senate if the Chair has any doubt.

Mr. EDMUNDS. The point of order has been overruled.

Mr. KELLOGG. Very well. I hope the amendment will be concurred in.

Mr. SPENCER. I hope the motion will not be adopted. The committee have taken great care in looking over everything and have tried to do justice to all parts of the country. This stream, which is a very inconsiderable one, has a fair appropriation in the bill as it came from the House. If the Senate have paid any attention to the telegrams from the engineer in charge, they will have noticed that this is wanted for flat-boat navigation. We had better in these hard times not make any increased appropriations for that kind of navigation.

Mr. KELLOGG. I have only to say in reply that appropriations of fifteen or twenty thousand dollars have been made by the Committee on Commerce for streams of no greater importance.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana, [Mr. KELLOGG.]

The question being put, there were on a division—ayes 17, noes 20; no quorum voting.

Mr. SPENCER. Several more Senators are ready to vote who have not voted.

The PRESIDING OFFICER. Shall there be another division? The Chair hears no objection, and the question will be put again.

The question being again put, there were on a division—ayes 20, noes 21.

Mr. KELLOGG. I ask for the yeas and nays.

Mr. SPENCER. I hope the Senate will not have the yeas and nays at this late day of the session on inconsiderable things like this.

Only five Senators seconded the call for the yeas and nays—not a sufficient number.

The amendment was rejected.

Mr. KELLOGG. I give notice that I will renew the amendment in the Senate.

Mr. BARNUM. I move an amendment, on line 34, page 2, by striking out "ten" and inserting "twenty;" so as to make the clause read:

For improving Connecticut River below Hartford, Connecticut, including dredging between Hartford and Middletown, \$20,000.

The amendment was agreed to.

Mr. PADDOCK. I offer an amendment, which has been referred to the Committee on Commerce and estimated for by the Engineer department. It is on page 11, after line 245, to insert:

For improvement of the Missouri River near Brownville, Nebraska, \$10,000; also, for improvement of the Missouri River near Plattsmouth, Nebraska, \$10,000.

Mr. SPENCER. I shall have to raise the point of order on that, though I regret to do it.

The PRESIDING OFFICER. The Senator from Alabama will state his point of order.

Mr. PADDOCK. These amendments were estimated for by the War Department, and a survey has been had.

Mr. SPENCER. They are new appropriations and have not been recommended by any committee.

Mr. PADDOCK. They were referred to the Committee on Commerce.

The PRESIDING OFFICER. The Chair holds, under the statement of the Senator from Nebraska, that these items have been estimated for and referred to the Committee on Commerce; they are therefore in order. The question is on the amendment.

The amendment was rejected, there being on a division—ayes 18, noes 24.

Mr. DAVIS, of Illinois. I do not rise to ask for the appropriation of any money, but on page 32, in the section for surveys, at line 43 I move to add:

Also, Alton Harbor, Illinois, and the Mississippi River opposite the mouth of the Missouri.

Mr. SPENCER. If it is only a survey, there is no objection.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. I want to propose two very small amendments. On line 394, page 17, I move to strike out the word "twelve" and insert in lieu thereof the word "twenty;" so as to make the clause read, "for improving harbor at Two Rivers, Wisconsin, \$20,000."

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. On line 402, page 17, I move to strike out the word "seven" and insert "fifteen;" so as to read:

For improving harbor at Milwaukee, Wisconsin, \$15,500.

The amendment was agreed to.

Mr. COKE. I offer the following amendment simply to make the law conform to the report of the engineers: on page 38, line 177, between the words "Texas" and "six," I move to insert:

To deepen the channel at the mouth of Sabine River.

The amendment was agreed to.

Mr. PLUMB. On line 252, page 11, I move to strike out "nine" and insert "eighteen." This increases the appropriation for improving the Missouri River at Saint Joseph from \$9,000 to \$18,000, and I will say that that is the amount that is recommended by the Chief of Engineers to complete the improvement at that point, and to expend less than that is simply to throw away the money that is appropriated.

Mr. SPENCER. I object to that amendment.

Mr. PLUMB. I will try some of these days when I have been here longer to get into the charmed circle that has control of these things, and to see if appropriations of this kind are to be made the subject of objection after the circle is closed up and has got in the particular favorites of those composing it. The Senator from Vermont [Mr. EDMUNDS] asks me why I do not hold on. I am holding on as well as I can.

The Missouri River opposite Saint Joseph has so encroached upon the Kansas bank of the river as to nearly destroy the railroad bridge at that point. The Government has already appropriated a considerable sum of money there. The Chief of Engineers recommends \$18,000 as necessary to complete the work. Now, if \$18,000 will complete it, it does not require very much understanding, I think, to arrive at the conclusion that half that amount will simply be thrown away, which is the fact.

Mr. EDMUNDS. I should like to ask the Senator from Kansas whether there is danger of this bridge being destroyed before another year, before this money can be spent?

Mr. PLUMB. It has been in a very precarious condition there for the last two years.

Mr. EDMUNDS. Who is the proprietor of the bridge?

Mr. PLUMB. It is owned by some eastern gentlemen; I do not know how far east they live. The bridge is the property, as all the bridges on the Missouri River are, of a private corporation. The western people do not have enough money to build such enterprises. They are carried on by eastern people.

Mr. EDMUNDS. Then certainly the Treasury ought to pay the money to take care of the railroad property, clearly!

Mr. PLUMB. It is all private property along the river, if the Senator from Vermont desires that information. There is not an acre of land on the Missouri River, from, I was going to say, its source to its mouth, that is not private property; and if the objection is to be taken that we are not to improve the Missouri River because thereby we improve somebody's private property, that point might as well be taken to all these appropriations.

The fact is that there is a railroad connection with the Union Pacific Railroad just beyond Fort Kearney, coming in from Saint Joe to that point, and that large interests there and the private property of the people living along there have been imperiled for years. The Government inaugurated a few years ago an improvement there that was designed to arrest this destruction of property and arrest the cutting away of the bank, and it has gone on so far that \$18,000 is all that is necessary to complete it. I suggest that either this appropriation should be made as called for, or that no appropriation at all should be made; because an appropriation of \$9,000 is simply to throw the money away.

Mr. COCKRELL. I hope the committee will not object to making this increase of appropriation to \$18,000 and ending this work. Eighteen thousand dollars will complete it, and it will then be finished, and it is necessary that the whole amount should be appropriated in order to make the work safe and effectual for the end intended. If the \$18,000 is not given at once it may take three times that amount in the end to complete the necessary work.

This work is needed in order to protect the landing at Saint Joseph, a large and flourishing city on the east bank of the river, and it is an important place. It is needed, further, for the improvement of the navigation of the Missouri River, which is cutting into and washing away a large space of land on the Kansas side, and it is carrying it down the river and making shoals and bars in other places. By taking \$18,000 and putting it here the work will be completed and the channel will be thrown so as to wash out the harbor at Saint Joe, give a good harbor there, and keep up and maintain the navigation of the river.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas, [Mr. PLUMB.]

The amendment was agreed to.

Mr. ROLLINS. I was detained from the Senate Chamber in the early part of the session this afternoon by severe indisposition. I was not here when the first section was read. I desire to move an amendment which will not increase the appropriation, but merely diverts \$6,000 to a very worthy object, an amendment that was offered and agreed to last year, but fell out in a committee of conference. On line 118, page 6, I move to insert, after the word "channel," the words, "six thousand, or so much thereof as may be necessary, shall be expended for repairing the dam or causeway connecting Mason's Island, now known as Analostan Island, with the western bank of the Potomac."

Mr. SPENCER. I am opposed to this amendment, for this reason: if the Engineer department think this a worthy work, they have authority to do it. I am opposed to Congress saying where the engineers shall spend money or how they shall spend it. I think the Engineer department is much more competent in every respect to judge of such things than we are. Consequently I hope that the amendment will not be adopted.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire.

Mr. ROLLINS. This is right and does not increase the appropriation at all. It has been recommended by the engineers.

The amendment was rejected; there being on a division—ayes 15, noes 29.

Mr. BAILEY. On page 13, line 296, I move to strike out "twenty-five" and insert "forty," so that the clause, as amended, will read:

For improving Cumberland River below Nashville, Tennessee, \$40,000.

I wish to say briefly that Nashville is six hundred miles from the mouth of the Cumberland River; that the Government has begun a great work to improve the navigation of the river, and each year steamers navigate that stream from its mouth to the city of Nashville. By looking at the Book of Estimates it will be found by the engineer's reports that it requires \$70,000 to complete this work. Forty-five thousand dollars has been appropriated and has been expended. If \$40,000 shall now be expended the work will be finished and we shall have an end of it. I hope the Senate will vote to make the appropriation \$40,000 instead of \$25,000.

Mr. SPENCER. This amendment has never been referred to the Committee on Commerce. I make the point of order.

The PRESIDING OFFICER. It is not necessary under the rules that it should be referred. The question is on the amendment.

Mr. MITCHELL. I desire to ask the Senator from Tennessee what the estimate of the Department is in reference to this matter?

Mr. BAILEY. The estimate is \$70,000.

Mr. MITCHELL. And the amount appropriated, as far as the House is concerned, is \$25,000.

Mr. BAILEY. Yes, sir.

Mr. MITCHELL. And the Senator now proposes to increase it to \$40,000. I desire to say a word about this. I have been disposed, as far as I am concerned, to stand by the committee, and I have voted to

indorse the action of the committee in reference to important rivers in my section of the country when I believed injustice had been done, not intentionally, of course, but where the amount proposed to be appropriated was entirely insufficient to carry on the great works that are now being carried on upon the Columbia River. But I desire now to give notice that if the Senate is determined to override the committee and to insert additional appropriations, I shall feel compelled to move a reconsideration in several cases and ask an increase; and I will call the attention of the honorable Senator from Tennessee and of the Senate to a few facts to justify me in the position I take.

The estimate of the Engineer department and the estimate of the War Department generally, and the recommendation of the Secretary of War, in relation to the canal and locks at the Cascades of the Columbia is \$500,000 for this year. The House allowed \$50,000. The Senate committee increased it \$50,000, so that the appropriation as now recommended is \$100,000, or in other words precisely one-fifth of the amount of the estimate.

Now, then, what do we find in this bill? We find that for the Cape Fear River in North Carolina, for instance, the estimate is \$50,000, and the amount appropriated is \$100,000, or just double the estimate. An explanation was given of that by the Senator from North Carolina by saying that the engineer came before the committee and showed that this increase would complete the work. Take the James River improvement, Virginia. The estimate is \$150,000; the amount appropriated in this bill is \$75,000, or one half the estimate. For the Appomattox River, Virginia, the estimate is \$30,000, and the amount appropriated is \$20,000, or two-thirds of the estimate. Take the Neuse River, in North Carolina. The amount estimated is \$50,000; the amount appropriated is \$45,000, or nine-tenths of the estimate. Take Charleston Harbor, South Carolina. The amount estimated is \$500,000, just the same as the estimate for the canal and locks of the Columbia River, and the committee recommend an appropriation of \$250,000, or just one-half of the amount of the estimate, instead of one-fifth, as in the case of the Columbia River. Take the Alabama River; the estimate is \$100,000; the appropriation is \$30,000, or nearly one-third of the amount of the estimate. Take the harbor of Norfolk, Virginia; the estimate is \$100,000, and the amount appropriated by this bill is \$75,000, or three-fourths of the amount, instead of one-fifth of the amount, as in the case of the Columbia River. Take the Great Kanawha River, West Virginia. The estimate is \$500,000; the amount appropriated is \$150,000. That is little enough, I admit; but I say that it is \$50,000 more than the amount appropriated for the Columbia River. Take the Warrior and Tombigbee Rivers, Alabama. The amount of the estimate is \$100,000, and the amount appropriated is \$30,000, nearly one-third of the estimate. Take the Coosa River, Georgia; the estimate is \$150,000; the amount appropriated is \$45,000, nearly one-third the amount of the estimate.

I have stood by and voted with the committee, notwithstanding they have done what seems to me to be a great injustice to that section of the country which I in part represent on this floor. I have stood by them because I thought the Committee on Commerce did the best they could, and that under all the circumstances it was best to stand by the committee.

Mr. SAULSBURY. The Senator will allow me to inquire what the entire estimate now is for the Cascades of the Columbia to complete the canal there from beginning to end?

Mr. MITCHELL. The entire estimate is about \$1,400,000; and I say it is not economy to appropriate one-fifth of the amount that the Secretary of War or the board of engineers says can be expended this year with economy.

Mr. SAULSBURY. I have seen the Cascades of the Columbia River, and I have no question that it would be good for the future interests of that section to have a canal around the Cascades; but I will remind the Senator that the country above that which would be benefited by the canal is at present very sparsely settled. He will admit that there is not such a population in all that country east of the Cascades as to require that that canal should be now completed. That work may be of immense advantage, and be required when the country is more densely settled and its productive capacity further developed. While I believe that it would be the duty of the Government, in view of the interests of commerce upon the Upper Columbia, at some time to complete the canal, I do not think the Senator from Oregon has any reason to complain of the liberality of the Government toward the people he represents.

Mr. MITCHELL. I desire to say one word in answer to the Senator from Delaware. The Senator from Delaware traveled up the Columbia River and passed back again on the boats of the company, but he has never been in that immense region which appears to him to be sparsely populated. The reason why it is not filled up to-day more than it is is because of a monopoly of the Columbia River, and this fact shows the great necessity for opening the Columbia to navigation.

As I said, I have been disposed to stand by the Committee on Commerce, and take their word for this year, hoping that next year we may be able to get more. But I insist that this bill should not be jeopardized by additional appropriations, especially from that section of the country which has been so liberally provided for in the bill as it was reported to the Senate.

Mr. BAILEY. The Senator from Oregon speaks of one section of the country as having been liberally provided for. Tennessee has

never had much money from the Government of the United States for the improvement of her rivers. It is true that the Tennessee River required for its improvement in its course through Alabama the expenditure of a very large amount, but in the State of Tennessee only a very small sum has ever been expended. The Cumberland River, one hundred miles above the city of Nashville, and for two hundred miles below the city of Nashville, traverses one of the most populous and productive regions in the South. It has in its course shoals that require to be removed in order to procure a continuous navigation which would be useful to the commerce of a million people. I do not say that we should not appropriate \$50,000 or \$100,000 to improve the Cascades of the Columbia because the commerce of that river is not useful to a million people.

The estimate is that it will require \$75,000 to complete the improvement of the Cumberland. The committee appropriated \$25,000 and I ask but \$15,000 more in order that this work may be proceeded with, and that the commerce of this great region may be relieved. I think that my request is a very modest one.

I do not wish to antagonize anything that the Senator from Oregon may urge here. I have nothing to say against the improvement of the Cascades of the Columbia. I remember that upon one occasion I assisted the Senator from Oregon in a matter of very great importance to his people, but I make no comparisons between my action then and his position now. I thought then only of the necessities of his people, and I supported what I conceived to be an act of justice to his people. I am sorry the Senator has in return seen fit to oppose the appropriation I ask to have made for the improvement of the Cumberland River.

Mr. MITCHELL. I have no doubt at all about the importance of the work the Senator urges. I was gratified at the assistance received from the Senator on another occasion, but I have felt it my duty to say what I have said in what I conceive to be the interest of the pending measure. We must restrict these appropriations or we shall lose the bill.

Mr. BAILEY. I do not ask anything for the Tombigbee or the other streams of Tennessee, but only for the Cumberland, which is one of the most important tributaries of the Ohio, and is one of the most important rivers in the Mississippi Valley. It carries a commerce second to no stream except such great rivers as the Ohio and the Mississippi. I know that this work is needed, and the more speedily it shall be finished the better it will be for the country and the Treasury of the United States. Therefore I ask for this increase in the appropriation reported in the bill.

Mr. SPENCER. I hope that the amendment of the Senator from Tennessee will not be adopted. The engineers report that it will take \$103,000 to finish the work and \$70,000 is estimated for this year. The bill as now reported gives \$25,000. That is more than a *pro rata* of the amount allowed to other States. I move to lay the pending amendment on the table.

The PRESIDING OFFICER. (Mr. INGALLS in the chair.) The question is on the motion of the Senator from Alabama, to lay the amendment of the Senator from Tennessee on the table.

The question being put, the Senate refused to lay the amendment on the table; there being on a division—ayes 26, noes 26.

The PRESIDING OFFICER. The question recurs on the amendment.

The amendment was agreed to.

Mr. BECK, (at six o'clock p. m.) I move that the Senate take a recess until ten o'clock this evening. [No! "No!"

Mr. PATTERSON and others. Let us get through with this bill. Mr. CONKLING. I ask the Senator from Kentucky to withdraw the motion for one moment?

Mr. BECK. I will, sir.

Mr. CONKLING. May I inquire, after this bill receives final action what occasion is there for the Senate to stay here to-night at all?

Mr. BECK. There are going to be surely three or four disagreements upon very important bills now in committees of conference, which ought to be reported to-night. That is the only reason for staying here. I am advised of two or three conferences that will be ready to report to-night. I am myself on one committee of conference, and I am sure we shall not agree; and therefore it is necessary for the Senate to be in session.

Mr. CONKLING. Shall I understand the Senator to say that he expects to have the disagreements reported to-night?

Mr. BECK. I do, at ten o'clock.

Mr. SPENCER. I hope there will be no recess now.

Mr. EDMUNDS. The motion is not open to debate.

The PRESIDING OFFICER. Debate proceeds by unanimous consent.

Mr. EDMUNDS. Then I object to debate.

The PRESIDING OFFICER. The Senator from Vermont objects to debate. The question is on the motion of the Senator from Kentucky, that the Senate take a recess until ten o'clock.

The motion was not agreed to; there being on a division—ayes 22, noes 33.

Mr. GORDON. Would it be in order now to move that when this bill is finished the Senate will take a recess until ten o'clock?

Mr. EDMUNDS. That would not be in order.

The PRESIDING OFFICER. The Chair holds that such a motion is not in order.

Mr. MORRILL. I desire to say to the Senate that immediately after this bill is finished I want to call up the census bill and have the amendments of the House concurred in.

Mr. CONOVER. I move to add to the pending bill the following, on page 29, after line 701:

That for the purpose of removing obstructions and deepening the Volusia Bar, at the entrance of the Saint John's River into Lake George, Florida, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,000, to be expended under the direction of the Secretary of War.

Mr. SPENCER. I raise the point of order upon that amendment. The PRESIDING OFFICER. The Senator from Alabama will state his point of order.

Mr. SPENCER. My point of order is that this amendment is not recommended by any Department and that it has not been referred to the Committee on Commerce.

Mr. CONOVER. I will state that it was referred to the committee and that it is recommended by the Engineer department.

The PRESIDING OFFICER. Will the Senator from Florida state to what committee it was referred?

Mr. SPENCER. Not to the Committee on Commerce.

Mr. CONOVER. I beg the Senator's pardon; it was referred to the Committee on Commerce.

Mr. SPENCER. When was it referred? I do not think it was referred as an amendment to the river and harbor bill.

Mr. CONOVER. It was referred on the 10th of February as an amendment to the river and harbor bill.

The PRESIDING OFFICER. The amendment is not open to the point of order under the rule. The question is on agreeing to the amendment of the Senator from Florida.

Mr. SPENCER. I move that the amendment be laid on the table.

The question being put, a division was called for; and the ayes were 11—

Mr. CONOVER. I think if Senators have any doubt on this question, my colleague can read a letter from the Engineer department that will satisfy everybody.

The PRESIDING OFFICER. The question is not debatable. The Senate is dividing.

The amendment was rejected; there being on a division—ayes 11, noes 32.

Mr. CONOVER. I offer the following amendment, to come in on page 29, line 10:

That for the improvement of the bar at the mouth of the Saint John's River, Florida, the sum of \$15,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

Mr. SPENCER. I move that that amendment be laid on the table.

Mr. JONES, of Florida. Will the Senator from Alabama yield to me?

Mr. SPENCER. I will yield for a moment.

Mr. JONES, of Florida. A great deal of public time has been taken on matters of far less importance than this—

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Florida to the fact that this motion is not debatable.

Does the Senator from Alabama withdraw his motion to lay the amendment on the table?

Mr. JONES, of Florida. I appeal to the Senator from Alabama to withdraw his motion.

Mr. SPENCER. I cannot do that. We must get through with the bill.

Mr. JONES, of Florida. Let us understand what we are doing. If there is going to be any courtesy in the Senate, let us understand it. If the gag law is to be applied to everything that is meritorious, let us understand that it is to be applied.

The PRESIDING OFFICER. Does the Senator from Alabama insist on his motion?

Mr. JONES, of Florida. I want to say a few words.

Mr. SPENCER. I will withdraw it for a moment.

Mr. JONES, of Florida. This is a very important bill, and I do not think there ought to be a dissenting voice here in regard to the adoption of the amendment proposed to it by my colleague. I say, in justice and in fairness, if this is a real river and harbor bill, if the interests of the country are to be subserved, let us have a little improvement for a river second in the South only to the Mississippi.

I have here a recommendation for this work.

Mr. CHANDLER. Where is the river?

Mr. JONES, of Florida. It is the Saint John's River, which has attracted the attention of the whole country, which is to-day the greatest public waterway in that section except the Mississippi. Still there is not a dollar given to it, and when my colleague proposes to ask \$15,000, the Senator who has the bill in charge says it must be laid on the table. That is not the way to meet this proposition. The people of this country understand it. I suppose there are sixty thousand people from all parts of the United States who traverse that river every year. There are Senators on the other side of the Chamber who know the necessity for this improvement. I appeal to their sense of justice to vote for this amendment, not because I want to defeat the bill, not because I want an appropriation that is not needed, but because I advocate that which I believe is necessary to the interest of the people of the United States. It is not entirely a local matter.

Mr. CONOVER. I simply wish to state that there has been an ap-

proprietor for the improvement of the bar at the mouth of the Saint John's River nearly every year in my recollection, but in this instance it was inadvertently left out of the House bill. It is now recommended in the report of Major Gillmore, which my colleague has, and if necessary that report can be read. It is simply the usual appropriation made every year, and I hope it will be agreed to.

Mr. SPENCER. I may be deficient in knowledge of geography and probably I am, but on page 7 of the bill there is the following appropriation:

For improving inside passage between Fernandina and Saint John's, Florida, \$7,000.

Mr. CONOVER. That is an entirely different thing.

Mr. SPENCER. The Committee on Commerce increased that appropriation from three thousand to seven thousand dollars.

Mr. JONES, of Florida. That has nothing to do with the improvement at the mouth of the Saint John's River.

Mr. SPENCER. I ask if that is not an appropriation also for the Saint John's River.

Mr. JONES, of Florida. It is not. It is the inside passage, connecting the waters of Saint Mary or Savannah with Jacksonville. If the Senator will listen to me for a moment, I will explain that there are two ways of reaching the Saint John's River by water. One is by an outside passage, a seaward passage, which makes many people sick, by way of Charleston and Savannah. That is a very unpleasant passage. The other is by inland lakes and rivers, and is the most important passage in that section of the country. A few years ago the Engineer department recommended \$50,000 for this improvement in the interest of the people of the United States who go to Florida every year to partake of our pleasant and genial climate. It is a well-known public fact that nearly sixty thousand people visit that region every winter, broken down in health and constitution, and they naturally seek the pleasantest mode of travel. This improvement is intended to enable steamers passing from Savannah to Jacksonville to go up a route which will not disturb the sensitiveness or delicacy of invalids. If they go by the outside passage they are subjected to seasickness.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida, [Mr. CONOVER.] The amendment was agreed to.

Mr. KELLOGG. I offer an amendment to come at the end of section 2.

Mr. HILL. Is a motion to postpone the bill indefinitely in order?

The PRESIDING OFFICER. That motion is always in order.

Mr. HILL. I think if this flood of amendments does not stop we ought to postpone the bill indefinitely. Really the country will be deluged by it. I regret to oppose further additions to the bill, but I am compelled to do so.

Mr. KELLOGG. The amendment I propose makes no appropriation. It simply provides for a survey. There will be no objection to it.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Louisiana, [Mr. KELLOGG.]

The SECRETARY. It is proposed to insert at the end of section 2:

For a survey and estimate for a breakwater to be constructed from a point at or near the new canal outlet to the Ponchartrain railroad wharf, said breakwater to be so constructed as to serve as a harbor of refuge for all vessels.

Mr. THURMAN. After what was said by the Senator from Kentucky [Mr. BECK] there can be no doubt that the Senate ought to be in session at ten o'clock to-night and perhaps some time afterward. I am very well satisfied also, from what I hear all around of amendments that are still to be offered to this bill, that we cannot very well dispose of the bill in the short time indicated by the Senator who has the bill in charge. I move that the Senate take a recess until twelve o'clock.

Mr. SPENCER. I hope not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to take a recess until twelve o'clock.

The motion was not agreed to; there being on a division—ayes 18, noes 26.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Louisiana, [Mr. KELLOGG.]

The amendment was agreed to.

ARMY APPROPRIATION BILL.

Mr. BLAINE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

J. G. BLAINE,

W. B. ALLISON,

R. E. WITHERS,

Managers on the part of the Senate.

ABRAM S. HEWITT,

W. A. J. SPARKS,

CHARLES FOSTER,

Managers on the part of the House.

Mr. BLAINE. I move a new conference on the Army appropriation bill.

The motion was agreed to; and, by unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. BLAINE, Mr. ALLISON, and Mr. WALLACE were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes.

Mr. CAMERON, of Wisconsin. I wish to offer an amendment, to be added as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to insert, as an additional section to the bill, the following:

That the fourth and succeeding sections of an act entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," approved March 3, A. D. 1875, authorizing James B. Eads and his associates to create and permanently maintain a wide and deep channel between the South Pass of the Mississippi River and the Gulf of Mexico, be, and they are hereby, amended so as to provide, in lieu of the payments therein provided, that payments to said Eads or his legal representatives shall be made as follows, namely:

The Secretary of War is hereby authorized and directed to draw his warrant upon the Secretary of the Treasury of the United States in favor of said James B. Eads or his legal representatives for the sum of \$750,000, which said sum is hereby appropriated; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his legal representatives, out of any money in the Treasury not otherwise appropriated, the sum for which said warrant is drawn.

When a channel shall have been obtained by the action of the jetties and auxiliary works authorized by said act twenty-five feet in depth, and not less than two hundred feet in width at the bottom, through the said jetties, there shall be paid \$500,000.

When a channel shall have been obtained through the jetties twenty-six feet in depth, and not less than two hundred feet in width at the bottom, there shall be paid \$500,000.

When a channel thirty feet in depth, without regard to width, shall have been obtained through the jetties, there shall be paid \$500,000; and the \$1,000,000 provided by the hereinbefore-recited act to be paid by the United States in ten and twenty years shall be earned by said Eads and his associates, and the same, with interest, shall be paid to said Eads, or his legal representatives, at the times and in the manner provided by said act.

The \$100,000 per annum provided by said recited act to be paid to said Eads and his associates during a period of twenty years shall be paid at the times and in the manner therein provided, upon the maintenance by said Eads and his associates of a channel through the jetties twenty-six feet in depth, not less than two hundred feet in width at the bottom, and having through it a central depth of thirty feet without regard to width.

Nothing herein contained shall be so construed as to repeal or in any wise affect the provisions of the amendatory act approved June 19, A. D. 1875, by which said Eads is entitled to receive certain moneys to pay for materials furnished, labor done, and expenditures incurred in the construction of the work at the mouth of the Mississippi River; and the whole of the hereinbefore-recited act, approved March 3, A. D. 1875, except as the same is hereby expressly modified or amended, or has by act heretofore passed been modified or amended, shall be and remain in full force, and have the same effect as if this act had not been passed.

Mr. DAVIS, of West Virginia. Mr. President, this amendment is an important one, as the Senate knows, and I should be glad to have the Senate give it consideration. It proposes to appropriate for these jetties \$2,500,000. It is clearly legislation of the broadest kind. It not only repeals statutes but it changes an existing agreement and contract, and it goes to the broadest extent in the way of legislation. I should like the Senate to understand what it is and to take it properly into consideration. I do not want to take the time of the Senate in discussing it unless the Senate expect to go into this whole question and debate it and press it to a vote, in which case it ought to be amended certainly before it passes this body. It is clearly legislation. It changes an existing contract, a law passed in 1875, which was modified last year. It changes in toto the conditions of what is known as the Eads jetty contract. I submit to the Chair that it is in the broadest sense legislation and is not in order.

The PRESIDING OFFICER, (Mr. INGALLS.) The Senator from West Virginia makes a point of order on the amendment proposed by the Senator from Wisconsin.

Mr. CONKLING. What is the point of order?

The PRESIDING OFFICER. The Senator from West Virginia will again state his point of order.

Mr. DAVIS, of West Virginia. My point of order is that it is not only legislation in itself but that it changes the existing law in some particulars, and changes entirely the conditions upon which the work is now being prosecuted at the mouth of the Mississippi River. I do not know but that it is also subject to the objection of not having been referred to the Committee on Commerce. I cannot speak as to that.

Mr. SPENCER. The amendment was referred to the Committee on Commerce, and recommended by the Committee on Transportation Routes to the Seaboard.

Mr. DAVIS, of West Virginia. That was not the point I made. I understand it was referred to the Committee on Commerce, but I will ask the chairman of that committee whether it was considered in his committee?

Mr. SPENCER. Yes, it was considered there.

Mr. DAVIS, of West Virginia. Then it must have been rejected by the committee.

The PRESIDING OFFICER. The point of order is not debatable, the Chair will remind the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I have not submitted it yet.

The PRESIDING OFFICER. The Chair understood that the point of order had been submitted, and that it was restated at the request of the Senator from New York.

Mr. DAVIS, of West Virginia. That is true.

The PRESIDING OFFICER. The Chair understands the point to

have been raised and to be now before the Senate subject to its decision. The Chair will submit the question to the Senate whether the amendment is in order under the point raised by the Senator from West Virginia.

Mr. CAMERON, of Wisconsin. I should like to inquire under what rule the Senator from West Virginia raises the point of order?

The PRESIDING OFFICER. The Chair supposes under Rule 29, which provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. COCKRELL. There can be no question in my mind that the amendment is perfectly in order—

The PRESIDING OFFICER. The Chair will remind the Senator from Missouri that the question of order is not debatable. It must be submitted to the Senate, under the rule, without debate.

Mr. COCKRELL. Do I understand the Chair to rule that when a question of order is submitted by the Chair to the Senate, then that question of order is not debatable?

The PRESIDING OFFICER. The twenty-ninth rule provides that—

All questions of relevancy under this rule, when raised, shall be submitted to the Senate and decided without debate.

Debate can proceed only by unanimous consent.

Mr. SPENCER. I object to further debate.

The PRESIDING OFFICER. The Senator from Alabama objecting, further debate is not in order.

Mr. CONKLING. I wish to ask a question of the Chair. Shall I understand the Chair to decide that if a question of relevancy is submitted to the Senate, it is not debatable?

The PRESIDING OFFICER. The Chair understands that under the general principles of parliamentary law, as laid down in the rule of the Senate, no question of order is debatable, unless an appeal is taken from the decision of the Chair.

Mr. CONKLING. I understand, as the Chair does, in respect of the general principles of parliamentary law. I think, however, the rule of the Senate is otherwise. I venture to remind the Chair that the practice of the Senate has been incessantly otherwise for days.

The PRESIDING OFFICER. The Chair is informed that the decision has been to the contrary of the rule as stated by the Chair. The Chair desires to submit the whole matter to the decision of the Senate.

Mr. RANSOM. A few days ago in the Senate a colloquy took place between my colleague and the Senator from Ohio when I was of the same impression that the Chair has held, and I had to retire from it. Only last night, as the RECORD will show to-day, I again took the position that a question of order is not debatable, but upon being reminded by the Senator from Vermont [Mr. EDMUNDS] that the matter had been decided a few days before on an appropriation bill in the Senate I had to yield.

Mr. CONKLING. The Chair now so rules.

Mr. MERRIMON. I beg to suggest to the Chair that there is a distinction between a question of relevancy and the point of order sought to be made by the Senator from West Virginia. He insists that this is general legislation—

The PRESIDING OFFICER. The Chair will leave the whole matter to the decision of the Senate.

Mr. HOWE. Mr. President, I have two observations to make: one is that I think the Senator from New York has stated the usage correctly; and the other is that the Chair has stated the law correctly. If the question is to be submitted to the Senate I shall stand by the Chair, the law of the Senator from New York and the usage of the Senate to the contrary notwithstanding.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] had the floor when this question was decided by the Chair not to be debatable, and that Senator will now be recognized.

Mr. COCKRELL. This amendment has been considered by the appropriate committee of the Senate. It was referred to the Committee on Commerce. It is simply a proposition to modify a former river and harbor act. All that this amendment proposes is to modify the conditions of the river and harbor act of March 3, 1875. It relates to a matter which has always received the attention and consideration of the Senate upon river and harbor bills. My memory is very defective in regard to the question of legislation on appropriation bills. I have never had any scruples about the power of the Senate to enact legislation on any kind of appropriation bills. If my memory serves me right—but I shall not be certain of it—on the last night of the last session we had a very important appropriation bill pending before the Senate, and it strikes me that the opposite side of the Chamber raised the point of order that there was legislation upon that appropriation bill, and that the side of the Chamber with which I act generally on political questions sustained that legislation to a man upon that appropriation bill.

Mr. HILL. I agree with the Senator.

Mr. COCKRELL. Ah, the Senator is in favor of this amendment. Then this question of order is to be decided by the fact whether Senators are in favor of the legislation or not.

Mr. HILL. That is the way we all do.

Mr. COCKRELL. Not at all. I have been uniformly and consistently asserting the right and authority of the Senate to legislate upon appropriation bills. Here is the appropriation act of March 3,

1875, upon which this matter had its origin. Every act affecting the improvement of the mouth of the Mississippi River by the system of jetties has been on an appropriation bill. It is not, in the parliamentary sense, general legislation at all. I insist that it is regularly in order, and that this is the proper and legitimate place for testing the pending amendment. As to the merits of the amendment, that is an entirely different matter. When it is decided to be in order, then we can determine and ascertain whether the Senator from Georgia is correct or not in intimating that any legislation to which we are opposed is not in order on an appropriation bill, and that any legislation which we favor is always in order upon an appropriation bill.

Mr. HILL. That is the invariable rule practically.

Mr. CONKLING. What the rules of the Senate governing amendments to appropriation bills are understood by the Senate to mean, I do not know. What is to be the fate of those rules I have no means of foretelling. I venture, however, to express the belief that the rules should either be abrogated altogether or they should be made such as to command a common understanding. When, however, we come to what the Senate is to decide, I respectfully submit that there should be some equality, even if not consistency, in the decisions of the Senate.

I take up a bill called the river and harbor bill, the bill now pending, and I find section 4, and subsequent sections devoted to conferring upon a railway company the privilege of bridging the Arkansas River. That is not only general legislation, but legislation which provides by dint of a clause of the Constitution—wholly different from that on which internal improvements rest. It is, if I understand it aright, under the vagrant clause of the Constitution as it is called, that clause which confers power on Congress to regulate commerce among the several States, that we undertake to say that a boundary stream dividing States and traversing different States may or may not be bridged. I find in this bill sections to which every objection can be made which has been or can be aimed at the proposed amendment. I am told, although I was not present at the moment myself, that a point of order being raised upon these amendments, the Senate adjudged that the amendments were in order, and that on an appropriation bill to improve rivers and harbors, it was competent under the rules of the Senate to so legislate that a railway company may upon such and such conditions bridge a stream. If that be the decision of the Senate as reported to me I do not see how I can vote, or how any Senator can vote, that a proposition is out of order which is intended to deal with improvements upon the jetties in respect of the commerce of the Mississippi River. Therefore I shall vote that this amendment, the merits of which I do not at this moment say anything about, is in order, and in order because the Senate has deliberately decided that a proposition not only equivalent but more offensive to the objections assigned to this is in order, and in order upon this bill.

Mr. DAVIS, of West Virginia. Mr. President, I rise not to detain the Senate—

Mr. SPENCER. I must raise a point of order, for patience ceases to be a virtue any longer. My point of order is that the five-minute rule has been adopted, and that no Senator can speak more than once on the same question. The Senator from West Virginia has already spoken once upon this question.

Mr. THURMAN. Has the Senator from West Virginia spoken once already on this proposition?

Mr. DAVIS, of West Virginia. I was up a few moments.

The VICE-PRESIDENT. The point of order then is well taken.

Mr. DAVIS, of West Virginia. I wish merely to correct the Senator from Missouri when he said that a similar provision was on the river and harbor act last year. The Senator was mistaken when he said that.

Mr. COCKRELL. The amendment last year was not on the river and harbor act, I understand.

Mr. WINDOM. A single word upon the point of order raised by the Senator from West Virginia. I think I have held as strictly against legislation on general appropriation bills as any Senator in the Chamber, but I do not believe that this amendment is out of order. I think it is not out of order, for the reason that the river and harbor bill is not a general appropriation bill as contemplated by the twenty-eighth rule. The rule provides that—

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are offered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received.

That closes the part of the rule which refers to general appropriation bills, and then it proceeds:

In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

The rule itself draws a marked distinction, as I read it, between general appropriation bills and river and harbor bills. If the rule did not mean to make that distinction, why that second clause which I have read? If no distinction was contemplated it would have been covered entirely by the first proposition. Hence I say by the fair reading of the rule itself the river and harbor bill is not a general appropriation bill, and the point of order made upon it by the Senator from West Virginia does not apply.

Mr. HOWE. Mr. President, referring to the argument just submitted by the Senator from New York, I understand it to amount to this: the Senate decided that an amendment providing for a bridge was in order, and therefore this amendment is in order. I suppose the competency of both amendments ought to be passed upon in the light of the laws of the Senate, and if the Senate rule improperly on one it does not excuse us for deciding incorrectly upon another. The Senator from Minnesota submits that this river and harbor bill is not a general appropriation bill.

Mr. WINDOM. In the sense of the rule.

Mr. HOWE. In the sense of the rule. He neglected to state how he distinguished between this bill and a general appropriation bill.

Mr. WINDOM. Will the Senator allow me to explain how I distinguished between them?

Mr. HOWE. Certainly.

Mr. WINDOM. The first article of the rule makes a certain provision with reference to general appropriation bills, and uses the term "general appropriation bills." When it closes the provision against amendments to general appropriation bills it proceeds to make a distinction by providing that certain things shall not be in order on river and harbor bills. Let me ask the Senator from Wisconsin a question: If the river and harbor bill be a general appropriation bill in the sense of the rule, what is the necessity for these words?

In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

Mr. HOWE. Simply to require that amendments to that particular bill shall be referred to the committee which has charge of the bill, instead of being referred to the Committee on Appropriations, which has not charge of this bill, but has charge of all other general appropriation bills.

The VICE-PRESIDENT. The question is, Shall the amendment offered by the Senator from Wisconsin [Mr. CAMERON] be admitted as a pending amendment as in order under the twenty-ninth rule of the Senate?

Mr. HOWE. For the purpose of having a landmark, if we can get one by these decisions, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RANSOM. I hope the Senator will withdraw the call.

Mr. SPENCER. I appeal to the Senator from Wisconsin to withdraw the call. It wastes time for nothing.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. McMILLAN,] who is detained from the Senate by illness, upon all the critical subjects of this bill, and as this may be one of them, I ask to be excused from voting.

Mr. GORDON, (when his name was called.) I am paired on all subjects with the Senator from Massachusetts, [Mr. DAWES,] I do not know how he would vote on this question, and therefore I decline to vote.

Mr. SAULSBURY, (when his name was called.) On the merits of this question my vote is that it is not in order.

The Secretary concluded the call of the roll.

Mr. McDONALD, (after having voted "yea.") I am paired with the Senator from Maine, [Mr. HAMLIN,] I do not know how the Senator from Maine would vote on this question; and, being in doubt, I withdraw my vote.

The result was announced—yeas 38, nays 6; as follows:

YEAS—38.

Barnum,	Davis of Illinois,	McCreery,	Rollins,
Beck,	Dennis,	McPherson,	Shields,
Bruce,	Ferry,	Matthews,	Spencer,
Butler,	Garland,	Maxey,	Teller,
Cameron of Pa.,	Harris,	Mitchell,	Thurman,
Cameron of Wis.,	Hereford,	Morgan,	Wadleigh,
Cockrell,	Jones of Florida,	Oglesby,	Wallace,
Coke,	Kellogg,	Paddock,	Windom,
Cooking,	Kernan,	Patterson,	
Conover,	Lamar,	Ransom,	

NAYS—6.

Booth,	Davis of W. Va.,	Morrill,	Plumb,
Chandler,	Howe,		

ABSENT—32.

Allison,	Dorsey,	Hoar,	Randolph,
Anthony,	Eaton,	Ingalls,	Sargent,
Bailey,	Edmunds,	Johnston,	Saulsbury,
Bayard,	Eastis,	Jones of Nevada,	Saunders,
Blaine,	Gordon,	Kirkwood,	Sharon,
Burnside,	Grover,	McDonald,	Voorhees,
Chaffee,	Hamlin,	McMillan,	Whyte,
Dawes,	Hill,	Merrimon,	Withers,

The VICE-PRESIDENT. The point of order is not sustained. The question is on agreeing to the amendment of this Senator from Wisconsin, [Mr. CAMERON.]

Mr. BECK. Pending the consideration of this measure, which I know will take a good while to discuss, I move that the Senate take a recess until ten o'clock. ["No!" "No!"]

The VICE-PRESIDENT. The question is on the motion of the Senator from Kentucky, [Mr. BECK.]

The motion was not agreed to; there being on a division—yeas 16, nays 31.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. EDMUNDS. The Senator from West Virginia [Mr. DAVIS] had the floor. I want to hear him.

The PRESIDING OFFICER. The Senator from West Virginia will proceed.

Mr. DAVIS, of West Virginia. Mr. President, as I have only five minutes, of course I must be very brief. I will simply state the facts in regard to this scheme as they appear.

In 1875 the Government by an act entered into a contract or arrangement with Captain Eads for the improvement of the mouth of the Mississippi. That contract required Captain Eads to have certain depths of water and certain widths, and certain amounts were to be paid when the result was accomplished. The act was passed at the solicitation of the contractor, at his urgent solicitation, making his own arrangements, making his own specifications. Certain conditions were imposed by the act, and it was on the principle of "no cure, no pay." In due time the first payment became due. The Government did not make that payment on the day, according to the letter of the law; a few days elapsed after it was due, and when the Government offered to pay it the contractor said, "No, you have agreed either to give me the money on the day it was due or to give me your bonds." The bonds being worth a little more than par at that time, the Government was forced to issue its bonds and increase its public debt to fulfill that part of the contract.

Two years elapsed, when Captain Eads appeared before Congress and asked a modification of the contract. Congress, after a good deal of hesitation, granted it, and made the conditions better by the fact that it advanced money; at least about \$1,000,000 in advance of its being due. Encouraged by that success, we have now another application much broader in its terms and asking much more. At this time we are asked not only to make a further advance of money of \$2,500,000 before it is due, before it is earned, before the conditions imposed by the law are complied with, but we are asked to make modifications of depth, modifications of width, and virtually he says to us: "I never expect to do what I agreed to do, but still I want my money, and I want you now to legislate so that I can get it in advance; in other words, I want you to change all you have previously done by two acts, and put me in a better condition than I have ever been in before, both as to money and as to depth and width."

The modification made last winter gave Captain Eads an advance of \$1,000,000 more than he was entitled to under the contract; \$500,000 of that sum was to be paid in cash, and \$500,000 was to be expended on the work. I understand the cash has been paid, and that \$250,000 are now being expended upon the work, and there are \$250,000 yet to be expended upon the work.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. DAVIS, of West Virginia. I am very sorry for it.

Mr. EDMUNDS. I hope the Senator from West Virginia will be allowed to proceed. This is a matter of very great importance.

Mr. DAVIS, of West Virginia. It would take me only about ten minutes to submit the remarks I wish to make.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from West Virginia will proceed.

Mr. DAVIS, of West Virginia. I shall be very brief. I make no factious fight against this amendment, but I wish to state the facts to the Senate as I understand them to be and what I believe to be in the interest of the country, and then I shall of course leave the matter to the Senate for its action. I had prepared numerous facts connected with the jetty system from its beginning, which I had intended to go over and give to the Senate; but I think it best not to go into that at this time because I am now speaking by the courtesy of the Senate. As I said, \$250,000 stands ready for Captain Eads's use in going on with the work. That is to be expended as the work progresses, and the money will be drawn from the Treasury as the work progresses.

I shall simply submit to the Senate the state of the case, as I understand it. It was in evidence before the Committee on Transportation Routes to the Seaboard that about \$1,600,000 in all has been expended upon this work. This sum was arrived at through the resident engineer in charge, whom all agree to be a very competent man, and who has kept a strict account with a view, as was stated by General Wright in evidence, to find out what the condition of things is and what the work would cost for any future improvement of the kind that the Government might want. There have been about \$1,600,000 expended on the work. About \$2,000,000 has been paid or is at the control of the contractor. Now what is the condition of the work? The report of the engineer is that the original estimate, made before the work was commenced on a very solid basis, was \$5,255,000. That was the contract price, upon the principle "no cure no pay." The Senate and Congress were urged to make the arrangements and make the contract. It was urged upon Congress not by one man, not by two men, but by dozens of people, and this was the assurance of the contractor himself.

Last year there was a modification, as I have said. The engineers in their report for 1877 estimate that the work as done is probably 50 per cent. less in cost than it was intended by the Government it should cost.

Now, what has been the result? The law was to be, so far as the contract went, that when twenty-four feet of water was obtained then there would be \$2,000,000 due. Consequently, reaching about twenty-two feet of water or a little rising, according to the latest re-

port, there would be \$1,000,000 due, but \$2,000,000 of it has been paid or is at the disposal of Captain Eads. Therefore, the contractor has had in his control \$1,000,000 more than the Government agreed to pay at any time, except upon the modification of the contract last year. For the past two years probably there has been no progress in the depth of the channel. Two years ago the channel was about the same as it is to-day in depth, and it is not as deep now as it was two months ago. I understand the fact to be that on the 13th of the month just passed, February, the depth was about twenty-two feet, and that in January last it was nearly twenty-four feet. Consequently there has been, instead of an increase in depth, just the reverse, and there is not as much water now as there was formerly.

I wish to speak one moment in regard to the measure we are called to act upon, and I am going to be as brief as possible, and I shall close within ten minutes if I can. The present measure asks us to do what? To pay \$750,000 at once. Although \$1,000,000 have now been paid more than was originally intended to be paid, \$750,000 more must be paid as soon as this measure passes, without any more work being done whatever. What else? When twenty-five feet of water is obtained, \$500,000 more must be paid. All this is in advance of what the contract or agreement makes, even with the modification made a year ago. Then when twenty-six feet of water are obtained, \$500,000 more are to be paid; and when a depth of thirty feet is obtained, \$500,000 more; these sums making the entire payment that the Government agrees to make when a depth of thirty feet shall be obtained, with a breadth of three hundred and fifty feet, I think. By this modification in the contract, beyond question the Government is merely to say: "We must pay over all this money and take what work you have done up to this time."

Mr. BUTLER. May I ask a question in that connection?

Mr. DAVIS, of West Virginia. Certainly.

Mr. BUTLER. I ask the Senator if it did not appear in the evidence before the committee that the modification of the contract proposed by this measure was sanctioned by General Wright and the Engineer Corps of the Army?

Mr. DAVIS, of West Virginia. Yes, Mr. President: I should like to say that recently there was a board sent down to examine, and what do they say? They came back and made a report to Congress and to the Department to this effect: "We recommend that no further modification shall take place." Three times in their report do they repeat the recommendation that no further modification shall take place; but taking everything into consideration they do recommend that \$250,000 more shall be placed at the disposal of Captain Eads to pay for the work as it progresses.

I beg pardon of the Senate, I did not intend to speak so long.

Mr. FERRY. I should like to ask a question of the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I am ready for any question that may be put to me.

Mr. FERRY. How much water was there in the South Pass before Captain Eads commenced the improvement?

Mr. DAVIS, of West Virginia. Has the Senator read the report?

Mr. FERRY. That is not an answer to the question I put.

Mr. DAVIS, of West Virginia. That is the way I answer it.

Mr. FERRY. The Senator said that he was advised in the matter, and being a member of the Committee on Transportation Routes to the Seaboard, I am asking him for information. If the Senator from West Virginia is not advised I will inform him.

Mr. DAVIS, of West Virginia. Oh, the Senator from West Virginia is advised about the whole of this matter.

Mr. FERRY. Then I should like to have the question answered.

Mr. DAVIS, of West Virginia. What is the Senator's question?

Mr. FERRY. How much water was there in the South Pass before Captain Eads commenced his improvement?

Mr. DAVIS, of West Virginia. The Senator knows that as well as I do; but I will answer him. It is well known that the South Pass was not used before Captain Eads commenced the work.

Mr. FERRY. Then how much water was there in the Southwest Pass? That was used.

Mr. DAVIS, of West Virginia. I think from sixteen to eighteen feet.

Mr. FERRY. How much water is there in the South Pass now?

Mr. DAVIS, of West Virginia. About twenty-two feet or a little upward.

Mr. FERRY. Then the best water, that in the Southwest Pass, was sixteen feet?

Mr. DAVIS, of West Virginia. Not the best at sixteen feet, but from sixteen to eighteen feet.

Mr. FERRY. From sixteen to eighteen feet. By the improvement made by Captain Eads the water has been increased from sixteen feet to twenty-two feet?

Mr. DAVIS, of West Virginia. It has increased from seventeen or eighteen feet up to twenty-two feet and a few inches, I believe, now.

Mr. FERRY. I understand that a steamer drawing 23 feet 6 inches passed through the South Pass yesterday.

Mr. WINDOM. Mr. President—

Mr. BAYARD. I should like to say one word, if my friend will permit me. I will not take five minutes.

Mr. WINDOM. I only want to make a brief statement myself, but I will yield.

Mr. BAYARD. I wish to say merely one word. I think my friend from West Virginia has omitted in his consideration of the question the great fact that from its very nature a work of this kind was necessarily tentative. Nothing could be guaranteed in such an undertaking. It was impossible to do more than protect the Government in such an undertaking against undue expense in making what was and what must be an experiment. But nevertheless enough has been done to change a pass of the Mississippi River where formerly but seven to nine feet of water was found into a safe, expeditious channel of more than twenty-two and one-half feet where vessels pass in and out to the port of New Orleans. If to-day it were submitted to the people of the United States to decide whether they would pay twice as much as they contracted for or have the work abandoned and left as it now is, I think they would gladly double the amount as a measure of economy.

That is the judgment to which I have arrived from some consideration of this subject and from a personal inspection which I made during a recent visit when I was sent to Texas by order of the Senate on the occasion of the funeral of the late Mr. Schleicher.

I merely say this because I think my friend from West Virginia omits in his consideration the fact that we cannot deal with a subject of this kind by mere weight and measure. It is a great experiment in a great cause, and the Government necessarily must be the chief guarantor of success. The only question is whether skill has been applied, whether the money has been honestly spent, whether this engineering skill is equal to that which is demanded. I do not think that even under what I may call the adverse construction of the War Department any one can question that there has been ability displayed and wonderful success in this undertaking thus far.

Mr. WINDOM. What surprises me more than anything else in the remarks of my friend the Senator from West Virginia is that he can make such statements as he has made with reference to this great work, in view of the fact that he has been well acquainted with it from the beginning.

Mr. DAVIS, of West Virginia. Will my friend permit me to ask him if I made a misstatement of any fact? If I did, I should be obliged to him to correct me.

Mr. WINDOM. If the Senator understood me to say any such thing he most thoroughly misunderstood me; for I know he does not mean to misstate the facts. I am only astonished that he does not better appreciate the conditions with which we have to deal.

Mr. DAVIS, of West Virginia. I ask the Senator if I did make a misstatement?

Mr. WINDOM. I will say that the Senator did not intentionally make a misstatement; but if I understand the facts in this case he did not correctly represent them to the Senate. It was unintentional, I know.

I will attempt to state what I understand the facts to be. To repeat again, I will say that the Senator from West Virginia knew of this enterprise from the beginning. I had the honor to serve with him on the Committee on Transportation Routes to the Seaboard when the great work of opening the mouth of the Mississippi River was originated. I know it from the beginning. I know every step of its progress from that day to this. If there is any one subject in connection with the internal improvements of this country that I thoroughly understand it is this great enterprise. Thus stating my belief as to the thoroughness of my knowledge upon the subject, I say that the last century has not witnessed on this continent an enterprise of so great value to the commercial interests of the nation as that which was inaugurated and has thus far been wrought out through the genius and the courage of Captain Eads. Therefore, I stand here to-night to defend him and his great work against all enemies, from whatever quarter they may come, and to contribute what I may to secure justice to a man who, through the sacrifice of his own fortune, has wrought out the grandest and most beneficial results for his country.

Let me state very briefly what he has accomplished. The Committee on Transportation Routes to the Seaboard were instructed in 1873 to investigate the question as to the best way of opening the Mississippi River to the commerce of the world. After much labor and a long and patient investigation that committee was about to recommend the construction of a ship-canal which was estimated to cost some \$12,000,000. The sentiment of the country demanded an open channel to the sea from the Mississippi River, and the House of Representatives had passed a bill appropriating \$8,000,000 toward the construction of said canal. That bill was pending in the Senate, when Captain Eads appeared and presented his plan of improvement by means of the jetty system.

I say to you, Mr. President, and to the Senate, that but for one man, and that man the one whom the honorable Senator from West Virginia now represents as a sharp contractor trying to impose upon a cheated nation, there is not a particle of doubt that we would have entered upon the work of constructing a canal at that point, to be twenty-six feet deep and two hundred feet wide, upon an estimated cost of \$12,000,000, or about that sum. And there is very little doubt that the actual cost would have reached from fifteen to twenty millions before the work would have been completed.

Mr. GORDON. And then filled up, I suggest.

Mr. WINDOM. I fear such would have been the result. At least it would have been a doubtful experiment, and if successful would

not have furnished a channel at all comparable with that which is to be created by Captain Eads before he receives the money proposed by the pending amendment.

I remember distinctly the day when in the Senate the then Senator from Missouri, now Secretary of the Interior, asked me to walk up into the committee-room to meet a gentleman who had some valuable suggestions to make on the subject of improving the Mississippi River. I said, "We have heard so many suggestions and examined so many plans on that subject that I am tired of them." But I went at his instance, and I had not talked with Captain Eads an hour until I became convinced that he thoroughly understood the matter, and that the plan he proposed would be successful. As I have already said, the House of Representatives had sent us a bill appropriating \$8,000,000 for a scheme that would have eventually cost twelve, fifteen, or twenty million dollars. The Committee on Transportation Routes to the Seaboard recommended that the canal bill be laid on the table, and provided for the appointment of a commission of seven engineers, who were directed to investigate the question as to the best mode of improving the mouths of great rivers, and \$50,000 were appropriated to pay their expenses. They traveled through Europe and in various parts of the world investigating this question. I think I am not mistaken in saying that when they started a majority of that commission were opposed to the scheme of improving the Mississippi River by means of jetties, but when they came back, after having thoroughly investigated the question, nearly all of them were in favor of it. That commission was organized and the entire scheme was inaugurated in the Senate of the United States through the influence of the one man whom the Senator from West Virginia has seen fit to represent as being a sort of leech upon the public Treasury.

The VICE-PRESIDENT. The Senator's time has expired. Is there objection to the Senator continuing?

Mr. FERRY. I hope the Senator from Minnesota will be allowed to proceed. ["No objection,"]

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Minnesota will proceed.

Mr. WINDOM. I thank the Senate for this courtesy, and will not abuse the privilege thus kindly granted.

Upon the recommendation of that commission the jetty system was adopted and a contract was entered into with Captain Eads. I admit that it was made, as stated by the Senator from West Virginia, at his own solicitation. He was an enthusiast upon that subject; he believed that great results would be accomplished, and I think he looked more to the fame that it would give him as an engineer than to the money to be made by it; but I let that pass. The contract was made, and I know—for I was one of the three members of the committee which framed the law in regard to it—that we made the contract as strong on the part of the United States as we could find words to express it. He was proposing to do a great work at great cost, and to guarantee its success. We said, "If he has so much confidence in it, we will accept his proposition upon the strongest and best terms that we can make." My own idea being that when he had accomplished such results as would meet the present and prospective requirements we could do equity in the matter; but we meant to have the contract as strong as possible, and so it was made. Captain Eads entered upon the great enterprise of giving an open channel to the sea thirty feet deep by three hundred feet wide at the bottom—a magnificent pathway for the commerce of the Mississippi to the Gulf of Mexico.

For it we were to pay him what, Mr. President? Twelve million dollars, as estimated for the canal? No, only five millions and a quarter.

Mr. DAVIS, of West Virginia. My friend will allow me to say that \$12,000,000 was the capitalized amount. Twelve million dollars was not the estimate; \$8,000,000 was the estimate.

Mr. WINDOM. I think my friend is mistaken in the amount which the canal was to cost. For the sum of five and a quarter million we contracted with this gentleman to give an open and free channel to the Gulf three hundred feet wide at the bottom, probably one thousand feet wide at the surface, and thirty feet deep, being about half the money proposed to be expended in digging a canal only twenty-six feet deep and two hundred feet wide. Captain Eads prevented the country from embarking in the canal scheme, and thereby saved the Treasury the expenditure of from twelve to fifteen millions of dollars to secure results far less valuable than those we shall have secured for \$3,750,000, if this amendment shall pass.

Mr. HOWE. The Senator from Minnesota will have all the time required, I hope, to explain this matter.

Mr. WINDOM. I will trespass upon the patience of the Senate but a short time.

Mr. HOWE. We had better take a little time than to fling away the money that is asked for this appropriation. So I ask him if this amendment does not propose to abandon this idea of a channel thirty feet deep and three hundred and fifty feet broad at the bottom?

Mr. WINDOM. If the Senator had been a little more patient I would have reached that point.

Mr. HOWE. I am only calling the Senator's attention to it.

Mr. WINDOM. I am obliged for the suggestion; I will come to that in a few moments.

Mr. THURMAN. Will the Senator from Minnesota allow me to ask him a question if it does not interrupt his argument?

Mr. WINDOM. Certainly.

Mr. THURMAN. I quite concur with him in what he has said, but the only point which I want information on is as to the necessity and propriety of modifying the contract and changing the payments. If I am satisfied of that, it is all I want.

Mr. WINDOM. I will address myself to that in a moment. I will not dwell on this general proposition, for I know the time of the Senate is short, and that Senators will be impatient at any lengthy discussion of the subject.

I have shown you, Mr. President, what this gentleman has saved the Government. Now, what has he already accomplished? He has given us a channel through which a vessel has recently passed drawing 23 feet 6 inches of water. Before he can receive the money proposed to be appropriated by this amendment he will be compelled to give us a channel twenty-six feet deep and two hundred feet wide at the bottom.

Mr. DAVIS, of West Virginia. The amendment proposes \$750,000 in cash without any other condition.

Mr. HOWE. And that \$750,000 is in addition to the \$2,000,000.

Mr. WINDOM. I am obliged for that suggestion also. I say that when Captain Eads receives the \$1,750,000 proposed by this measure we shall have a channel two hundred feet wide at the bottom and twenty-six feet deep. A channel twenty-six feet deep and two hundred feet wide at the bottom would probably be four or five hundred feet wide at a depth of twenty-two feet.

My friend from West Virginia says that he will receive \$750,000 now. True, and I meet the Senator upon that point. Suppose he should, what will he have given the nation? A channel through which a vessel drawing 23 feet 6 inches has recently passed to the ocean; a substantial channel, as shown by the report of the engineers, of 23 feet 7 inches in depth by two hundred feet in width; a channel eight or ten feet deeper than that by which vessels reach the great city of Philadelphia; a channel almost as good as any in the United States, and the Government will have paid only \$2,750,000 for it. Suppose he never does anything more, will not the Government have saved many millions by its contract with him and at the same time have secured an improvement of immeasurable value to its commerce? I do not ask that the Government shall deal generously with this gentleman, for we have no right to talk of generosity in appropriations of public funds, but I do insist that we deal justly with one who has risked and lost so much in securing such grand results to our commerce.

Mr. DAVIS, of West Virginia. I wish to ask a question of the Senator. He says there are twenty-three feet, but the latest report is twenty-two feet, showing a change in the state of things. It is not now as it was.

Mr. WINDOM. Right on that point let me read what the board of engineers, that we recently sent down there, say:

It is impossible to state definitely the cost of completing a work that by its nature is indefinite. Mr. Eads, in his estimate, proposes to make certain repairs and additions for the sum of about \$350,000.

I think the committee will bear me out in saying that the estimate of the engineers is that it can be completed so as to secure the depth of twenty-five or twenty-six feet over the bar for an additional expenditure of \$350,000. I read from the report of the board:

The board is of the opinion that if the jetties are raised and consolidated so as to confine to the channel-way the greater part of the water now escaping by lateral waste, it may be possible to procure a depth of twenty-five or twenty-six feet over the bar, without regard to width, which corresponds to occasional depths of twenty-seven or twenty-eight feet.

The testimony of General Wright, which I cannot readily put my hand on at this moment, (the Senator from Wisconsin will remember it,) is clear on that point that it will give us about that depth. Let me stop for a moment again and show you what is accomplished by this.

Mr. THURMAN. Will the Senator answer me this question before he comes to that: Is this \$750,000 which this amendment proposes to pay presently to Captain Eads a part of the compensation provided for in the contract, or is this an extra compensation?

Mr. WINDOM. It is part of the compensation for doing the work. This modifies the contract to some extent; no doubt about that.

Mr. THURMAN. Does it modify by increasing the compensation or anticipating the payments?

Mr. WINDOM. It modifies it by changing the requirement as to the width and depth of the channel. It does not add anything to the compensation to be received. The entire amount, after we shall have passed this, will be \$3,750,000, leaving \$1,500,000 on the original contract. Captain Eads will be entitled to five and a quarter millions if he accomplishes the work according to the contract.

Mr. THURMAN. It does not increase the amount of the original contract, then?

Mr. WINDOM. Not at all. It is far within the amount. It simply modifies some of the conditions of the contract and enables him to receive money a little earlier for work actually accomplished.

I was about to show you, Mr. President, a comparison between the river as it existed before Captain Eads undertook this work and now. Then we were paying about \$250,000 a year for what? For dredge-boats and other means and appliances used in the Southwest Pass to give about sixteen to seventeen feet of water, and a very uncertain channel at that.

Now, suppose Captain Eads shall stop with the additional \$750,000,

what will be the result? We shall have a permanent channel of twenty-three feet, at least six feet more than we had then, at a cost of \$110,000 a year, calculating money at 4 per cent. interest. If you sell bonds to pay for this work, \$2,750,000, it will amount to \$110,000 a year.

Mr. BUTLER. May I ask my friend about how much Captain Eads has paid out?

Mr. WINDOM. I will state that before I get through. If you pay him the whole \$3,750,000, as proposed by this amendment, that is, \$1,750,000 in addition to the \$2,000,000 already received, how will the account stand? Two hundred and fifty thousand dollars a year for an uncertain channel of sixteen feet in the Southwest Pass against \$140,000 a year for a reliable channel of twenty-three feet. Now, Mr. President, is that a bad speculation for the Government or not?

Mr. DAVIS, of West Virginia. I know my friend does not mean to misrepresent the figures.

Mr. HOWE. Allow me to ask one question. I wish to inquire of the Senator from Minnesota (and I ask for information all these questions) whether it is understood or believed by Captain Eads, the engineers, or the committee, that when this channel is once sunk to twenty-three feet, and the work is dropped there, the water is going to continue at that depth without any annual expenditure of money?

Mr. WINDOM. One hundred thousand dollars a year, which he is compelled to apply under the bill in maintaining the channel, as I understand.

Mr. HOWE. But he is to be paid that \$100,000, is he not?

Mr. WINDOM. One hundred thousand dollars a year.

Mr. HOWE. Then that must be added to the interest.

Mr. WINDOM. If the work is finished as per contract.

Mr. CAMERON, of Wisconsin. This amendment does not propose to modify the contract, so far as that is concerned.

Mr. DAVIS, of West Virginia. I think my friend is mistaken about that.

Mr. WINDOM. Not at all. But I am taking too much time. I will mention one other point.

Mr. DAVIS, of West Virginia. I should like to correct my friend's figures. I have in my hand a statement made by the board. My friend stated that \$250,000 was the annual amount expended at the mouth of the river.

Mr. WINDOM. I stated that was the amount last year. I do not know what it had been in previous years before the last year when we were trying to deepen the channel. That is what I stated.

Mr. DAVIS, of West Virginia. The average was about \$100,000.

Mr. CAMERON, of Wisconsin. For what length of time was that average of \$100,000?

Mr. DAVIS, of West Virginia. Commencing with 1866, the average was \$98,000, leaving out the expenses of boats. If you add them, it was \$142,000.

Mr. WINDOM. Taking the Senator's own figures, we have, through Captain Eads's efforts, a safe, reliable, and permanent channel of twenty-three feet for a less cost than we formerly obtained an unreliable, uncertain, unsafe, and fluctuating channel of sixteen feet by former processes. And the Senate will bear in mind that this sixteen-foot channel was the result of the efforts of nearly a century. The channel that we then had was utterly inadequate to the wants of commerce, while the one which Captain Eads has given the nation is as good as is possessed in almost any part of the country, and the one we will have before this money can be paid will be the equal of any other.

The Senator from West Virginia has said that the contractor in this case has paid out only \$1,600,000, and wants to get \$3,750,000, which is a very unfair thing. I do not know how he obtains his figures, unless it be from somebody's estimate who did not know anything about it. Captain Eads gives us a statement of his account. I will not take time to read it; I hold it in my hand, and any Senator can examine it.

The aggregate of expenditures, without taking into account any excessive amounts paid for interest, is \$2,304,635.22; and he is debtor for money borrowed from banks and individuals \$154,000, and to James Andrews & Co. \$1,560,622.21; making an actual balance over and above the amounts received from the Government of \$1,715,566.23.

Now, the question is, whether the Government will accept these inestimable benefits which have been secured through the expenditure of private capital and leave the parties who have had the faith and courage to do the work to suffer the loss of a million and a half of money. Will you, Senators, consent to bankrupt the man who has done more for the commerce of the country than any other man since De Witt Clinton?

I think, Mr. President, that I have taken enough time.

Mr. CONKLING. I should like to ask a question of the Senator before he resumes his seat. He speaks of a channel of twenty-three feet as a permanent channel; he speaks of what a canal might have been, and what would be a channel of sixteen or seventeen feet; and he says with great force, is there any doubt that this expenditure has been a very good one for a permanent channel through which a vessel drawing twenty-three and a half feet of water can pass? There the Senator assumes the one thing which with me is a stumbling-block more than anything else in this whole business. He assumes that this channel is to be permanent, is to be and remain a fixed fact. Now if the Senator from Minnesota can give me any light on the

question whether it will remain permanently as it is, or whether by the deposits of that which is carried out by the current and accretions which come in running water and in such water, it is likely to fill up and diminish year by year, I wish he would relieve me on that point.

Mr. WINDOM. I can only give the Senator from New York the opinion of the engineers who have been sent there to examine it, and their opinion is that it is a permanent channel. It is now a good channel, and they believe, and General Wright, I think, so stated to the Committee on Transportation, that it will continue to be a good channel. He regards it as a permanent work, of permanent value, and he regards it as equal to all the present and future demands of commerce, or will be when the \$350,000 are expended.

Mr. CONKLING. At that point will the Senator let me inquire does he understand as a matter of fact that the channel is as deep now as it has ever been at any time, or does he understand that the depth has diminished in fact?

Mr. WINDOM. It is better now than it was a year ago. It may have been deeper for a little while at some points, but it is broader and on the whole deeper. It is about the same depth now that it was a year ago. The reason it is not increased is that owing to the presence of yellow fever and the lack of means at one time to continue it, the contractors were unable to build up to the lower end of the jetties.

These jetties are located about a thousand feet apart, and extend into deep water, and there was a subsidence at the sea end on account of the inability to continue the work from the prevalence of yellow fever and from a lack of means at command of the contractor. This subsidence has increased to a certain extent. The water flows away, and consequently does not continue to deepen as it will when the \$350,000 is applied.

Mr. MITCHELL. I wish to ask the Senator from Minnesota a question.

Mr. WINDOM. I do not feel at liberty to occupy the floor any longer.

Mr. BECK. Mr. President, it is my good or bad fortune to be a member of the Committee on Transportation, and I have therefore been obliged to look into all the facts connected with this matter. I wish I had not been, and wish I was not obliged to state now what the facts are, because the facts do not sustain the committee in the amendment they have presented to this bill. Sympathy and a desire to aid an extremely clever man are generous impulses in which I share. The great benefits resulting to commerce from what Captain Eads has already done may induce Senators to give him whatever they are asked to give, but I, being one of a minority who could not support the bill reported, desire to state the facts as I understand them, and my reasons for dissenting from the majority of the committee.

We made a contract with Captain Eads in 1875, whereby he undertook to furnish a channel at the mouth of the South Pass of the Mississippi, thirty feet in depth by three hundred feet in width, for which we were to pay him as follows: when he obtained a channel of twenty feet in depth by two hundred feet in width, \$500,000; when he obtained a channel of twenty-two feet in depth by two hundred feet in width, \$500,000; when he obtained a channel twenty-four feet in depth and two hundred and fifty feet wide, \$500,000; and when he maintained that for a year, \$250,000 more; when he obtained a channel of twenty-six feet in depth and three hundred feet wide, \$500,000; when he maintained that for a year, \$250,000 with 5 per cent.; when he obtained a channel twenty-eight feet deep by three hundred and fifty feet wide, \$500,000; when he maintained that for a year, \$250,000; when he obtained a channel thirty feet deep and three hundred and fifty feet wide, \$500,000; and when that was maintained for a year, \$500,000 more; making a total of \$4,250,000. We were to retain 5 per cent. of the amount, and pay in ten and twenty years for maintaining the channel during that period a million more, making \$5,250,000 in all. That contract is still in force and the work necessary to comply with it is very far from being complete, if, indeed, it is possible to comply with it at all, which I consider very doubtful.

At the last session of this Congress Captain Eads came before the Committee on Transportation and said that while he had not obtained twenty-four feet and had been paid all that he was entitled to after he obtained twenty feet and twenty-two feet, being \$1,000,000, he had expended more in proportion to what he was ultimately to receive than he could well afford to do, and being comparatively poor he said he had to pay very heavily for the advances made to him by capitalists. We gave him last June \$500,000 in money and placed to his credit in the Treasury \$500,000 more to enable him to continue the work, which was all that he was entitled to receive under his contract when he obtained twenty-six feet. We then told him to go on and complete the work and when that was done doubtless any reasonable amount of money would be allowed to him by Congress even if thirty feet was found to be impracticable, as I felt very sure it would be. He has gone on and expended a part of that \$500,000, and only a part of it, perhaps half, and has not completed the work, has not obtained a channel of even twenty-four feet yet, and the last report of the engineer dated on the 19th February, 1879, from Port Eads, signed by M. R. Brown, captain of engineers, says:

Over the bar at the mouth of South Pass, on the 13th of February, 1879, there was a channel at average flood-tide and at high-water of the day having a least

depth of 22.2 feet with a width of two hundred feet at low-water of the day the least depth was 21.2 feet.

I certify that the above is a correct statement.

M. R. BROWN,
Captain of Engineers.

The majority of the committee, in the face of these facts, after admitting that we have already paid a million more than the contract we made at his earnest solicitation by its terms required, come and say to us: pay Mr. Eads \$750,000 more now, pay him \$500,000 more when he gets twenty-five feet, and \$500,000 more when he gets twenty-six feet; give him \$3,750,000 in all when he gets twenty-six feet of water instead of two million, as the contract required, and that too without any regard to the completion or maintenance of the works. In other words, we are asked to retain no money and no security that he is ever going beyond twenty-six feet, and pay all the money now, or nearly all, that we agreed to pay for finished work and a permanent channel of thirty feet. The engineers say, as Senators will observe, by their last report, that the first idea was that he would have to throw his jetties much further out into the Gulf in order to obtain thirty feet of water than he now intends to do. They report to us in the last few days that—

The outer three hundred and thirty feet of the east jetty, as originally built, and the outer two hundred and eighty feet of the west jetty, have altogether disappeared, and the contractor has decided not to attempt to rebuild the length thus lost.

That reduction of length of the jetties diminishes largely the expense and at the same time diminishes the capacity of Captain Eads to increase the depth; so that now nobody, I believe, pretends that there can be more than twenty-six feet obtained, unless exceptional circumstances may bring it to twenty-eight feet.

I will read an extract or two from the report of the engineers on that subject, but before doing so I desire to say that, so far from doing Captain Eads any injustice, I am willing and proposed in the committee if the Senate should think that we have not already paid him enough to give him \$250,000 more, being \$1,250,000 more than he is entitled to by his contract, and place to his credit still \$500,000 additional, if necessary, in the Treasury of the United States for future expenditures, so that he can surely complete the work; all I desire is to retain money enough that the people of the United States shall be certainly assured that the work is done. Do not put it out of our power to render it certain that it shall be done.

Mr. BUTLER. May I ask my friend a question?

Mr. BECK. Any question.

Mr. BUTLER. Does he not think on his responsibility as a Senator that it would be wise to modify this contract so as to require Captain Eads to maintain but twenty-six feet of depth and two hundred feet width? Would it not be wise for the Government to do that?

Mr. BECK. I say to the Senator that in my opinion it would be wise for the Senate to put under Captain Eads's control, for the purpose of finishing his present works, any amount that may be necessary to enable him to complete them, but not to allow it to be used for any other purpose except for the completion of the work.

Mr. BUTLER. That is not an answer to my question.

Mr. BECK. I will answer it directly; but I desire to say first that it would not be wise for the Senate to make any further absolute payments to Mr. Eads, who owes certain contractors over a million and a half of dollars, and whose creditors, unfortunately for him, are clamorous for this bill to pass so as to enable them to get this money, and thus enable them to take it from him and deprive him of the power of completing the work. I would not modify the contract to anything like the extent proposed by this bill. He has had to borrow money at most exorbitant rates. Some of his so-called friends advanced him \$450,000, and required him to pay them \$450,000 of profit and 10 per cent. upon the \$900,000 thus coerced from him.

That he is an honest man, that he is an earnest man, that he is a good engineer, I know; and the subcontractors who have furnished the materials to carry on the work as far as it has gone, as Captain Eads has stated to the committee himself, have over a million dollars of profit in it. They of course want all this money that he asks us to give him; they will take it from him and from us, and thus make it impossible for him to complete the work and impossible for us to obtain what we will I hope obtain if we hold on to the money, contenting ourselves—and that is more than anybody can ask—with furnishing ample means to pay for all future work on certificates of the engineer in charge, as we did in the bill of last session.

I desire to preserve the lien and security of the United States, and I am willing to give Captain Eads any amount of money to go on with the work, even far beyond his contract. When that work is completed then I am willing to say that a permanent, well-secured channel of twenty-six feet will answer all the purposes of commerce; and I am willing to take the responsibility of going before the country and saying, as the Senator from Minnesota has done, that he has done us a great work; and while we contracted that we would not give him any very large proportion of the money until he got thirty feet, I will vote to give him a very large portion of it when he obtains and maintains a depth sufficient to secure a channel of twenty-six feet. That will meet the reasonable requirements of commerce. But I want the work done.

Mr. BUTLER. That is all this measure requires.

Mr. BECK. No, sir; it pays \$750,000 now and \$500,000 more at twenty-five feet, and \$500,000 at twenty-six feet, without any require-

ment of maintenance, even for a day; and if by the aid of dredge-boats or anything else he can temporarily obtain this for a day, so as to get a certificate of that fact, the money is to be paid, and the maintenance of the work after that is not to be cared for. The Government under this bill reserves nothing. He was to be paid five million and a half when he obtained and maintained a channel of thirty feet. He was to have \$2,000,000 when he obtained twenty-six feet. Now you propose to give him \$3,750,000 when he obtains twenty-six feet and obtains it only for a day, and you leave the Government no security and leave Captain Eads nothing whereby he can maintain it, as his creditors are waiting now to seize every dollar Congress votes. As soon as the law is passed they are the real beneficiaries of the bill, and Captain Eads is used as their cat's-paw.

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The time of the Senator from Kentucky has expired.

Mr. CONKLING. Everybody else has had an extension; let him have it.

The PRESIDING OFFICER. Is there objection to the Senator from Kentucky proceeding?

Mr. BECK. Only two minutes, and I will endeavor to state the case. If Captain Eads has a well-wisher in this Senate, and one who desires him to succeed, it is I.

The PRESIDING OFFICER. The Senator from Kentucky has leave to proceed.

Mr. BECK. I thank the Senate. I desire this great work to go on and Captain Eads's reputation as a great engineer to be maintained, but I think he needs protection against the greedy creditors who are harassing him. When his honor is involved he will make any sacrifice.

Mr. BUTLER. Does the Senator from Kentucky think he had better have a guardian appointed for him?

Mr. BECK. No, but the Government of the United States ought to be its own guardian and protect its own contracts and hold its own money till this work it agreed to pay for is done.

Mr. BUTLER. I referred to Captain Eads.

Mr. BECK. Then I ask the Senator from South Carolina now if a man who would agree to pay \$900,000 for the use of \$450,000 ought not to have a guardian?

Mr. BUTLER. No; I think not.

Mr. BECK. You think not; I do. Does a man who, out of an expenditure of \$1,000,000, as stated by the estimate of the United States engineers that that sum is all that has been actually expended at fair prices, pays a profit of almost a million dollars to contractors on that work not require to be protected, so as to enable him to finish the great work he has undertaken? Ought we to be advancing public money that nobody has any claim on to secure great profits to these men? That is the question, and, I ask, is the Senate of the United States prepared to do that, in the unfinished condition of the work? This is what our own engineers tell us in their last report of a month ago, speaking of the progress of the work:

The east jetty has been built to a distance from East Point of about two and one-fourth miles. The west jetty terminates opposite the east jetty, but its total length is only about one and one-half miles, the difference being due to the greater extension of the natural banks on the west side of the pass. The distance in the clear between the jetties is about nine hundred and fifty feet. Both jetties, to within fifteen hundred feet from their sea-ends, are well advanced toward completion, but it is desirable that they should be in some portions raised and compacted to prevent the current passing so freely through them. The outer fifteen hundred feet of each jetty is quite deficient in height and compactness, allowing the escape of a large percentage of the water of the pass, and require, therefore, to be raised and consolidated quite materially, and especially so at the sea-ends. Much material has been expended on these ends, but they continue to settle. The outer three hundred and thirty feet of the east jetty as originally built and the outer two hundred and eighty feet of the west jetty have altogether disappeared, and the contractor has decided not to attempt to rebuild the lengths thus lost.

They tell us that about three hundred feet at each end is washed away, and much of what remains is in an unfinished condition. Is it not important both for the Government and for Captain Eads that the original contract should not be so changed as to place this large amount of public money in his hands so that his creditors can attach it the day we pass this law, take it out of his hands, prevent him from completing the work; prevent him from making these sea-ends good, prevent him from making stable and permanent what I think he can make stable and good; or shall we not retain the money for our own security and for his security at least until next December, when he can come with finished work and say to us, "I have used the money you have given me and this is the result?"

Mr. BUTLER. I should like to ask my friend how much the report of the engineers estimates the cost to be for the completion of the work?

Mr. BECK. The engineers say that they believe \$335,000 or \$350,000 will enable him to finish, consolidate, and make secure the work that he has begun at the mouth of the jetties, and thus secure, they think, a good channel for commercial purposes; but that is only an opinion; the work is not done.

Mr. BUTLER. Then allow me to ask how much money is to Captain Eads's credit now of the \$500,000 appropriated at the last session?

Mr. BECK. I do not know how much remains now out of what we allowed him, but at the time the committee's report was made he had not expended much more than half of it. Therefore as he had been provided with money enough to go on with the work this far, and as we are willing to give him still more to continue it, I do not

see how he can be embarrassed if we fail to make these large advances now. It must not be forgotten that the works at the upper end of the South Pass need a good deal of attention and care, and yet involve large expenditures in order to remove the obstacle in the way of obtaining deep water at that point. The wing-dams at the Southwest Pass and Pass à l'Ouvre also need attention. The money ought to be given to him in such a way that his creditors cannot take it from him, because no member of the committee can fail to know that Captain Eads is actually helpless pecuniarily by reason of the immense obligations he has undertaken and the debts he owes these people.

The Senator from Minnesota has not said a word about the importance of the work that I do not agree to. It is a fact that we had but seven or eight feet at the mouth of the South Pass before he began. We used the Southwest Pass, with sixteen or eighteen feet, but it was an uncertain channel, and large amounts were expended to dredge it and but little good was done. This is a great improvement. The United States engineers, especially General Wright, reported upon all these propositions for improvement time and again. He had gone to the mouth of the Danube and had seen from the shore-current there how the Salinas Pass was maintained, from facts carefully collected here and abroad. Captain Eads's prediction was, I think, that the silt or *débrie* would not fill the South Pass as rapidly as elsewhere, and that the wave action of the Gulf would wash it away; and the fact is, at the mouth of the pass the water is deepening in the Gulf and not filling up. Everything is doing well now. All I desire is to save this great work, and I hope the measure will be so modified as to give him such relief as will place to his credit any reasonable amount of money so that he can finish his work and not have his creditors come in and take it away from him. I would not modify or change the contract now in the incomplete condition of the work, but have the work done under it, and take care that Captain Eads is protected from those who would take it away from him, because, as I said, I know that he is a sensitively honest and honorable man, and would pay out the last dollar to his grasping creditors whenever it is paid to him. He has a contract with the United States; whether he can afford to complete it or not I do not know. When he comes to us and says, "Thirty feet is too much, it is beyond the capacity of the pass; I thought I could get it, but I find I cannot; twenty-eight feet cannot be maintained without turning more water into the pass and thus endanger it, perhaps; twenty-six feet can be, and is enough for the wants of commerce; that I have obtained and secured," there will not be a man in the Senate who will take the responsibility of voting him a larger sum of money than I will, but I desire these jetties to be completed before I do it and before I put it out of his power to obtain money to do it after this is taken away from him, as I fear it will be.

I repeat that I desire the means placed in his hand, or subject to his order, to enable him to complete the work, but I do not desire outside creditors or meddlers to come and take away the moneys we are now giving, and thus prevent him from doing the work we need to have done, which must be continued or it will be destroyed if it is left in its present incomplete condition.

These were the reasons in part why I could not vote for the bill presented by the committee. I did not believe it was safe for the United States or good for Captain Eads that this bill should pass in this form. It is simply intended or its effect is to pay a class of quite clamorous creditors, and I am not willing now to provide for them with public money before the work is done.

Having said that much, and regretting that I was even on the committee, or had to say a word that looks like speaking against Captain Eads, or against the work, great as I know it to be, performed by a man of so much genius as I think Captain Eads is, and of the high integrity that I believe him to possess, I regret that I have been obliged to say a word that looks as if I were seeking to prevent him getting the money which his creditors seem so anxious to get; but I honestly believe that the best way to secure both Captain Eads and the United States is to place the money to his credit in the Treasury and thus enable him to finish the work, and then let him come to us and he shall have all the money any Senator would reasonably say he ought to have. I think I would vote to him a good deal more than his contract calls for, because he has undertaken a work that but few men would have undertaken and has demonstrated that the system he has advocated is one that will prove highly advantageous to the great commercial interests of the country.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin, [Mr. CAMERON.]

Mr. DAVIS, of West Virginia, called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS, (when his name was called.) On all questions of importance on this bill I am paired with the Senator from Minnesota, [Mr. McMILLAN,] who is absent on account of illness. If he were here he would vote in favor of this amendment, and I should vote against it.

Mr. HARRIS, (when Mr. GORDON's name was called.) The Senator from Georgia [Mr. GORDON] and the Senator from Massachusetts [Mr. DAWES] are paired on all political questions and on all questions relating to this bill. I do not know how either would vote on this particular question.

The roll-call was concluded.

Mr. HOWE, (after having voted in the negative.) I am paired with the Senator from Georgia [Mr. HILL] on this question. I voted inadvertently. I withdraw my vote.

The result was announced—yeas 37, nays 10; as follows:

YEAS—37.			
Allison,	Conover,	Kernan,	Ransom,
Barnum,	Davis of Illinois,	Lamar,	Saunders,
Bayard,	Dennis,	McCreery,	Shields,
Bruce,	Dorsey,	Matthews,	Spencer,
Butler,	Eustis,	Maxey,	Teller,
Cameron of Pa.,	Ferry,	Mitchell,	Wallace,
Cameron of Wis.,	Garland,	Morgan,	Windom,
Cockrell,	Harris,	Oglesby,	
Coke,	Hereford,	Paddock,	
Conkling,	Kellogg,	Patterson,	
NAYS—10.			
Bailey,	Chandler,	Morrill,	Wadleigh.
Beck,	Davis of W. Va.,	Plumb,	
Booth,	Merrimon,	Saulsbury,	
ABSENT—29.			
Anthony,	Grover,	Jones of Nevada,	Sharon,
Blaine,	Hamlin,	Kirkwood,	Thurman,
Burnside,	Hill,	McDonald,	Voorhees,
Chaffee,	Hoar,	McMillan,	Whyte,
Dawes,	Howe,	McPherson,	Withers,
Eaton,	Ingalls,	Randolph,	
Edmunds,	Johnston,	Rollins,	
Gordon,	Jones of Florida,	Sargent,	

So the amendment was agreed to.

Mr. COCKRELL. I wish to move one slight verbal amendment. On page 10, line 225, right after the word "removing," I desire to insert the word "sand-bars;" so as to read:

Removing sand bars, snags, wrecks, and other obstructions, &c.

And then, in the same line, after the word "obstructions," I move to add the words "and correcting and deepening the channel."

Mr. SPENCER. I do not think there is any objection to that. I think the amendment sufficiently large enough to cover it as it is.

Mr. COCKRELL. It is not sufficient.

The amendment was agreed to.

Mr. ANTHONY. I desire to move a verbal amendment. On page 2, line 35, I move to strike out "twenty-two" and insert "thirty-seven." I think I have the assent of the chairman of the committee to that. It is to increase the appropriation "for improving the harbor at Stonington, Connecticut" to just one-half the amount that the engineers estimated.

Mr. SPENCER. That is hardly a verbal amendment.

Mr. ANTHONY. Just striking out "twenty-two" and putting in "thirty-seven." That is merely verbal. [Laughter.]

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. SPENCER. I hope the bill will be reported to the Senate.

Mr. RANSOM. I have an amendment which has the approval of the committee. I offer it for the Senator from Delaware, [Mr. SAULSBURY.] It is to insert on page 5, after line 26:

For improving the entrance to Duck Creek in the State of Delaware, \$5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

Mr. PADDOCK. With the unanimous assent of the Committee on Commerce, as I believe now, I renew the amendment which I offered in committee, to insert:

For improvement of the Missouri River near Brownville, Nebraska, \$10,000.

For improvement of the Missouri River, near Platte's mouth, Nebraska, \$10,000.

The amendment was agreed to.

Mr. KELLOGG. Mr. President—

Mr. SPENCER. I appeal to the Senator from Louisiana, if he has any regard for this bill, not to offer any more amendments. The bill is loaded down now, and these amendments will be stricken out in committee of conference. I give gentlemen notice to that effect.

Mr. KERNAN rose.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Senator from Louisiana is entitled to the floor.

Mr. KELLOGG. I ask a vote on the amendment that I reserved when the bill was in Committee of the Whole. All other amendments, I believe, have been adopted, and I think that is quite as meritorious; it certainly is as modest as any that has been offered.

The PRESIDING OFFICER. The Senator from Louisiana offered an amendment in Committee of the Whole, which was not agreed to. The amendment is therefore not now before the Senate. He can renew it in the Senate if he chooses.

Mr. KELLOGG. I gave notice in the Committee of the Whole that I would renew it in the Senate. I now renew it.

The PRESIDING OFFICER. The Senator from Louisiana offers an amendment, which will be read.

The SECRETARY. The amendment is in lines 574 and 575, to strike out "ten" and insert "twenty-five;" so as to make the clause read:

For improving Bayou La Fourche, Louisiana, including the removal of obstructions and deepening the channel, \$25,000.

Mr. KERNAN. Before we vote any more in, I desire to ask the gentleman in charge of this bill what amount the bill appropriates if we pass it now without further amendments?

Mr. SPENCER. That is pretty hard for me to answer, the bill has been so loaded down with amendments here lately. The bill as reported by the Committee on Commerce amounted to \$6,955,000.

Mr. KERNAN. Seven millions in round numbers as reported by the committee. We have put on a great deal since.

Mr. SPENCER. I suppose we have put on about half a million.

Mr. KERNAN. I submit to the Senate that we should stop this course of putting on large and small sums for improvements all over the country. We are in no condition to do it, nor do the needs of the country require six million or seven million and a half, and I hope we shall vote understandingly, and not attempt to put anything more upon it.

POST-OFFICE APPROPRIATION BILL.

Mr. DORSEY. I ask permission of the Senate to make a report from a committee of conference.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to present at this time a report from a committee of conference. Is there objection? The Chair hears none. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6449) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

S. W. DORSEY,
WM. A. WALLACE,
J. G. BLAINE,

Managers on the part of the Senate.

JAMES H. BLOUNT,
HIESTER CLYMER,
JOHN H. BAKER,

Managers on the part of the House.

Mr. DORSEY. I will state that the committee disagreed upon four or five important points, including the amendment in relation to railway transportation and also the amendments in relation to classification and some other minor amendments. The conferees on the part of the Senate could not see, after the instruction they received from the votes by which these amendments were put upon the bill in this body, how they could recede without submitting the question to the Senate. I therefore move that the Senate further insist on its amendments and ask for another committee of conference.

The PRESIDING OFFICER. The Senator from Arkansas moves upon this report that the Senate now further insist upon its amendments and ask a further conference with the House of Representatives. Is the Senate ready for the question? The question is on this motion.

The motion was agreed to; and by unanimous consent the Chair was authorized to appoint the committee, and Mr. DORSEY, Mr. FERRY, and Mr. WALLACE were appointed.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Louisiana, [Mr. KELLOGG,] in line 574, page 24, to strike out "ten" and insert "twenty-five;" so as to make the clause read:

For improving Bayou la Fourche, Louisiana, including the removal of obstructions and deepening of channel, \$25,000.

The amendment was agreed to; there being on a division—yeas 34, noes 6.

Mr. COCKRELL. I desire to state that the Senator from Indiana [Mr. McDONALD] was paired upon the question which was voted upon by yeas and nays. If he had been here he would have voted "yea." The Senator from Virginia [Mr. WITHERS] was called to Richmond, Virginia, by the sudden illness of his daughter. He is also paired on political questions. He would not have left the Senate if it had not been that he received information that his daughter was at the point of death.

The PRESIDING OFFICER. Are further amendments to be proposed?

Mr. CONOVER. I offer the following amendment to come in in the appropriate place in the bill—

Mr. KERNAN. I submit that all the appropriate places are full. [Laughter.]

The PRESIDING OFFICER. The Chair overrules the point of order. The amendment will be read.

The Secretary read as follows:

That for the purpose of making a survey to ascertain the practicability and cost of the construction of a water route for transportation from the mouth of the Saint Mary's River, on the borders of the States of Georgia and Florida, by the way of Saint Marks and Pensacola, Florida, to the Mississippi River, the sum of \$35,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; the same to be expended under the direction of the Secretary of War.

Mr. SPENCER. I raise the point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama will state the point of order.

Mr. SPENCER. That it has not been recommended by any standing committee or any Department.

Mr. CONOVER. I have occupied very little of the attention of the Senate, but I shall do so now. This amendment is precisely in the words of a bill which has been upon the Calendar since December 17, 1877, reported favorably from the Committee on Transportation Routes to the Seaboard, and I simply propose it as an amendment to this bill, and not to take up the time of the Senate to have the separate bill passed.

The PRESIDING OFFICER. Has the amendment been referred to the Committee on Commerce?

Mr. CONKLING. It need not to have been referred to the Committee on Commerce, if the Chair will allow me a moment.

In like manner, amendments proposing new items of appropriation to river and harbor bills shall, before being offered, be referred to the Committee on Commerce.

This does not propose an appropriation; it is merely of those harmless things known as a survey.

Mr. COCKRELL. Thirty-five thousand dollars it appropriates.

Mr. CONKLING. Then I misheard the amendment. I thought it was simply that a survey should be made. I suggest to the Senator from Florida to strike out the appropriation and make it a survey simply.

The PRESIDING OFFICER. The amendment proposes a new item of appropriation.

Mr. CONKLING. I beg pardon; I did not hear that part of it.

The PRESIDING OFFICER. Under the twenty-eighth rule the Chair is of opinion that it is not in order unless it has been referred—

Mr. CONOVER. I will make it conform to the suggestion of the Senator from New York, and strike out the \$35,000.

The PRESIDING OFFICER. The Senator will allow the Chair to state the decision. The Chair is of opinion that this amendment proposing a new item of appropriation is not in order under the twenty-eighth rule unless it has been referred to the committee having charge of the bill—the Committee on Commerce.

Mr. CONOVER. I will strike out the appropriation of money.

The PRESIDING OFFICER. The Senator proposes to modify his amendment. The Chair will send the amendment to the Senator to modify it according to his own views. The Chair is unable to do it.

Mr. CONOVER. While that amendment is being prepared and put in shape, I move, in section 3, page 34, after "examination and surveys," &c., to increase the item of appropriation from \$50,000 to \$80,000.

The PRESIDING OFFICER. One amendment is now pending, that proposed by the Senator from Florida to be modified.

Mr. CONOVER. I withdraw that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CONOVER. I now move, on page 35, line 4, to strike out "fifty" and insert "eighty." After this is disposed of I will renew the other amendment.

Mr. SPENCER. I submit whether that is in order?

The PRESIDING OFFICER. The Chair is of opinion that it is in order; it only increases a sum appropriated in the bill. It is not a new item.

Mr. SPENCER. Then I hope the Senate will vote it down.

Mr. CONKLING. I wish to understand this amendment. The Senator from Florida offered an amendment providing for a survey and containing an appropriation; and the Chair, as he was compelled to do, sustained the point of order made against it. I understand the Senator from Florida now intends to offer an amendment authorizing a survey but making no appropriation, and he increases the general appropriation for surveys by enough to cover that particular survey in case that shall be ordered. Is that the idea?

Mr. CONOVER. The other amendment was ruled out of order, and I wish to bring it in order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

The amendment was declared to be agreed to; there being on a division—yeas 20, noes 17.

Mr. CONOVER. I now offer the following amendment, and I offer this in all sincerity. There has already been money expended on this survey; it has been recommended by the War Department for several years; money has been expended, and we need an appropriation to continue it—

Mr. MORRILL. Was there a quorum on the last vote?

Mr. RANSOM. There was not.

Mr. ALLISON. It is too late to make the point.

The PRESIDING OFFICER. The Chair inadvertently did not pay attention to the fact that only thirty-seven Senators voted, and he recognizes the propriety of the point made by the Senator from Vermont. No quorum voted upon the last question, and therefore it remains undecided. With the permission of the Senate, the Chair will put the question again on agreeing to the first amendment proposed by the Senator from Florida increasing the appropriation in section 3 as stated.

The question being again put, the amendment was agreed to; there being on a division—yeas 20, noes 19.

Mr. CONOVER. Now I offer the other amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida, which will be reported.

The Secretary read as follows:

That a survey to ascertain the practicability and cost of the construction of a water route for transportation from the mouth of the Saint Mary's River, on the borders of the States of Georgia and Florida, by the way of Saint Marks and Pensacola, Florida, to the Mississippi River, is hereby authorized.

The amendment was agreed to.

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) Shall the amendments be engrossed and the bill be read a third time?

Mr. EDMUNDS. Mr. President, this bill now contains an appropriation of more than \$7,000,000.

Mr. CONKLING. More than \$9,000,000.

Mr. EDMUNDS. The honorable Senator from New York says more than \$9,000,000. We will call it seven by nine, as the glass-makers say.

Mr. EATON. Eight by seven. [Laughter.]

Mr. EDMUNDS. Leaving all jests apart, the appropriations that this Congress in both Houses have on foot and that are likely to become laws, according to the opinions of those who are intrusted with the charge of the public finance, will leave a very large deficit in the Treasury at the next meeting of Congress in December. Now, if there is any one subject of public expenditure in respect to which there may be delay without serious injury to public interests, it is the carrying on of extensive works of internal improvement. The country got on last year with the rivers and harbors substantially as they were, and the year before. Every year, presumably that we have appropriated these millions, has made them better, but still the country could get on without more appropriated to them; and so I think I am justified in saying that if there is any one class of items of public expenditure that can be suspended in a time of stress and scarcity of money, it is these.

This state of things was presented to us in the year 1869, before the panic of 1873 had paralyzed industry and broken down enterprise; and then, even when a bill running up to \$7,000,000 or \$8,000,000 had been presented, after consideration of the subject the Congress of the United States enacted a provision appropriating a moderate sum of \$2,000,000 in gross to be expended by the Secretary of War for the repair and preservation of existing works in order to preserve what had been done and keep them in repair, but to save the public money from new expenditures until the state of the Treasury and of the country should make it more reasonable to go into them.

Now, Mr. President, in precise conformity with that wholesome precedent, and under which I will add the \$2,000,000 that we then appropriated were expended with the utmost wisdom and economy and with the greatest benefit, as far as it would go, to the objects to which it was designed, I move to strike out all after the enacting clause of the bill and insert what I send to the Chair.

The PRESIDING OFFICER. The Senator from Vermont offers an amendment to strike out all after the enacting clause and insert the matter which will be read:

The Secretary read as follows:

That the sum of \$2,000,000 is hereby appropriated for the fiscal year ending June 30, 1880, to be expended for the repair, extension, preservation, and completion of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditures to be made so as to best subserve the interests of commerce; but he is required to report to Congress at the beginning of its December session all expenditures made under the provisions of this act up to that time, in detail.

Mr. SPENCER. I do not think there is any necessity for this amendment. Everybody understands it. I hope it will be voted down.

Mr. CONKLING. Mr. President, I was not able as a member of the Committee on Commerce to concur in reporting the pending bill. As reported by a majority of the committee, it provided for the expenditure of \$6,958,000; and my belief was and is that a large part, perhaps one-half that sum was unwarranted, in respect of business and practical considerations, and also because the nature of the works to which it is to be devoted are those which Congress has no right to appropriate money to begin or continue. I have no doubt of the right of Congress to appropriate money to improve the highways of commerce, such harbors, such rivers, such arms of the sea, such channels of traffic and communication as are national in their character and relations. I do not believe that Congress has power—and by power of course I mean rightful constitutional power—to appropriate money to dredge trout streams, brooks, runs, small bodies of water lying wholly within individual States, and never to be classed as national highways. In the Senate amendments have been added which make the total of this bill now not less than \$9,000,000. If any Senator shall think this total mistaken, it must be a Senator who so makes up the accounts touching the jetties of the Mississippi as to show that \$750,000 and not \$1,750,000 is appropriated for that purpose by the amendment adopted in Committee of the Whole. I understand, and so do other Senators, that \$1,750,000 is the amount added by the amendment adopted in Committee of the Whole in relation to the jetties on the Mississippi River. Be that as it may, if we say that \$1,000,000 of the jetties appropriation was provided for before, then the bill contains now about \$8,300,000; if we reckon the other million, it contains \$9,300,000. In either event I do not feel at liberty to vote for such a bill. I feel constrained to vote against it, and I shall do so, although it contains appropriations for works in the State of New York and in waters adjacent to that State which are national and which are meritorious, although it contains appropriation to

improve the Mississippi River, which is a great highway of commerce, national, and vastly important. Could I segregate, or carve out those provisions containing appropriations for purposes useful and national, and, therefore, purposes constitutional in their nature, gladly would I do so and vote for them; but on the final question I must vote *en masse* for all of these provisions, or else against them all. Here in addition to other things is a section, section 2, providing no end of surveys, that apparently harmless but insidious thing by which we put our finger between the belt and the wheel and are drawn in irresistibly to vote after-coming and uncounted appropriations. Get a survey made, no matter in what case, because the genius of engineers will never admit that they can be baffled by natural obstacles; get a survey on a question whether you can build a canal across mountains, whether you can hold an artificial river in artificial banks and carry it over the level of the house-tops of the region it is to traverse, and you can find engineers who will demonstrate and show by estimate of cost that the work is possible. It is possible as an engineering fact, and, therefore, within the spirit of the inquiry, as they understand it, it is practicable, and accordingly an estimate comes for it, and then follows, almost as certainly as the shark follows the ship, an appropriation to commence and continue the work. Here is a great catalogue of these surveys, and those who may be still in the Senate when the time shall come, will be called to vote appropriations for some and probably for all of this list, covering pages as it does.

Mr. President, for one I cannot do it, because, although as I have said there are many matters of merit in the bill, several matters of deep interest to the commerce of the State which honors me with a seat in this Chamber, I shall be compelled, along with an assent to those provisions, to give assent to such things as I do not believe the judgment of those for whom in some sort I am authorized to speak will approve.

The honorable Senator from Vermont offers an amendment in the nature of a safeguard. He offers an amendment which, at all events, will accomplish this, if the Senate will adopt it: wherever a break-water has been partly constructed, so that the ebb and flow, the wash of waters, would carry it away, unless it be anchored, ripped or secured, such a preserving work can be done; wherever there is a work in progress to stop which would be to lose, and to continue to gain, the need will be answered, and there will be saved to the Treasury at all events \$7,000,000.

I believe, Mr. President, as firmly as I believe in your presence that this bill and other bills which have passed and are presently to pass the two Houses of Congress, will encounter, and at no distant time, a day of reckoning when seriously the question will be asked how all this came, and I think that question will be loudly asked in a State which pays about one-third of all the national income.

Mr. EDMUNDS. I wish to modify the amendment that I offered so as to make it a motion to strike out all after the enacting clause to and including section 3, so as to leave in the provision about the railway bridge over the Arkansas River and the provision that the Senate inserted in respect to the jetties, only applying the striking out to the river and harbor matters proper.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. RANSOM. Mr. President, I regret very much after the action of the Senate and especially after the action of the Senator from New York [Mr. CONKLING] that in the last hours of the session he, as the chairman of the Committee on Commerce, should have thought it becoming to make the criticism which he has made upon this bill. If I am not mistaken, the last act of the Senator was to assist by his counsel, and by his vote, in increasing by 20 per cent. the appropriation for the surveys which he considers the frightful source of this mischievous legislation. I think the Senator most effectually assisted the Senator from Florida in adding \$30,000 to the cost of surveys, although he says they are the fruitful source and precursor of this mischief which he deprecated. If I am not mistaken again, because the Senator has been absent from the Chamber during much of the discussion of this bill, he was most earnest in assisting the Senator from Louisiana in adding \$15,000 to the appropriation for improving a river, or a stream, or a "bayou," as it is called, for the improvement of which I would gladly vote an appropriation. Nevertheless, the stream or bayou referred to falls under his denunciation as one of those "small, trifling streams that are confined to one State and are not to be regarded as national." If I am not further mistaken, the Senator from New York voted, as I did, to attach to this bill what is known as the Eads jetty amendment and thereby added \$1,750,000 to it. And yet he now proposes because of comparatively minor considerations to vote against the bill, and to favor the amendment of the Senator from Vermont, to reduce these appropriations to \$2,000,000 as a matter of economy and public justice.

Mr. President, consider for a moment; and I propose no school-boy rhetorical display upon the subject of the territorial magnitude of our country or its incalculable resources. Forty-five millions of people or now upward of fifty millions occupy a continent, stretching along the Atlantic coast, with almost countless bays and harbors, a vast stretch of country, valley, plain, mountain, extending across the continent until you reach the great Pacific, with its bays and harbors. This mighty territory is occupied by fifty millions of people, and you find scarcely fifty miles of it not intersected and radiated by a river or a navigable stream; and are we to be told that \$2,000,000 is the proper

and munificent sum that this Congress is to appropriate to keep in repair and to keep in improvement the mighty water-highways of this great Republic?

The Senator speaks of national streams and national harbors. He speaks, and he properly speaks, of the harbors in his own State. They are national works. But what would they be but for the small "trout streams" of which he speaks which make these great water-ways? What makes up the great aggregate of the trade of those harbors? Is it the harbor of New York, is it the Mississippi River, or Cape Fear River? No; it is the hundred, it is the thousand, it is the more than thousand small streams which take up the fruits of the farmer's labor, take them at his home, carry them down the little canal, down the small creeks into the larger river, and then they go on to Harlem, to Hell Gate, to the Mississippi, to San Francisco, and to the Atlantic ports. Sir, these great national highways could not exist but for the small streams. They are the roots and branches also to the grand trunk which so enlist the Senator's admiration.

Is it wise to give great facilities to the transportation of goods or products at New York, and then to cripple them as they should come from Maryland or Virginia or North Carolina? Would that be advantageous to commerce? Would that be a just and proper regulation of commerce by a wise and patriotic people? Mr. President, what benefit would you do the farmer in Oregon, in Missouri, or in North Carolina, if you let his goods pass through the great highways of New York and San Francisco, and then allow them to be oppressed and destroyed by heavy freights as they go up some smaller streams? No, sir; this is a great system of internal improvement; it is a system which has made the State of the Senator the first State in material resources, and in many other respects, in this country. It is to the immortal honor of the greatest man that ever lived in the Senator's State that he devised that system of water communication that has given New York her commercial supremacy. Now, sir, I do not pretend to deny that there are many errors in this bill. A bill cannot be constructed here which is to operate upon almost every county and district in this country, in which there shall not be some hardship, some error, some fault, some absurdity, if you will, but I believe that the Committees on Commerce of the two Houses have endeavored to construct a bill which shall be as just, as fair, as equal, as beneficial to every portion of this country as the united industry, ability, and impartiality of those committees could make it.

Mr. CONKLING. Mr. President, the Senator from North Carolina [Mr. RANSOM] has not fallen, he could not well have fallen, into a greater error than to suppose that the State of New York owes her commercial position to bills like this. No, sir. When New York thought it desirable to make a channel through which the corn and wheat fields of the West could reach the markets of the world, instead of an attempt by national legislation to gather from the pockets of tax-payers of other States the wherewithal for such an achievement, at her own cost, of her own motion, at her own risk, she constructed twelve hundred and seventy-five miles of artificial rivers, one of them three hundred and fifty miles long and seven feet deep, and connecting our inland seas with the greatest of the nation's ports.

Such was New York's policy, and such was her own way of adopting it. She never asked Congress to dredge and deepen her rivulets and inland streams. Within her borders are many, many, water-courses larger than some of these, but for not one of them has a farthing of national appropriation ever been asked, and I venture to say not a farthing ever will be asked. Streams as large as several mentioned in the pending bill have been improved, or harnessed with machinery, compelled to work their passage till their foam became a circulating medium, but this has been done by the enterprise of individuals, and when paid for by a common treasure, the treasure was her own.

Mr. President, New York and her five million people are neither ignorant nor illiberal. When it is proposed to appropriate two million or five million to make a pass, or ship-way from New Orleans to the sea, they are for that, and as freely as if instead of bearing the lion's share, they bore the lesser share of the cost. They see between the two watersheds of the continent, between the Alleghany and the Rocky Mountains, a region of country fourteen hundred miles wide and two thousand miles long. They see there the food of the world; they see a region capable of producing enough of that on which man lives to feed every people which may find itself lacking food, from the rising of the setting sun. They see a mighty river traversing that tract; they know it is important; they know it is national; and if \$5,000,000 or ten million, or so many millions that New York's share is ten million is necessary to find a roadway for the products of this region to the mediterranean sea of Mexico and so onward to the markets of the world, New York is for that, and as one of her Senators I should be sustained in voting for it.

But, when it is proposed to improve a pond, a creek, a run, so that cord-wood may be floated from the forest where it grows to the river where it finds shipment, when it is proposed to dredge and expend money in order to obtain twenty-two inches of navigation, which is the maximum stated in some of the estimates of the engineers, New York knows no national duty requiring her to pay tribute or taxes to carry on such ventures. There is the distinction. It sharply divides the Senator from North Carolina and myself. I deny not only the wisdom and expediency of spending the nation's money for such local purposes, but I deny also the power under the Constitution thus to appropriate the revenue.

Mr. President, the honorable Senator from North Carolina criticised me, and justly, because he said that I too had voted to add amendments to this bill. Yes, sir, I did, for reasons sufficiently obvious, but which, nevertheless, after the allusion of the Senator from North Carolina, of which I do not complain, I beg to state: thinking as I do that the river and harbor bills, one taken with another, made up as they are by depositing here and there and somewhere else on considerations of locality, and in deference to the wishes of Senators and Representatives, the appropriations to be made, composed as they are in my belief by a system which, if I may say it giving offense to none, I regard as one of the chronic scandals of legislation, and believing as I do that the average river and harbor bill is little better than a burlesque upon a well-adjusted and carefully considered scheme for internal improvements, I was disposed to test the judgment and sense of the Senate by voting for additional appropriations just as meritorious as scores already found in the bill, so that not making fish of one and flesh of another we should see whether the Senate would stand by the logic of the bill, and vote for schemes of merits after enough had been added to render the proceeding more glaring.

In other words, in plain language, I did vote for some of these amendments to do what is called loading the bill, to bring out its features in bold relief, to force every Senator to understand what this species of legislation means; and accordingly, when the honorable Senator from Louisiana [Mr. KELLOGG] moved to increase the appropriation for a bayou in his State, I voted for it. There was an appropriation for it already in the bill, an appropriation which every member of the committee who knows anything about it knows is inadequate to the work, an appropriation vicious for the reason that it would be vicious to expend in a summer \$10,000 upon a building which was to cost \$50,000, and then leave it for the elements to wreck or ruin before in a subsequent year the work could be resumed. I voted in the case of this bayou to add enough to make the work effectual, upon the theory once stated by Dr. Johnson, that whatever is worth doing at all is worth doing well. I say further, that I can take this bill and pick out more than a half-dozen other works which no Senator will say have more merit than the bayou in Louisiana. I did vote for some of these other amendments and for the survey proposed by the Senator from Florida, [Mr. CONOVER.] I voted for it because it has all the merits of a number of other surveys, and if the logic of such a bill be true, then the more of them you have the better.

In the processes of legislation embarrassing questions of duty often arise; a not infrequent question is whether it is wise to add to the objectionable features of a bad bill in order to defeat it—to increase its ugliness as a caricature brings out in bold relief the lineaments of a face.

Mr. President, the Senator from Vermont [Mr. EDMUNDS] has modified his amendment so as to leave in the legislative provisions touching a bridge over the Arkansas River, if I understand him also to leave unaffected by it the amendment touching the jetties on the Mississippi; and with those exceptions, the question to be presented to the Senate is whether it will vote \$7,800,000 promiscuously to all these various schemes, incipient or otherwise, or whether having disposed of the subject of the jetties of the Mississippi it will say that in this tax-ridden year \$2,000,000 is enough to be paid by the tax-payers of the country to protect from damage uncompleted works and to continue as many as the sum named will permit.

Mr. RANSOM. Mr. President, I apprehend the Senator from Florida on my left [Mr. CONOVER] and the Senator from Louisiana on my right [Mr. KELLOGG] will be surprised to hear that it was rather a Grecian friendship they received from the Senator from New York [Mr. CONKLING] to-night, and that when he gave the generous vote for which they thank him, for their amendments, he only intended to expose the enormity of the river and harbor bill. I think that information will strike with some surprise the Senator from Louisiana. If, knowing the history of these river and harbor bills, the Senator from New York is right in saying that they are swollen; that they are beset with ridiculous and absurd propositions, I do not think the bill needed a stronger characterization of its utter want of merit. Yet, in the last hours of the fate of the bill, it seems necessary, in the judgment of the Senator, for him to make the measure still more deformed and mischievous by additions to its errors. While I thank the Senator from New York for conceding that I know that a bill is sometimes overloaded with amendments in order to destroy it, I do not think that was the spirit in which his friends received his aid.

But, sir, this has but little to do with the question. The Senator, if he understood me to say anything in the way of regret at the existence of the magnificent system of public improvements in his State, or of disparagement of them or of their benefit to his people, he misunderstood me. I commend New York for having made them. I wish every State in the Republic would do the like. I wish New York had done more. But the Senator says that by her own efforts in this respect she has made herself as a State great; she has given herself character; she has given herself position; she has given herself wealth. Is not the Senator, if his own State has made fourteen hundred miles of artificial river, willing that this Republic shall make the same proportion of artificial rivers for the general improvement? New York has never refused, nor has any State in this country ever refused, to take a dollar, be it for a large stream or a small stream,

voted by the General Government. I will not read, though I have the list before me, the appropriations that New York has received, because it might be thought that I intended to censure the munificent spirit with which Federal aid has been given to the Empire State. I regret that she has not received more. But while she has received her millions and her billions, is it not right that Florida and North Carolina and South Carolina and Oregon should receive the few thousands they ask and need?

The Senator says he does not "make fish of one and flesh of another." He says that if you have ingrafted on your bill a number of idiosyncrasies, if you have put there one, two, three, four, or five items of ridiculous trifles he intends to be just, to be generous, to put every stream in the Union of that character upon the bill, for it will not do for the Senate to put one or two absurd and erroneous items on the bill. It must be crowded with every wrong like the one from Florida, or the one from Louisiana, or the bill will not be impartial. I propose a different system. I propose that if we improve a large stream and a large harbor with the same measure of justice, if not with the same amount, we give to the small streams and to the small harbors their proportion of public benefit. That is the justice which I wish to give. I commend this Senator. I tell him he will do more for his country by measuring out to every large stream and to every small stream in the Union its due proportion of these appropriations than by giving all to what he is pleased to call the "national works."

But, Mr. President, how very wrong such reasoning is. Here is a bill of thirty-five pages, with several hundred items of appropriation. It is very likely that the Senator can take up the bill and find perhaps one or two items of doubtful propriety. We know they are there; we admit they are there. A thousand considerations put them there; but the main consideration was one of justice to the people where those streams are. Now, is it right, is it becoming, that the whole bill should be damned, denounced, and have contempt brought upon it because there are two or three unwise items in it? Is it not better that this bill should take its character from the ninety-nine just appropriations in it than from the one or two fractional eccentricities?

I believe that the \$2,000,000 suggested by the amendment of my friend from Vermont will not keep in repair one-half of the public improvements in this country. At the last session of Congress we appropriated over \$8,000,000 to carry on these works. The estimates of the Engineer Corps are over twenty million; and does the Senator tell me that these great works can be carried on upon \$2,000,000? No, sir. While the French and the English have the Suez Canal connecting two continents, while the French and Italians are running their tunnels under the Alps, while men in this country are cutting through mountains for their railways, while every civilized nation is devoting all its energies to works of improvement, I do hope that the American Republic will not suffer by comparison because of a policy of either inaction or illiberality.

A few days ago, in company with some friends, I met a distinguished gentleman from England just from Canada, a man known the world over for his scientific attainments, and he said that the Dominion of Canada, under the patronage of Great Britain, was about to construct a railroad which would cost \$100,000,000 to go from Canada to the Pacific Ocean on our north. When I see every nation of the world spreading its commerce; when I see them giving their treasure, their men, their genius to these great and advancing works; when I see the science of engineering, the genius of engineering—yes, when I see the genius of the engineer more powerful to-day than Hannibal or Napoleon when they crossed the Alps, for it took them months to ascend them, while the iron railway, under the skill of the engineer, goes under them in a few minutes—when I see the countless triumphs of the invincible spirit and influence of modern progress, I do not wish to see it hampered or harassed in the American Republic alone.

Mr. KERNAN. Mr. President—

Mr. SPENCER. Will the Senator from New York yield to me a moment? I desire to give notice that hereafter I shall endeavor to enforce the five-minute rule.

Mr. HEREFORD. I hope it will not be enforced just now.

The PRESIDING OFFICER. The Chair will take notice of the demand for the enforcement of the five-minute rule.

Mr. HEREFORD. Mr. President, I have been very much surprised at the argument of the Senator from New York, [Mr. CONKLING.] He tells you, and does it with a great deal of ridicule, that appropriations are made here for rivers that do not draw more than twenty-two or twenty-three inches of water. Why, sir, the great Ohio River, the greater part of the year, has only twenty-two or twenty-three inches of water in it, and it floats a large portion of the commerce of the United States. That river, which in the greater part of the year has not more than twenty-two or twenty-three inches of water, floats upon its bosom annually more than all the foreign commerce of the United States and twice as much as enters the port of New York—more than twice all the commerce that goes in and out of the harbor at the city of New York.

The Senator talks about being in favor of voting money for the great Mississippi River. What would the Mississippi River be if it were not for its thousand tributaries? Where would the waters come from that now flow down it if it were not for the thousand tributaries east and west?

The Senator from New York talks about this bill containing \$9,000,-

000 in it. Why, Mr. President, I hold in my hand a letter from the Secretary of the Treasury giving a statement of the expenditures for various public works for several years, commencing with June 30, 1868. The State of New York in 1873 received \$2,697,000—that State alone one-third of all that is in this bill. In the next year the same State received \$2,546,000; the next year \$934,000; the next year nearly \$900,000, and the next year over half a million of dollars to that State alone.

Furthermore, I also hold in my hand a report giving the amount appropriated for the various rivers from the foundation of the Government down, and I find here for the State of New York for improving Buffalo Harbor, \$1,000,000; East River, \$1,708,000; Hudson River, \$1,189,000. He ridicules creeks. I shall take the time of the Senate just to read one—

East Chester Creek, in the State of New York, \$34,000.

And so it is creek after creek, and it is the creek that makes the river. Why do you want appropriations at a harbor on the coast? Is it not to let the products of the country come in and out? The appropriations upon your rivers, large and small, are to let the products of this country go in and out. That is the philosophy of it; that is the reason of it; and the great object, the great good, to be accomplished by this river and harbor bill is this: it allows the people of the great interior where the wheat and the corn are grown to get them to market cheaply. It brings these great rivers that are rushing through into competition with the railways of the country. Dry up these rivers or stop appropriating for them, and the people of the agricultural districts of this country would be only tributary to the great railways of the country. That is the great benefit that is conveyed by these appropriations for rivers and harbors, that they save the people from the power of the great railways of the country.

The PRESIDING OFFICER. The Senator has spoken five minutes.

Mr. EDMUNDS. I hope the Senator from West Virginia will be allowed to conclude what he wishes to say.

Mr. HEREFORD. No, sir. If this five-minute rule is applied to all gentlemen, it is all very well. I do not ask to have my time extended.

Mr. EDMUNDS. I ask unanimous consent that the Senator from West Virginia be allowed to proceed.

Mr. FERRY. I object.

Mr. KERNAN. Mr. President I will conform to the rule—

Mr. FERRY. I object on behalf of the bill.

Mr. KERNAN. I think we should conform to the five-minute rule at this stage of the session and of the night. I wish to ask Senators this question: if we pass this bill as it is, where can we stop in appropriating the money in the Federal Treasury raised by taxation in making internal improvements? How far shall we go if we do what the Senator from North Carolina [Mr. RANSOM] says should be done, that is, not only expend money for national purposes, but should give every river and every creek its just share? I do not understand that we have, and we ought not to have in this Federal Government, any such power. It was formed, and wisely formed, on the theory that it could raise money from the people only for national purposes; and by national purposes as to rivers and harbors, I mean those harbors which are for the benefit of the commerce of the world or the commerce of several States, or rivers that are really arms of the sea and on which commerce is borne to the sea. Beyond that I dispute that we have any right to go on appropriating money for rivers and for harbors. Why, sir, nothing will so soon destroy the Government as for us to turn it into a government that is going to deal out money on the principle that each State must have its share to improve streams to float logs or streams to float small boats.

The Senator last up alluded to the State of New York. Let him point out a place on the Atlantic, as East Chester is, that is not where the tide ebbs and flows, where there is a port or a harbor for the commerce of all the States and all the world. Buffalo and Oswego on the lakes, in the same State, are national because the commerce brought from Chicago and all along the lakes comes down there, and it is to be protected there as national commerce.

Now, sir, I appeal to Senators that we must make a stand against the idea that the Federal Government has a right or can wisely attempt to improve internal streams, streams that have no relation to commerce except as they may run a little water to large rivers that flow into the sea. I appeal to all Senators that if we go on in this way, giving each State a share without regard to the rivers or harbors that are improved being national harbors and rivers, the people cannot bear the taxation which will come upon them to raise money to be distributed and expended in this way. For the sake of the old constitutional doctrine that we have only a right to raise money and apply it to national purposes, let us put an end to the notion that we can come here and say, "You have had so much expended by the Federal Government on a national harbor or a national river, in the proper sense, and therefore we must have money appropriated to clear out streams that are not of any importance to commerce." The internal improvements of a State can be made best and most wisely by the people of the State, and not by the Government here pouring out its Treasury.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERNAN. One single word further. I hope we shall adopt the amendment of the Senator from Vermont. Two million dollars will give us all that we need for national purposes, and I feel sure

that when it is expended there will be no complaint by the people of the country that the commerce of the Union, in its proper sense, had suffered for the want of rivers and harbors essential to national commerce.

Mr. TELLER. Mr. President, if the amendment offered by the Senator from Vermont is adopted I propose to vote for this bill. If that amendment is not agreed to, I shall feel compelled to vote against the passage of the bill, although I shall vote against it with great reluctance. Since the amendment was adopted submitted by the Senator from Wisconsin, [Mr. CAMERON,] I have been exceedingly anxious to have an inquiry that is calculated to make the Mississippi River more beneficial to the people along its borders. But this bill is so loaded, and was so loaded when it came from the committee, that not even to save that desirable amendment can I vote for the bill. There are not, as is said by the Senator from North Carolina, three or four objectionable appropriations; there are a hundred items in the bill that ought not to be in it. One-half of all the money that is appropriated in this bill will be absolutely wasted. Our engineers make an estimate of \$25,000 or \$50,000, and we appropriate a few thousand dollars of the amount estimated and it is wasted.

There has been some criticism on the vote upon the amendment offered by the Senator from Florida [Mr. CONOVER] for a survey across the State of Florida. If Senators who complained of that vote could realize the character of country proposed to be surveyed they would see that that is a work of national importance. The proposed survey is for the purpose of determining whether there is a waterway from the mouth of the Mississippi across the State of Florida to the Atlantic. That would save many hundreds of miles of water navigation; it would save all the dangerous navigation in the neighborhood of the West India Islands. It is a proposition that ought to have been submitted independent of this bill. I was ready and prepared from an examination of it years ago to give my vote, not simply for the survey, but if it should prove by the survey to be as feasible as I believe it to be, I am willing to vote money out of the National Treasury for the purpose of building across that isthmus a canal, because it has a national object; it would bring the great Mississippi Valley almost to the door, you may say, of the Atlantic cities. It is not in keeping with the survey of Mud Creek and various other enterprises of that character which are provided for in this bill.

Mr. MORGAN. Mr. President, during the last session of this Congress I voted against the precursor of this bill on the ground that the appropriations involve the construction of works of internal improvement not national in their character. That was my first experience on the subject in Congress. Since that time, looking back over the history of this character of legislation, I find that no river and harbor bill has been passed through Congress for many years that did not embody provisions for works that were not works of a national character. It has seemed to me, and still seems to me, that it will be utterly impossible, through the consent of the legislators in either branch, ever to get a river and harbor bill through Congress which confines itself to the legitimate subjects of appropriation. It seems to me that we shall have to look for a remedy for this matter in another direction and follow the example of a number of the States of this Union which have found it necessary to put restraint upon the Legislatures in their constitutions by providing that their governors shall have the power of vetoing any special feature of an appropriation bill, leaving the remainder intact.

It is certainly true, Mr. President, that all of these bills are of that class to be called log-rolling bills. I feel the influence of that very principle upon myself to-night. I cannot reconcile it to my own judgment that this bill in all of its parts ought to pass, and yet there are some features of it, not covered by the amendment of the Senator from Vermont, which are entirely legitimate and are of great necessity for the public welfare. For instance, the appropriations for many of the harbors ought to be included in the exception which the Senator has made in reference to the Eads jetties and the bridge across the Arkansas River.

There is a principle about these appropriations that I am not quite sure we have altogether succeeded in developing as a principle. Some gentlemen say that the power to appropriate money for works of internal improvement depends upon that clause in the Constitution giving to Congress authority to regulate commerce between the States. It has not occurred to me that that is the legitimate or true foundation of the power that is exerted here. The power, it seems to me, rests in the fact that the Government of the United States has a right to improve its own property, its object being the general welfare. It may take ground for a fort, and it may build a fort where it pleases. So it may build a court-house, a custom-house, or a post-office; so it may build a cemetery for its dead; and so it may build a hospital for the sick; it may build homes for soldiers. Indeed I know of no limitation upon the power of the Federal Government to improve its own property for the general welfare and in its own way.

It has occurred to me that the right of the Federal Government exists wherever it owns the bed of a river to clear out the obstructions in that river as much as it does to clear out the obstructions in a bay which it happens to own in the same way. I believe that the constitutional test of the Government on these subjects rests upon the ownership of the property which is sought to be improved, and I believe if we come at last to a declaration of that kind we shall place ourselves on tolerably safe ground. But the safer ground would

be to have a provision in the Constitution of the United States by which the Executive, who has no interest in these log-rolling provisions, might veto one item of an appropriation bill, leaving all the rest to stand.

I do not conceive that this bill as it is presented here to-day is a worse river and harbor bill than many others that have preceded it. True, it appropriates more money, but I think not on subjects less legitimate. That is all that I have to say upon the bill.

Now one word as to the amendment of the Senator from Vermont which he proposes as a substitute. The difficulty in regard to that substitute, as it occurs to my mind, is that it leaves the discretionary disbursement of \$2,000,000 in the hands of a single officer of the Federal Government. If it be true that we ought not in the present state of our finances to appropriate more than \$2,000,000, and that these appropriations ought to have reference to the preservation of works that are improved or partly improved, that they ought to have reference rather to the preservation than to the improvement of public works, then we ought of course to enter into the subject of the proper disbursement of this money and provide by law how it shall be disbursed. The amendment of the Senator from Vermont makes no provision of this kind. It has been impossible, of course, that the Senator could have so framed his amendment at this late day as to have coupled that subject. There is one feature, however, in this bill which commends itself considerably to my judgment, and which reconciles me to a support of the measure, and that is that after all the Secretary of War has a large discretionary power over these disbursements.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EDMUNDS. I hope the Senator from Alabama will be allowed to proceed.

Mr. BUTLER, Mr. TELLER, and others. Oh no.

The PRESIDING OFFICER. Objection is made. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. Mr. President—

Mr. SPENCER. I dislike to call the Senator from Vermont to order, but I think I shall have to do it. He has spoken on this amendment already.

Mr. EDMUNDS. The Senator is greatly mistaken, as much as he is about the propriety of the amendment.

Mr. CAMERON, of Wisconsin. The Senator from Vermont has spoken on everything else. [Laughter.]

Mr. EDMUNDS. Mr. President, the Senator from Alabama [Mr. MORGAN] states with great propriety the question as to the fitness of leaving the discretion of the disbursement of this \$2,000,000 to one officer of the Government; but the Senator will perceive that in respect of many objects of public expenditure the same thing has always been done.

Mr. MORGAN. If the Senator from Vermont will allow me, when my time expired I was about to state the fact, as one feature of this bill that reconciled me more to it than any other, that the Secretary of War has a discretion in all these disbursements and has saved to the Government many millions of dollars heretofore in the exercise of that discretionary power.

Mr. EDMUNDS. Then the existence of a discretion is not an improper thing. If I was able to agree with the Senator from Alabama that it was within the proper competence of the President of the United States or the Secretary of War to withhold these expenditures in their discretion, there would be no great objection to this bill in the sense of mere saving of money, because I have that confidence in the Executive Department as now administered which makes me believe that not more than a quarter of this money would be spent under existing circumstances. But I do not know where the statute is, and I should be glad to have it read if there be one, that authorizes the Secretary of War to withhold a single dollar of this expenditure. This bill declares that these sums are "to be paid out of any money in the Treasury not otherwise appropriated," and are "to be expended," that is the very first clause in the bill, "under the direction of the Secretary of War," not a direction as to whether they are to be expended, but they are to be expended under his direction for these specific objects.

Mr. MORGAN. I will say to the Senator from Vermont that I am told that language is identical with the language of former laws under which this discretion has been exercised.

Mr. EDMUNDS. I do not know that it is, but I take it for granted, for the purpose of what I wish to say, that that is so; and yet I remember, that when a former President of the United States, on an occasion when a bill very much like this, of about seven or eight million dollars, had passed under circumstances very much like those under which this bill will pass, did like Andrew Jackson, perhaps borrow a little discretion out of some invisible clause in the statute and save some of the money, the constitutionality of his behavior was severely criticised, although the practical good sense of it was admitted by everybody, even by those who had assisted in carrying through the performance of the great appropriations. I think in a strict sense that in the way this bill is framed, in its opening clauses, no discretion is reposed in the President of the United States or in the Secretary of War in respect of the expenditure of the money.

Now I come to the question as to the fitness of providing that whatever is to be expended, be it two, or three, or four, or five, or eight million dollars, shall be expended under the discretion of the Secretary of War or of the President. First, I see that in the last forti-

cation act, which I happen to hold in my hand, picking up the book here, and I do not doubt in all the former ones, although I do not know, for I have not looked at them, it will be found that the fortification appropriations are a general appropriation for the increase and armament, &c., of the fortifications of the United States, leaving it to the responsible discretion of the Executive or of the Departments, as the case may be, under their responsibility to Congress, and subject to severe punishment in case of any failure to deal fairly and faithfully with these subjects, that they are to determine the places where forts are to be built and the distribution of the money for these public purposes.

Let us see how this principle will apply in respect of this very bill. How is it that all these hundreds and thousands of items are in this bill at all? Is it because any committee of the Senate of the United States has investigated each case by an inspection, and determined, as we do, in respect of claims and other objects upon which we legislate, that a particular provision is fit? Not by any means. These items are in this bill because, and only because, in the specific and detailed sense that an Executive Department of the Government, through its proper officers has estimated and examined and is presumed to believe and recommend that appropriations should be made.

This bill rests for its entire foundation, leaving out certain great arteries of communication that everybody can understand, like that mighty river that flows in the valley beyond the Alleghanies, and some others,—every item of it rests upon the discretion of an Executive Department, and that discretion is appealed to as the final cause for any appropriation at all! Yet Senators say it will not do to trust to the discretion of a Department upon whose discretion alone we are asked to act at all. That is the logic of the performance. I submit, Mr. President, with some confidence, that there is a fault in that species of logic.

The PRESIDING OFFICER. (Mr. MORRILL in the chair.) It becomes the duty of the Chair to remind the Senator that his time is up.

Mr. EDMUNDS. Then it becomes my duty, Mr. President, to move to indefinitely postpone the bill.

The PRESIDING OFFICER. The Senator from Vermont moves to indefinitely postpone the bill.

Mr. EDMUNDS. That question is debatable.

Mr. SPENCER. The Senator moves to indefinitely postpone his own amendment.

Mr. EDMUNDS. I move to indefinitely postpone the bill, and I will proceed, with the permission of my honorable friend. I have not any present expectation that the toil of the people of the United States that is expended in taxation and that bears taxation shall be made to suffer in this time of public distress and deficiency in the Treasury, without whatever can be justly said in appealing to the good sense of Senators being said, so far as I am concerned; and therefore I feel perfectly justified even in these last hours of the session, as it is said, in making this motion. Now I will go on.

I was saying, Mr. President, that the whole of this bill rests upon discretion; and therefore I think I can safely appeal to Senators, to the honorable Senator from Alabama, who does me the honor to listen, that there is no danger in appealing to this discretion of the Executive Department as to the best and most economical distribution of this money. I think that is demonstrated; and I will add, although I believe I said it before, the people who are to bear these expenses will wish to know from those who vote to pay them upon what principle it is that we proceed. They will wish to know upon what principle it is that the Congress of the United States takes the toil of the people and devotes it to local objects when in no single State or Territory of the Union is the product of the toil of the people devoted to local objects. A State appropriates money from its treasury to build a canal, two canals, three canals, four canals if you please, but it does not provide, nor do any of the people of the State feel that there would be any justice in providing, that a canal should be carried into every county and to every farmer's door whose tax pays for it. All public force of organized political societies rests upon the philosophy that such organizations are a concentration of public treasure and of public effort to be applied for the general benefit in some particular channel. Political organization is designed to concentrate the forces of society and not to diffuse the labors of the people by taxing everybody in order to distribute to everybody in the personal sense or to every neighborhood. You might just as well say that light, a beautiful subject which will produce fire if it be concentrated, that will light the fires of the steam-engine and carry on the forces of society in the industrial arts, would be far better if you ground your lens the other way so as to distribute the light in order that everybody might have his hundred-thousandth share of it.

Mr. President, that is not a sound argument in my opinion. No State, no county, no township, ever taxes itself in order that there may be brought to every man's door a highway or a school-house or a canal or any other of the objects for which society is formed. The general good is only produced (and that is the only object of taxing at all) by concentrating the general forces of society in order that particular channels of communication, applying it as I will now to these subjects, may be made in central and convenient ways for the good of the whole. All that goes beyond that is local, it is personal, and therefore in every just political sense it is unjust, and it is tyranny to tax people for such objects.

The theory of Senators who have maintained the contrary propo-

sition, as I understood my honorable friend from North Carolina [Mr. RANSOM] to do, would be that if Congress were to appropriate, as it has appropriated, vast treasures in order to build one, or two, or three great railway highways across a continent for national purposes, it would be bound by the principle to aid every railway in every State in this Union, and to provide for building more in every part of every State wherever any little community desired it.

Mr. RANSOM. I know my friend from Vermont will allow me to say a word.

Mr. EDMUNDS. With pleasure.

Mr. RANSOM. To adopt the beautiful illustration of the Senator from Vermont about light that we all see every day, I would have the benefit of this Government, its protection, as diffused as the light. I would have it everywhere, upon every soul beneath it. I would not have that light concentrated to shine upon one part of the people and not upon the other part. I know I cannot have it thoroughly diffused; I know I cannot have a railroad or a canal at every man's door, but I would have it as near by as possible. I beg pardon of the Senator for interrupting him.

Mr. EDMUNDS. I thank my friend rather for it. Even agreeing with the honorable Senator from North Carolina that those benefits of Government that can be diffused should be, impartial justice may rest with equal beams upon every hamlet, upon every cot, and every household, that like the light they may be everywhere, without undue preference or tyrannous taxation; but when you come to the material forces of the world in society and in States the common objects cannot be attained, they will be destroyed, by diffusing this concentrated effort which is to build up great highways for the common good, and saying you shall have a highway everywhere.

Mr. RANSOM. Then, if my friend from Vermont will pardon me, he declares that the operation of all government in material benefits must be unequal.

Mr. EDMUNDS. No, Mr. President, I do not declare that. I declare exactly the reverse. I say that the expenditure of the treasure of the State of New York for that great canal to which the honorable Senator has referred, was not an unequal expenditure, but that in the highest sense, as far as it is possible as this world is organized, it was a benefit that penetrated like the circulation of the blood to the remotest hamlet of that State, although the honorable Senator agrees with me that that canal could not have branched to every hamlet of that State. That is just the principle to apply to this bill. Here is the State of North Carolina wherein the provisions of this bill go in the direction, they are far from reaching it, of spreading out the money of the people of all the States to reach every hamlet; and in the State of Vermont it is just the same. I am not complaining that the State of Vermont has not got her share, far from it; but I say, Mr. President, and I appeal with some confidence to the good sense of Senators who are responsible as the taxing and the expending power of this country, that there is danger that we mistake our mission and go too far. I say that while it is just and right that the great objects of consolidating the national unity, of building great highways of commerce wherever they are necessary for the great objects of commerce, will justify expenditures for pushing across from the southern gulf to the Pacific coast another line of railway, just as we have done in the central portions of the Union, it does not follow from that, but the reverse, that across every parallel and across every mile, because there are inhabitants and citizens who pay taxes, we are also to build railways. It does not follow, I submit to the Senator from North Carolina. It would break down the very beneficial objects for which the Government was formed and would destroy and waste entirely the burdens that we impose upon the people to raise the money for it.

I say this with great confidence, when I appeal to the Senators who have been most urgent in pressing this bill upon our consideration. I say it with the hope and with the belief that not many years will go by before they will see it, as I think I do clearly, and that this distinction being understood will be followed.

Now, Mr. President, where does this money come from? It comes, as I have said, from the toil of the people, and we, as responsible trustees of the fund that they have put into our hands to devote to national and beneficial objects, are responsible that we shall spend it wisely and upon the principles that I have stated.

What is our present condition? Is it wise and fit that we should spend anything now? Is there a great public emergency that requires that new channels shall be opened? Is there any great public emergency that requires that new rivers shall be deepened? Everybody will say no. Here have been fifty years of commercial prosperity, of growth, with the rivers not in so good a condition as they are now, because we have spent eight millions within a year to make them better. So I submit to Senators who are in favor of this bill, that if there be any one case in which we may pause and preserve this money that has been intrusted to us, without great injury to the public interests, it is exactly this case. The farmer in the hill country in which I live, in a time of distress and hardship, although he may need a new house or a new barn or a new fence, gets on with the old one and patches it up. He says to himself "Providence with rain and sunshine and with the tillage that I can make will raise the corn and the tobacco; and the fence and the new house and the new carriage can wait until the mortgage that rests upon my farm can be paid off." Can we not say so as a nation? Can anybody say that

this nation will go backward for the want of these appropriations for this year? Nobody can. However good every one of them may be, I say they can wait beyond the point of preserving and keeping in repair what has been done.

Mr. President, if that be true, and the state of the Treasury is such as it confessedly I believe is, that if we go on with all the objects of appropriation which have been passed through the two Houses and are now depending between them upon matters of difference in details are, the result will be to leave us in a state of deficiency, and the money of the people, which must be spent for the objects of carrying on the Government and preserving its honor and paying its debts, is all to be exhausted, where is the money to come from that is to pay this seven or eight million dollars for the improvement of rivers and harbors which can be done without? It must come either from loans or from greater taxation, although at this present session we have reduced taxation upon objects of luxury and upon the ground that the country could afford to do it, I presume. Where, then, is it to come from? Are we to increase the debt of this over-indebted and tax-ridden people for these objects, that can be got on without as we have got on without them? I should hope not.

So, then, Mr. President, because I do not wish to delay the disposition of this bill by a long talk, I appeal to Senators themselves who have been in favor of every one of these provisions of this bill, whether it is not wise and just under the existing condition of affairs to exercise a duty of economy here and provide for this one year just that small sum of money, and the smallest possible sum, that will enable the officers of the Government to keep in repair what has been accomplished, and wait for better and more prosperous times for these more beneficent and benevolent and diffusive objects that are contained in it.

Mr. RANSOM. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina speak on the motion to postpone indefinitely?

Mr. RANSOM. Yes, sir; I shall detain the Senate but a few moments.

The Senator from Vermont [Mr. EDMUNDS] has stated the general proposition with so much force that I think some one ought to say a word in reply to him, for as he states his theory it appears at least attractive, and might appear very strong if left unanswered. But, Mr. President, I believe, and I state it not inadvertently, I state it after some thought upon the question, that an examination of the river and harbor improvements in this country made since the adoption of the system will show in almost every instance, will certainly demonstrate as a rule, that great benefit has accrued to the localities in which those improvements have been made and to the general public good from the system. I think it would be very safe to say that should I take up the engineer's reports of all the improvements made in the last twenty years, and examine the reports of the chambers of commerce of the different cities affected and interested, I should find that the country had been more than forty times repaid in the general improvement and in the special development of localities by the money which it had expended in this way. This is the evidence of all the statistics.

When it is admitted by the Senator from Vermont and the Senator from New York that the expenditure of money upon large improvements is a great benefit to the country, upon what ground can it be disputed that a like proportion of money appropriated to smaller improvements is in like proportion beneficial? If a million dollars given to the harbor at New York benefits the commerce of the country, does not \$5,000 given to a small stream in North Carolina improve its commerce in the same proportion?

But, Mr. President, I shall seek a nearer approach to the Senator from Vermont, for his argument deserves very great consideration. It impressed me very much while he was delivering it. I was almost inclined, at one time, to assent to it; but I should like to ask the Senator if, at any time in the history of this country, when the fact is before us every day, that every product of the soil, every fabric of the loom, every result of the anvil, every creation of every industry in this country is increased and multiplied, a hundred-fold. I ask the Senator representing a large share of the people of our country, if this is a time to reduce the appropriation for the improvement of our great water lines? Is it opportune when your wheat crop increases by thousands of millions, when your corn crop and your meat crop increases in like manner, when your cotton crop increases each year by a half million bales? Is this a time to cripple the means of transportation of these products to market? I submit to the Senator, for he has a history on that question, if it is right, when the country confronts almost helplessly, certainly with trepidation, giant railroad monopolies, I ask if it is the time when you should give those giants new strength by crippling and curtailing the natural water-ways of the land? Sir, we invite the world to come here. Almost every act of this Congress, and of all its predecessors, has stimulated our people to industry, to wonderful enterprise and vigor. We inspire our people with these great motives and purposes of improvement, and then turn and say to them, "Your work shall be in vain; make your corn, make your wheat, make your cotton, and get them to market as you can."

The PRESIDING OFFICER. (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. On that I ask for the yeas and nays. I withdraw the motion for indefinite postponement.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE.] I am not sufficiently assured how he would vote to venture to vote on this amendment.

Mr. EDMUNDS, (after having voted in the affirmative.) That reminds me that I am paired with the Senator from Minnesota [Mr. McMILLAN] upon this bill. I do not know how he would vote on this amendment, but I think I ought to withdraw my vote. I voted without thinking.

The PRESIDING OFFICER. The Senator's name will be withdrawn.

The roll-call was concluded.

Mr. COCKRELL. The Senator from Virginia [Mr. WITHERS] was called away by the sickness of his daughter, and he is paired on political questions with the Senator from Kansas, [Mr. INGALLS.] I do not know how the Senator from Kansas [Mr. INGALLS] would vote on this question. The Senator from Indiana [Mr. McDONALD] is paired with the Senator from Maine, [Mr. HAMLIN.]

Mr. WADLEIGH. I am paired with the Senator from North Carolina, [Mr. MERRIMON], who went away from the Chamber sick. If he were here, I should vote "yea."

Mr. HARRIS. I was requested by the Senator from Georgia [Mr. GORDON] to state that he was paired with the Senator from Massachusetts, [Mr. DAWES.] I do not know how either Senator would vote if present, but I was requested to announce the pair.

The result was announced—yeas 15, nays 35; as follows:

YEAS—15.

Anthony,	Conkling,	Kernan,	Morrill,
Bayard,	Davis of Illinois,	Kirkwood,	Tollins,
Booth,	Eaton,	McPherson,	Saulsbury,
Chandler,	Jones of Nevada,	Matthews,	

NAYS—35.

Bailey,	Conover,	Howe,	Patterson,
Barnum,	Davis of W. Va.,	Kellogg,	Ransom,
Bruce,	Dennis,	Lamar,	Sanders,
Burnside,	Dorsey,	McCreery,	Shields,
Butler,	Eustis,	Maxey,	Spencer,
Cameron of Pa.,	Ferry,	Mitchell,	Teller,
Cameron of Wis.,	Garland,	Morgan,	Wallace,
Cockrell,	Harris,	Oglesby,	Windom,
Coke,	Hereford,	Paddock,	

ABSENT—26.

Allison,	Grover,	McDonald,	Thurman,
Beck,	Hamlin,	McMillan,	Voorhees,
Blaine,	Hill,	Merrimon,	Wadleigh,
Chaffee,	Hoar,	Plumb,	Whyte,
Dawes,	Ingalls,	Randolph,	Withers,
Edmunds,	Johnston,	Sargent,	
Gordon,	Jones of Florida,	Sharon,	

So the amendment was rejected.

Mr. EDMUNDS. I now move to strike out all after the enacting clause to and including the third section, which will leave the provision about the Arkansas bridge and the jetties still in the bill, and to insert the following, which is the same amendment I proposed before except that it reads that the sum of \$5,000,000 may be expended, which will save three million to the Treasury, and it will make what is called a very liberal allowance for these objects for this year. I wish to test the sense of the Senate upon that.

The SECRETARY. The words proposed to be inserted read as follows:

That the sum of \$5,000,000 is hereby appropriated for the fiscal year ending June 30, 1880, to be expended for the repair, extension, preservation, and completion of works for the improvement of rivers and harbors under the direction of the Secretary of War: *Provided*, That the Secretary of War is hereby authorized to cause such expenditure to be made so as best to subserve the interests of commerce; but he is required to report to Congress at the opening of its December session the expenditures made under the provisions of this act up to that time in detail.

Mr. BAYARD. May I ask the honorable Senator who offers this amendment whether there is any difference between the amendment now offered and the one which has just been voted upon, except the amount?

Mr. EDMUNDS. It is the same thing precisely except the amount. The amount in this case is five million, which makes a saving of three million from the bill as it stands.

Mr. BAYARD. I shall not vote for the five million, but I did vote for the two, because on the one hand was a bill representing a most ill-advised, unadjusted, unmeasured appropriation which I disapproved of; I believed the amount excessive; I thought it extravagant; and therefore I did not propose to give my vote for it, and when economy was proposed to be exercised by the amendment of the honorable Senator from Vermont and substitute a moderate sum to be expended in well-known public improvements national in their character, I was willing to vote for that. But I object to both the amendments in one principle, and that is that they give money to a single officer of the executive branch of the Government to be expended in his discretion. They both are open to that criticism; and this but increases the danger that I think even the first amendment was open to. I shall therefore vote against this because I consider it an amount to be intrusted to the unlimited expenditure of a single officer.

Mr. EATON. I cannot vote for this amendment of the Senator

from Vermont, for it seems to acknowledge a principle which I utterly disavow. I could vote, and did vote, for the first amendment offered by the honorable Senator from Vermont, as I would have voted if it had been one million plus three. Five I cannot vote for, because if I should I would seem to adopt that same line of thought that my honorable friend from North Carolina [Mr. RANSOM] has suggested here to-night, that this is a parental and paternal Government, and that it may take any amount of money off the people, from \$1,000,000 to \$20,000,000, to scatter it broadcast all over the Union. This amount of \$5,000,000 is so large that I cannot consent to vote for it, because I should seem to be giving assent to a principle that I utterly abhor and detest, which I will not do. In no sense, in my judgment, is this a paternal Government. I have not forgotten the lessons that were taught by Jackson of Tennessee and Calhoun of South Carolina, and other men of a past day. We stand to-day where they stood fifty years ago. I do not intend to abandon that ground. Whatever is of a national character may be attended to; when the harbor of Norfolk requires a million of dollars, or the harbor of my good friend from South Carolina, at Charleston, requires half a million of dollars, or New York a million of dollars, or five million to open that great inland sea, the Mississippi River, I stand by that because it is in the interest of national commerce. That is right; that is just. The little State that I have the honor in part to represent on this floor has a few things in this bill; but if there be one there, one single one, that cannot find its application and its nature in a national commerce, I beg that it may be stricken off. I am happy to say that five hundred of the people of my good State within the last thirty days have authorized me to present a memorial begging the Congress of the United States not to squander upon the Connecticut River above Hartford twenty, or thirty, or forty thousand dollars; neither would I consent to squander the money of my people in the little creeks and rivers that I have heard mentioned here, and I know are in the bill. When my good friend from North Carolina presents to my consideration in his State or estuary an arm of the sea, and it requires to be opened for the navigation of the shipping of the world, he will get my vote for any amount that may be necessary. Further than that, I cannot and will not go. There has not yet been established the system that has been spoken of. There will be established within the coming few years a system of some kind, or else the money of the people will be taken from them until taxation has made beggars of our people.

The PRESIDING OFFICER, (Mr. MORRILL in the chair.) The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was rejected.

Mr. MATTHEWS. I offer the following amendment, Mr. President, to come in at the end of the third section:

That the Secretary of War may omit to make any of the expenditures provided for in the foregoing section of this act whenever it shall appear to him that the public interest does not require the same during the fiscal year named herein, and said expenditures shall be limited to such sums as in the opinion of the Secretary of the Treasury can be provided without exceeding the amount of money in the Treasury applicable thereto.

Mr. President, there are two propositions contained in this amendment. The first is one which authorizes the Secretary of War to select from among the works authorized by the bill, and for which appropriations are to be made, those which it appears to him the public interest requires to be accomplished during the fiscal year for which the appropriation is made; or, to state it as it is stated in the amendment conversely, authorizes him to omit the prosecution of any one or more of the works authorized by the bill whenever it shall appear to him that the public interest does not require the same to be completed during the fiscal year. That is the first proposition. The second is, that the gross amount of expenditure actually to be made within the year under the bill, without reference to the sums appropriated, shall be limited to the amount of money on hand in the Treasury applicable thereto, so that there shall be no deficiency created by the expenditures under the bill. And I trust, Mr. President, that every Senator who is in favor of a just and liberal system of national improvement for the benefit of our external and internal commerce will see the propriety and wisdom of these limitations.

The Senator from Alabama [Mr. MORGAN] took occasion to state a doctrine in which I agree, and in reference to which he suggested the necessity and expediency of a constitutional amendment, one which would enable the Executive in his approval or disapproval of the bill to do so in part, which is exactly what is proposed by this amendment by lodging that discretion under this bill in the Secretary of War. I agree with the Senator from Vermont [Mr. EDMUNDS] in his construction of the language of the bill without that amendment, which denies to the Secretary any such constructions.

Allusion has been made to a contrary interpretation put upon a previous river and harbor improvement bill by a President of the United States, which is, no doubt, fresh in the recollection of Senators. President Grant, in his message to the House of Representatives, affixing his signature to the river and harbor appropriation bill in 1876, added his reasons for not vetoing but giving his assent to it, upon the ground that it was not "obligatory upon the Executive to expend all the money appropriated by Congress;" otherwise he said he "should return the river and harbor bill with" his objections. And the reasons of his objection to parts of the bill were that "many

of the appropriations were made for works of purely a private or local interest, in no sense national." He said:

I cannot give my sanction to these, and will take care that, during my term of office, no public money shall be expended upon them.

He added:

There is very great necessity for economy of expenditures at this time, growing out of the loss of revenue likely to arise from a deficiency of appropriations to insure a thorough collection of the same.

His course in this particular was very much criticised and censured, and at the next session of Congress a resolution of the House was passed inquiring into the expenditure of moneys under that act, and he communicated an answer from the Secretary of War, now an honored Senator on this floor, in which the reasons were given for not expending the entire amount of money allotted to each item, in which this language occurred:

In reply, I would suggest that the law and authority are found in the act itself—

That is the law and authority under which the limitations upon these expenditures by the Executive were placed—

which appropriates certain sums to be expended for certain purposes, under the direction of the Secretary of War, but is in no way mandatory upon him to expend the full amount; and a moment's reflection will show that it is not feasible to so limit his discretion, since change of plan—

The PRESIDING OFFICER. The Senator has spoken five minutes.

Mr. CONKLING. I move that the Senator be allowed to conclude his remarks.

The PRESIDING OFFICER. Is unanimous consent given that the Senator from Ohio shall proceed with his remarks? The Chair hears no objection.

Mr. MATTHEWS. I continue the reading:

and a moment's reflection will show that it is not feasible to so limit his discretion, since change of plan, decrease of cost of material and labor, or any one of many other contingencies might leave a portion of the appropriation unexpended. There are now three or four such credits in the Treasury, where they have remained for several years, and one or two cases in which appropriations for specific improvements have never been drawn upon at all. The executive officer who is charged with these expenditures is bound by his regard for the interests of the public service, but his discretion is not limited by any express provision of law.

The exercise of this discretion in the present instance has been influenced by the condition of the Treasury and the nature of the appropriations for other public works of quite as much importance as the river and harbor improvements. With the appropriations for the public buildings imperatively required by the War and other Departments of the Government reduced to less than half of the average appropriations for the past five years, it was considered that economy required a similar reduction in the expenditures for the current year upon works for the benefit of commerce and other interests of remote advantage to Government; and with an estimated deficiency in the surplus revenue of \$7,000,000, and every Executive Department reduced to its very minimum working force, (and in some cases below that necessary for the transaction of business,) it was determined to reduce the expenditures in that branch which could best stand the reduction, and where the least reduction had been made in the appropriations.

It should be borne in mind that these appropriations are of the character of "indefinite appropriations," i. e., they do not lapse into the Treasury if unexpended at the end of two years. Under existing laws they are at any time available for the objects designated, upon the warrant of the Secretary of War; and should the anticipations concerning the revenue prove to be unfounded, or a purpose be indicated of liberally supporting the public works of all kinds throughout the country, it may then be deemed advisable to allot a further portion, or all of the appropriation. If, however, it had been allotted at present, and contracts had been entered into, there would have been no means of preventing the expenditure.

In conclusion, I submit, with all respect, that while the Legislature, with the approval of the Executive, appropriates the money and specifies the purposes for which it is given, the Executive Departments of the Government are always held responsible for the expenditures, not only as to the manner, but the amount of them; and that they violate no law if they keep the expenditures within the amount appropriated, and apply them to the purpose for which they are redesignated.

I have the honor to be, with great respect, your obedient servant,

J. D. CAMERON,
Secretary of War.

To remove any doubt that may exist in respect to this discretion in the Executive arising upon the use of the language contained in the present bill I have offered the amendment, so far as the first proposition is concerned, in order that it may be expressly notified by Congress to the Executive Department that it is not expected by Congress because of the appropriation merely that the money shall be spent, provided it shall appear that there is no public necessity which actually requires the expenditure of the money during the ensuing fiscal year.

And I think, Mr. President, that the proposition is not open to the objection made by Senators in reference to the last amendment of the Senator from Vermont, which appropriated in gross the sum of \$5,000,000, allowing the Secretary of War the utmost latitude of discretion in respect to the selection of the objects to which that money should be applied, because under this provision all the objects to which any portion of the money is applicable are specified in the bill, in the law if it becomes such, and the only discretion is in omitting the expenditure of certain of the moneys otherwise liable, when it shall appear to the Secretary of War that there is no pressing and immediate necessity that makes such expenditure actually necessary. He cannot vary the purpose of an appropriation; he cannot take from one and apply to another; he may apply to some and not to all; but if he does not apply the appropriations to all, then that portion of the money applicable to those omitted expenditures remains in the Treasury unexpended.

Thus it seems to me, Mr. President, that while it does give some discretion and latitude in the exercise of it to the Executive, it does not give more than has been claimed to exist without it, and it does

not give it without confining it by the terms of the act itself to the specific objects of the appropriation.

Now, the second proposition in the amendment certainly furnishes a sufficient justification for this limitation in the discretion of the Executive upon the expenditures actually to be made, for it is based on the supposition that without it a deficiency may arise. And now, Mr. President, are we, is the legislative body which represents this nation, about, not only to authorize, but actually to require, to demand, to insist upon an expenditure said to amount to as large a sum as \$9,000,000 in the face of the supposition and expectation that we shall create a debt; that that will be an expenditure of money merely in anticipation of revenue and not in actual disbursement of revenue, without furnishing any means of raising the money; without levying any additional tax; without providing for the sale of any securities; without making any provision whatever to meet this expenditure thus made imperative upon the Executive?

In the ordinary conduct of private business, it is the instinct and the habit of the merest and most common prudence not to spend money until the money has been earned, and the great evil and curse of the day which has brought about the distress that is so universal and so keen and cutting is the disregard of that ordinary and common dictate of prudence. It has not only affected the happiness of individual and family life; it has bankrupted municipalities and dishonored States, who are to-day, by reason of the haste with which they have contracted obligations which they are unable to meet, refusing with deliberation to compromise with their creditors at the rate of fifty cents on the dollar; and great and once prosperous and flourishing cities have sought in a sort of legal suicide, by a surrender of their corporate existence, to avoid and escape from their creditors, and thus go into bankruptcy in order to avoid the payment of debts incurred thoughtlessly and recklessly.

Now, Mr. President, as yet the nation, its honor and its credit, are unstained, unspotted, and unsuspected. But how long will it be so if we continue to reduce taxes and increase expenditures and to lavish appropriations without the means of meeting them? Certainly, I am not a member of that school of strict construction which would prevent even the application of paternal as a description, in some of its aspects, of our National Government. On the contrary, I believe, and always have believed, that our Federal Government was a national government, that it secured national rights and national interests, and that its protection, its jurisdiction, its fostering care, its continual and lively guardianship, ought to be manifested over the whole area of its jurisdiction, both as to rights and interests; and I have never been backward in consenting to vote in favor, not only of just, but liberal, and even generous, appropriations of the national treasure to every legitimate and national interest, and I never shall. But it does not follow that we can at one stroke, in one act of legislation, in one bill, by one set of appropriations, accomplish all that in this direction is to be desired. We must make haste slowly; we must not anticipate too hastily and rapidly the future. We must cut our garment according to our cloth. We must contract our necessities so that they shall not be larger than our means. And without attacking in its character a single one of the appropriations made in this bill, it by no means follows that they all ought to be provided for at one time and during one year. Certainly, in my judgment, beyond all question, if we cannot do it without incurring a debt, without creating a deficiency, without going beyond the amount of money provided by actual taxes and in the Treasury applicable for that purpose, then I say that by every consideration of wisdom and of prudence we ought to stop and cry a halt and wait until next year for some and the succeeding year for others, and so husband our resources as well as develop all the other interests of the country.

It is in this spirit, Mr. President, it is for this purpose, that I have offered in good faith the amendment which I have had the honor to submit, and I trust that those who are in favor, as evidently a great majority of the Senate is in favor, of a wise and not an unwise system of national expenditure for national improvements will see that the system itself is not discredited by the overzeal of its friends.

Mr. BAYARD. Mr. President, I am compelled wholly to dissent from the doctrine contained in the proposition of the honorable Senator from Ohio, [Mr. MATTHEWS,] because it seems to me that he proposes nothing less than a delegation of the legislative discretion which it is not in our power to bestow upon any other branch of this Government. I dissent wholly from the idea that the President of the United States or any branch of the executive government can execute or suspend laws at will, can execute or suspend parts of an appropriation or a law at will. The President of the United States has his powers and his prerogatives, none of which I would invade, all of which I would preserve; but I deny that after he has exercised his power either of giving his assent to a bill or vetoing it, he has any discretion whatever as to whether that law shall be executed according to its terms, or not. I know that under a false and specious plea of economy it was proposed in the late administration that after Congress had passed an act and the President had signed it, he should then convey to one of his Cabinet officers or the Chief Engineer the discretion whether this law should be executed or not. From that proposition I wholly and utterly dissent. This is the place where the discretion is to be exercised, Congress is the body in whom the Constitution reposes the discretion as to what shall be law and what shall not be law; and when the President exercising his func-

tions has appended his signature to a law and it has become therefore approved according to the forms of the Constitution, I deny his power to suspend it in his discretion, or to confer that power upon any member of his Cabinet or upon any branch of the executive service. That is why I shall oppose this amendment of the honorable Senator from Ohio. It contains a proposition far more dangerous than the mere expenditure of money unwisely. It proposes to delegate a discretion which Congress cannot delegate. The responsibility for exercising that discretion wisely rests on us. We cannot shake it from our shoulders by handing it over to another branch of the Government. No, sir; for better or for worse we legislate. The President has it in his power to refuse his assent or he has it in his power to approve the act which we have passed; but when it becomes the law, he is as much bound by it as the humblest man in the country or any one who voted for it; and for that reason I will not agree that legislative discretion shall be transferred or attempted to be transferred to a member of the Cabinet.

Mr. HOWE. Mr. President, I tried my best to avoid saying one word in this debate. I have utterly failed. I am bound to say a word; but I shall not move to indefinitely postpone this bill to give me the opportunity of saying what I propose to say. The things I shall say I shall say within the existing rule and upon the pending amendment, and when the time allotted me under the existing rule expires, I shall take my seat, leaving a great many things unsaid which I should be glad to say.

Mr. President, the Senator from Delaware, I think, has assigned an excellent reason why he cannot support the pending amendment; but it is not the reason I should assign; it is not the reason which will guide me. I shall vote against that amendment as I voted against the two amendments previously offered by the Senator from Vermont, because I am unwilling, after this Senate has spent days in deliberating upon distinct propositions, upon distinct appropriations, to wind up the whole labor by spreading upon your statute-book the plain declaration that we found in the end we were cheats and frauds and not to be trusted with the appropriation of public funds, and therefore we would call upon the intervention of an executive officer to correct our rascalities. That is the reason why I shall not vote for this amendment.

Mr. President, I hear a great deal said about the enormous sum demanded by this bill to improve the channels of internal or external commerce. The sum is stated at seven million, at eight million—I believe the best accountant on the floor has gone as high as nine millions—to be expended throughout this broad continent in opening new thoroughfares, new water-ways for your enormous commerce, and in improving those already existing. Is there a Senator on this floor ready to hesitate in view of that enormous expenditure? Why, sir, 10 per cent. of the face of this bill the Senate has voted to-night, if the Senator from West Virginia or the Senator from Kentucky is to be believed, not because it is called for by any expenditures ever made or ever to be made on works of internal improvement, but because it was demanded by improvident contracts of a single citizen of the United States with his creditors; and who winces at that? Not the Senate. Sir, we trampled upon the standing laws which guide the debates of the Senate in order to make welcome that objectionable provision of the bill. Eight millions are to be expended. Why, Mr. President, only a few nights since this Senate voted, by how large a majority I do not remember, but voted on the double-quick for a measure which would annually take from your Treasury, if it became a law, a sum vastly in excess of that which is appropriated by this bill, and put into the pockets of a very small fraction of the people of the United States, monthly salaries—and for what? Because during the life-time of all of us, and the youngest of us, but a very few years since, they volunteered for salaries prescribed by existing laws.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The time of the Senator from Wisconsin has expired.

Mr. CONKLING. I hope the Senator will be permitted to go on.

Mr. HOWE. I stand by my contracts if I am the only man that does. I will sit down.

The PRESIDING OFFICER. Is there objection to the Senator from Wisconsin proceeding as the Senator from New York asks? The Chair hears no objection.

Mr. HOWE. Well, Mr. President, I will finish what I was about to say, then, by the courtesy of the Senate. I have kept my contract by sitting down. I did not agree not to get up again if the Senate invited me. [Laughter.]

Those men volunteered for salaries prescribed by law, which salaries were paid. Some of them were small, I admit, and others were large in proportion to the services rendered. Who winced at that? Who heard anything about the necessities of the tax-payers of the country when that proposition went whistling through the Senate? I heard nothing of it. Sir, there is in the Treasury to-day a sum larger than the largest sum named as the appropriation in this bill, and there is on your table another measure which, when the Senate can get at it, will distribute every dollar of that nine or nine and a half million dollars among a small fraction of the people of the United States, some citizens, some natural persons, some artificial persons, and no one of them in my judgment who will take under that bill has in equity, has in strict justice a clearer right to any one dollar of the thousands he will pocket, than every single citizen of the United States has to

his distributive share of this expenditure. You are husbanding the fund to-day in order to make a distribution of it.

So long as you can deal with specific funds in that prodigal way, I beg to be spared this repeated iteration, this reiteration of the suggestion that the tax-paying capacities of the people of the United States are to be crushed down by the appropriation of the pittance of \$5,000,000 to cheapen the carriage of the immense commerce of this country.

Mr. CONKLING. Mr. President, the amendment now pending has two distinct and substantive branches. I shall ask at the proper time a division of the question that we may vote separately, although for myself I shall vote in favor of each branch.

I wish at this moment to direct a word to the latter branch of this amendment in reply somewhat to observations which fell from the honorable Senator from Delaware, [Mr. BAYARD.] I have no difficulty in voting for the discretion, as it is called, implied by the latter branch of the amendment. What is that discretion, or more exactly speaking the condition on which the amendment hinges? It is, if I heard it aright, that these appropriations shall be applied so far and only so far as in the public Treasury may be found the moneys the expenditure of which is ordered. The honorable Senator finds in that a dangerous recognition of a theory which he condemns, and he says we have no power to delegate either to the President or to any subordinate, at his discretion to execute or fail to execute an act of Congress. Stated even so broadly, many judgments of the Supreme Court confront the honorable Senator. In many instances, in the embargo case, for example, the Supreme Court held that it was competent to make, not the measure of the execution of an act of Congress merely, not some part or particular of that act, but the entire act itself hinge and depend on a determination to be made by the President. To state it otherwise, the law-making power enacted that the act should not speak at all, it should be utterly mute, it should remain wholly inoperative until the Executive by an act of his judgment gave it vitality, and issued a proclamation so stating. But the amendment of the Senator from Ohio involves no such fundamental condition. He says that when this section of the bill, for example, comes to be executed:

The Secretary of War is hereby directed, at his discretion—

I emphasize the word—

at his discretion, to cause examination or surveys, or both, * * * to be made.

Some force and effect shall be given to the fact, if it be a fact, at the time that there are no moneys wherewithal to cause these surveys to be made. The Senator from Ohio proposes as to various other of the directions of the bill, that their execution shall wait in time and wait in fact upon the circumstance that there shall or shall not be the means here appropriated. Is that a dangerous discretion? It is a very honest discretion, as the Senator from Ohio has argued. Is it dangerous? Then I hope every Senator who so holds will vote to strike out the second section of this bill, for there committed to the unbridled discretion of a subordinate officer is the whole question whether all, or some, or none of this great list of surveys, mortgaging as they do the public Treasury for untold sums in the future, shall or shall not be made.

I think, Mr. President, that if we are to entertain and approve a provision which on its face confers such unlimited discretion, we need not shrink or pale at saying also it shall depend upon whether of the moneys which have been taken from the tax-payers of the country enough shall remain to carry out all these plans and enterprises.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. CONKLING. Then I will not ask to have it extended.

Mr. GARLAND. I ask unanimous consent that the time of the Senator from New York may be extended if he desires.

Mr. CONKLING. No, sir, I do not wish it.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the Senator from New York have leave to proceed.

Mr. CONKLING. I do not ask it, though I thank the Senator. I do not wish to trench on the rule.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. CONKLING. Now, I ask a division of the question.

The PRESIDING OFFICER. The Senator will indicate at what point he would like the division.

Mr. CONKLING. I think we may vote first on the proposition to allow the Secretary of War either wholly in a given case or *pro tanto* in a given case to withhold the appropriation.

Mr. BAYARD. Let the amendment be reported before it is acted on.

The PRESIDING OFFICER. The amendment will be reported entire and then the Chair will state where the division is understood to come in.

The Secretary read the amendment of Mr. MATTHEWS.

The PRESIDING OFFICER. The Senator from New York demands a division of the question, which, if the Chair correctly understands him, is to take the question first upon this clause in the amendment:

That the Secretary of War may omit to make any of the expenditures provided for in the foregoing sections of this act whenever it shall appear to him that the public interest does not require the same during the fiscal year named herein.

Mr. CONKLING. Yes, sir.

The PRESIDING OFFICER. The Chair thinks the question is susceptible of a division and will put the question first on the first branch of the amendment which the Chair has just read.

Mr. MATTHEWS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

The PRESIDING OFFICER, (when the name of Mr. EDMUNDS was called.) The Chair is authorized to state that the Senator from Vermont [Mr. EDMUNDS] is paired with the Senator from Minnesota, [Mr. McMILLAN.] The Senator from Vermont would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. HOAR, (when his name was called.) I deem myself bound by my pair with the Senator from Maryland [Mr. WHYTE] to withhold my vote. I do not know how he would vote on this amendment. I should vote for the amendment if I felt at liberty to vote.

The roll-call was concluded.

Mr. DAWES, (after having voted in the affirmative.) I am paired on certain questions with the Senator from Georgia, [Mr. GORDON.] I do not know how he would vote upon this question; I therefore withdraw my vote.

Mr. WADLEIGH. I am paired on this question with the Senator from North Carolina, [Mr. MERRIMON.]

Mr. GARLAND. The Senator from Indiana [Mr. VOORHEES] was called from the Chamber some hours ago on account of illness.

The roll-call having been concluded the result was announced—yeas 13, nays 32; as follows:

YEAS—13.

Anthony,
Blaine,
Booth,
Burnside,

Cameron of Pa.,
Conkling,
Conover,

Kirkwood,
Matthews,
Morgan,

Morrill,
Rollins,
Teller.

NAYS—32.

Bailey,
Barnum,
Bayard,
Beck,
Butler,
Cameron of Wis.,
Cockrell,
Coke,

Davis of Illinois,
Dennis,
Eaton,
Eustis,
Ferry,
Garland,
Harris,
Hereford,

Howe,
Jones of Nevada,
Kernan,
Lamar,
McCreery,
McPherson,
Maxey,
Mitchell,

Paddock,
Plumb,
Ransom,
Saulsbury,
Saunders,
Shields,
Spencer,
Windom.

ABSENT—31.

Allison,
Bruce,
Chaffee,
Chandler,
Davis of W. Va.,
Dawes,
Dorsey,
Edmunds,

Gordon,
Grover,
Hamlin,
Hill,
Hoar,
Ingalls,
Johnston,
Jones of Florida,

Kellogg,
McDonald,
McMillan,
Merrimon,
Oglesby,
Patterson,
Randolph,
Sargent,

Sharon,
Thurman,
Voorhees,
Wadleigh,
Wallace,
Whyte,
Withers.

So the first branch of the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the second branch of the amendment of the Senator from Ohio.

Mr. MATTHEWS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of Illinois. Let it be read.

The Secretary read as follows:

And said expenditures shall be limited to such sums as in the opinion of the Secretary of the Treasury can be provided without exceeding the amount of money in the Treasury applicable thereto.

The Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired with the Senator from Georgia, [Mr. GORDON.] That is the reason I do not vote.

The PRESIDING OFFICER, (when Mr. EDMUNDS's name was called.) The Chair states that the Senator from Vermont [Mr. EDMUNDS] is paired with the Senator from Minnesota, [Mr. McMILLAN.]

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE.]

Mr. HEREFORD. My colleague [Mr. DAVIS, of West Virginia] is absent on a committee of conference.

Mr. PLUMB. My colleague [Mr. INGALLS] is absent, paired with the Senator from Virginia, [Mr. WITHERS,] who is necessarily absent by reason of illness in his family.

The roll-call having been concluded, the result was announced—yeas 11, nays 36; as follows:

YEAS—11.

Anthony,
Blaine,
Burnside,

Cameron of Pa.,
Conkling,
Kirkwood,

Matthews,
Morgan,
Morrill,

Rollins,
Teller.

NAYS—36.

Bailey,
Barnum,
Bayard,
Beck,
Bruce,
Butler,
Cameron of Wis.,
Cockrell,
Coke,

Conover,
Davis of Illinois,
Dennis,
Eaton,
Eustis,
Ferry,
Garland,
Harris,
Hereford,

Howe,
Jones of Nevada,
Kellogg,
Kernan,
Lamar,
McCreery,
McPherson,
Maxey,
Mitchell,

Paddock,
Patterson,
Plumb,
Ransom,
Saulsbury,
Saunders,
Shields,
Spencer,
Windom.

ABSENT—29.

Allison,
Booth,
Chaffee,
Chandler,

Davis of W. Va.,
Dawes,
Dorsey,
Edmunds,

Gordon,
Grover,
Hamlin,
Hill,

Hear,
Ingalls,
Johnston,
Jones of Florida,

McDonald,
McMillan,
Merrimon,
Oglesby,

Randolph,
Sargent,
Sharon,
Thurman,

Voorhees,
Wadleigh,
Wallace,
Whyte,

Withers.

So the second branch of the amendment was rejected.

Mr. DENNIS. I wish to offer an amendment. I move, on page 6, line 11, after "channel," to insert "including the obstructions at or near the mouth of the canal;" so as to read:

And \$30,000 shall be expended in Georgetown harbor and channel, including the obstructions at or near the mouth of the canal.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. CONKLING. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I do not intend to detain the Senate. I shall vote against this bill and will simply announce the reason of my vote without argument. I shall vote against it because I do not believe there is any constitutional warrant in Congress to make appropriations for many of the objects that are contained in the bill. I shall not argue that question; but on a past occasion when a bill of this character was before the Senate I expressed at some length my views on that point. I shall not elaborate them now.

Even if I believed there was power in Congress to make the appropriations contained in this bill, I do not believe the condition of the public Treasury at this time warrants us in making these appropriations as a matter of expediency. It is said there will be a considerable deficiency in the revenues in the next fiscal year. If that be true, if the appropriations which we have already made exhaust the Treasury, it seems to me to be a very unwise measure to pass a bill of this kind. We can only get money by taxation of the people. In my humble judgment the people of this country are taxed to an extent as far as they are able. We ought to pause, and in my judgment the people of this country will compel us to pause before a great many years. They have borne the burdens of taxation patiently. When there seemed to be a public exigency requiring it they have submitted their necks to the yoke; but the people are becoming restive (and we see some of the evidences of it) against the burdens that have been heaped upon them by their Representatives in Congress. We shall have the question forced upon us that is now forced in some of the States of this Union of a readjustment of the public debt unless we pause in our expenditure of the public money. The people will not always bear these burdens, but they will demand to know whether there is not some way of relief, and whenever the public voice of the people demands it a way of relief will be found.

In the interest, therefore, and in behalf of what I believe to be the ultimate honor of this country, I cannot vote for appropriations of this kind in the present condition of the finances of the country. I therefore shall vote against the bill. Lest it should be supposed I ought to do it because I have proposed one or two amendments to the bill, I can say that there is no amendment which I have proposed, no appropriation of money within the limits of the State within which I live, but what falls under the general class of improvements for the benefit of the commerce of the country, and are not mere local improvements. Take for instance the appropriation at Wilmington. That is a city upon the Christiana River, which empties into the Delaware, and there is an appropriation of \$3,500 for it. Take Duck Creek. I limited the appropriation there to the entrance to that creek because it is a harbor for vessels sailing on Delaware Bay; and while the engineer estimated for improvements in the creek I do not ask for any appropriation for an improvement in the creek, but confine it to the mere entrance, so that vessels engaged in the general commerce of the country may enter the mouth of a creek as a harbor. So with Mispillion Creek, where there are five vessel yards where they build vessels of between nine hundred and a thousand tons burden. These are objects of interest to general commerce, and these are the only objects in this bill for my State, and \$11,500 is all that is appropriated to be expended in my State, and all I believe that ought to be appropriated at the present time.

The PRESIDING OFFICER. Shall the bill pass?

The Secretary proceeded to call the roll.

The PRESIDING OFFICER. (when Mr. EDMUNDS's name was called.) The Senator from Vermont [Mr. EDMUNDS] is paired with the Senator from Minnesota, [Mr. McMILLAN.] The Senator from Minnesota, if present, would vote "yea" and the Senator from Vermont would vote "nay."

Mr. RANSOM. (when Mr. MERRIMON's name was called.) My colleague [Mr. MERRIMON] is paired on this bill with the Senator from New Hampshire, [Mr. WADLEIGH.] My colleague, if present, would vote "yea" and the Senator from New Hampshire would vote "nay."

The roll-call was concluded.

Mr. HEREFORD. My colleague [Mr. DAVIS, of West Virginia] is absent in committee of conference. If he were here, he would vote "yea."

The result was announced—yeas 29, nays 12; as follows:

YEAS—29.

Anthony,
Barnum,
Bruce,

Burnside,
Butler,
Cameron of Pa.,

Cameron of Wis.
Cockrell,
Coke,

Conover,
Dennis,
Dorsey,

Enstis,
Ferry,
Garland,
Gordon,
Hereford,

Howe,
Lamar,
Maxey,
Mitchell,
Paddock,

Patterson,
Ransom,
Saunders,
Shields,
Spencer,

Thurman,
Windom,

NAYS—12.

Bailey,
Blaine,
Booth,
Conkling,
Davis of Illinois,

Dawes,
Eaton,
Harris,
Jones of Nevada,
Kernan,

Kirkwood,
McPherson,
Matthews,
Morgan,
Morrill,

Rollins,
Saulsbury,
Teller,

ABSENT—29.

Allison,
Bayard,
Beck,
Chaffee,
Chandler,
Davis of West Va.,
Edmunds,
Grover,

Hamlin,
Hill,
Hoar,
Ingalls,
Johnston,
Jones of Florida,
Kellogg,
McCreery,

McDonald,
McMillan,
Merrimon,
Oglesby,
Plumb,
Randolph,
Sargent,
Sharon,

Voorhees,
Wadleigh,
Wallace,
Whyte,
Withers.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. S. HEWITT of New York, Mr. WILLIAM A. J. SPARKS of Illinois, and Mr. CHARLES FOSTER of Ohio, managers at the conference on its part.

AMENDMENT TO POST-ROUTE BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (H. R. No. 6126) to establish post-routes in the several States herein named; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York, reported it with an amendment.

Mr. WADLEIGH, from the Committee on Patents, to whom was referred the bill (S. No. 1434) to compensate George W. Morse for his labor and expenses in adapting his system of breech-loading fire-arms and ammunition to the arms of the United States, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

POST-ROUTE BILL.

Mr. FERRY. I move to take from the table the bill (H. R. No. 6126) to establish post-routes in the several States herein named. The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and will be read at length.

Mr. PADDOCK. I appeal to the Senator from Michigan to allow me to call up a Senate bill for concurrence in a house amendment. It is a brief amendment, and it will take but a moment. There is no objection to it whatever.

Mr. CONKLING. What is the bill?

Mr. PADDOCK. A local bill, relating to the sale of an Indian reservation, Senate bill No. 373.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the bill, the title of which will be reported from the desk, be now taken up for consideration.

Mr. FERRY. Without displacement of the post-route bill.

The Secretary read the title of the bill.

Mr. FERRY. I consent to this without the displacement of the post-route bill.

Mr. THURMAN. What bill is that the Senator proposes to take up?

Mr. PADDOCK. A local bill which has passed the Senate and has been returned from the House with an amendment, which is not very important in itself, and I think it will receive no objection on the part of the Senate. I desire simply to have concurrence in the amendment.

The PRESIDING OFFICER. The Chair will state that the title of the bill is a bill (S. No. 373) to amend an act to provide for the sale of a portion of the reservation of the confederated Ottos and Missouria and the Sac and Fox of the Missouri tribe of Indians in the States of Kansas and Nebraska. Is there unanimous consent that this bill be now taken up for consideration?

Mr. THURMAN. I must object to that.

The PRESIDING OFFICER. Objection is made, and the regular order is before the Senate.

Mr. WINDOM. I ask the Senator from Michigan to yield to me for the purpose of moving to take up the motion to reconsider the bill known as the arrears of pension bill.

Mr. THURMAN. That is right.

Mr. FERRY. I am disposed to yield, provided it does not displace the post-route bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M.

ADAMS, its Clerk, announced that the House further insisted upon its amendments to the twentieth amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, still further insisted on its disagreement to certain other amendments of the Senate, and still further insisted upon its disagreement to certain sections of the twentieth amendment of the Senate to the said bill insisted upon by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT of Georgia, Mr. HESTER CLYMER of Pennsylvania, and Mr. JOHN H. BAKER of Indiana managers at the further conference on the part of the House.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, insisted upon by the Senate, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN D. C. ATKINS of Tennessee, Mr. MILTON J. DURHAM of Kentucky, and Mr. CHARLES FOSTER of Ohio managers at the further conference on the part of the House.

APPROPRIATION FOR PENSION ARREARS.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WINDOM] asks unanimous consent of the Senate now to proceed to the consideration of the motion to reconsider the vote by which the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, was passed. The Chair hears no objection. This bill passed the Senate on the 28th of February, 1879, and the Senator from Minnesota entered a motion to reconsider the vote on the passage of the bill. The question now is, Will the Senate agree to the motion to reconsider?

Mr. FERRY. In justice to myself I desire to state that I shall support the motion to reconsider this bill, for the reason that when the bill was pending and the amendment proposed by the Senator from Missouri [Mr. SHIELDS] was voted upon, under a misapprehension of the scope of that amendment I voted in the affirmative, which puts me upon the record, contrary to my judgment of the wisdom of the measure. The amendment proposed by the Senator from Missouri reads thus:

Provided further, That the law granting pensions to the soldiers and their widows of the war of 1812, approved March 9, 1878, is hereby made applicable in all its provisions to the soldiers and sailors who served in the war with Mexico of 1846.

Entering the Senate when the vote was being taken, and not understanding fully the amendment, I inadvertently voted in favor of it, when had I understood it should have voted against it; and for that reason I shall vote to reconsider the vote by which the bill passed, and if that motion prevails I shall then move to reconsider the vote by which this amendment passed and vote against the amendment and finally vote for the bill. I am not disposed to interpose any objection or any obstacle to the passage of the bill making appropriations for arrears of pension if relieved of the amendment proposed by the Senator from Missouri, [Mr. SHIELDS.] The amendment covers entirely too much, and I am not prepared to support a measure of such widespread and impolitic import.

Mr. WINDOM. Mr. President, I have but a word or two to say on the subject. I moved to reconsider the vote on the passage of the bill because I believed that the Senate acted good-naturedly and rather to pay a compliment to the distinguished soldier of two wars, [Mr. SHIELDS,] and without very full consideration of the merits of the question. I am not prepared to say that I would not vote for a properly guarded bill to pay pensions to those who may deserve them, if any have been omitted, who served in the war of 1846; but as the best estimates I can get upon the subject are that the little proposition so good-naturedly introduced by the Senator from Missouri and so good-naturedly supported by a majority of the Senate the other evening would take from thirty to forty millions out of the Treasury, I think before we enter upon so broad and sweeping and magnificent a donation of public funds we should carefully consider it in a bill that can be discussed and understood. I therefore hope that the Senate will recede from the good-natured compliment to the honorable Senator from Missouri. Having entered the motion to reconsider, I now express the hope that the vote passing the bill may be reconsidered and the amendment reconsidered, and the subject considered in a separate bill hereafter.

Mr. THURMAN. I voted for the amendment of the Senator from Missouri. I did so in the first place because I was instructed by my Legislature so to do; in the second place, because it does seem to me that the soldiers and sailors in the war of 1846 with Mexico are eminently entitled to pensions, if pensions ever were deserved by soldiers and sailors in a war. I think they gained to this country an empire of territory and wealth that cannot be estimated, and therefore I voted not only in obedience to the command of my Legislature, but also in obedience to my own judgment. It may be that the particular form in which this pension is granted may need some revision; but I think it is better to stand by the bill as it passed and let that particular form of granting pensions be considered by the other House or by a committee of conference. I hope, therefore, the motion to reconsider will be voted down.

Mr. MITCHELL. I voted with my friends from Michigan and from Ohio for the amendment giving pensions to the soldiers of the Mexican war. I voted for it because I am in favor of paying them pensions, and I will vote for it again for the same reason. It has been suggested, however, that perhaps the scope of the amendment offered by the Senator from Missouri is a little wider than I had supposed. The amendment of the Senator from Missouri simply applies the pension laws, as applicable to soldiers of the war of 1812, to those of the Mexican war.

At the time I cast my vote I was under the apprehension that that bill excluded those who had engaged in the late rebellion, although if I had thought a moment I should have known that that was not so. I shall therefore vote to reconsider this question, and if I have the opportunity I shall offer then the following amendment, and if it be adopted I shall then vote to pay the Mexican war soldiers their pensions. I give notice that I will offer this amendment:

Provided, That no person who served in the confederate army during the late war of the rebellion, or held any office, civil or military, in the late confederacy, shall be entitled to receive any pension under this act.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the bill was passed.

Mr. MITCHELL and Mr. WINDOM called for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KIRKWOOD, (when his name was called.) On this particular vote I am paired with my friend from Indiana, [Mr. VOORHEES.] He has gone home quite unwell this evening. I should vote "yea" if he were here.

Mr. RANSOM, (when Mr. MERRIMON's name was called.) My colleague [Mr. MERRIMON] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] My colleague would vote "nay" and the Senator from New Hampshire would vote "yea."

Mr. WADLEIGH, (when his name was called.) On this question I am paired with the Senator from North Carolina, [Mr. MERRIMON,] who has gone home sick. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HOAR. I am paired with the Senator from Maryland, [Mr. WHYTE.] If he were present, I should vote "yea." I voted against the bill before.

The result was announced—yeas 28, nays 27; as follows:

YEAS—28.

Allison,	Chandler,	Howe,	Paddock,
Anthony,	Conkling,	Jones of Nevada,	Plumb,
Bayard,	Conover,	Kernan,	Rollins,
Blaine,	Dawes,	Matthews,	Sanders,
Booth,	Dorsey,	Mitchell,	Spencer,
Cameron of Pa.,	Edmunds,	Morrill,	Teller,
Cameron of Wis.,	Ferry,	Oglesby,	Windom.

NAYS—27.

Bailey,	Coke,	Grover,	Morgan,
Barnum,	Davis of W. Va.,	Harris,	Patterson,
Beck,	Dennis,	Hereford,	Ransom,
Bruce,	Eaton,	Lamar,	Shields,
Burnside,	Eustis,	McCreery,	Thurman,
Butler,	Garland,	McPherson,	Wallace.
Cockrell,	Gordon,	Maxey,	

ABSENT—21.

Chaffee,	Johnston,	Merrimon,	Wadleigh,
Davis of Illinois,	Jones of Florida,	Randolph,	Whyte,
Hamlin,	Kellogg,	Sargent,	Withers.
Hill,	Kirkwood,	Saulsbury,	
Hoar,	McDonald,	Sharon,	
Ingalls,	McMillan,	Voorhees,	

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. (Mr. WALLACE in the chair.) The vote on the passage of the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, is reconsidered. The bill is again before the Senate, the question being on its passage.

Mr. FERRY. I move to reconsider the vote by which the amendment proposed by the Senator from Missouri [Mr. SHIELDS] prevailed.

The PRESIDING OFFICER. Did the Senator vote in the affirmative?

Mr. FERRY. I did. I inadvertently voted in the affirmative. I wish to correct my vote by having the amendment reconsidered, so as to vote against it.

The PRESIDING OFFICER. The Senator must first move to reconsider the vote by which the bill passed to a third reading before he can reach the amendment he desires to reconsider. The question is on reconsidering the vote by which the bill was ordered to a third reading.

The motion to reconsider was agreed to.

Mr. FERRY. Now I move to reconsider the vote by which the amendment offered by the Senator from Missouri [Mr. SHIELDS] prevailed. I hold the amendment in my hand and will send it to the desk.

The PRESIDING OFFICER. The amendment made on the motion of the Senator from Missouri [Mr. SHIELDS] will be reported.

The Secretary read as follows:

Provided further, That the law granting pensions to the soldiers and their widows of the war of 1812, approved March 9, 1878, is hereby made applicable in all its provisions to the soldiers and sailors who served in the war with Mexico of 1846.

Mr. MITCHELL. Is an amendment to that amendment in order now?

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the amendment was agreed to.

Mr. THURMAN. I hope the motion to reconsider will be voted down.

Mr. FERRY. I hope it will prevail. I only ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WYTHE.] I should vote "yea" and he would "nay," if present.

Mr. KIRKWOOD, (when his name was called.) On the question to reconsider I am paired with the Senator from Indiana, [Mr. VOORHEES.] I would vote "yea," if he were present.

Mr. RANSOM, (when Mr. MERRIMON's name was called.) My colleague [Mr. MERRIMON] was obliged to leave the Chamber to-night and paired with the Senator from New Hampshire, [Mr. WADLEIGH.] My colleague would vote "yea."

Mr. MITCHELL, (when the name of Mr. WITHERS was called.) The Senator from Virginia [Mr. WITHERS] was called away by the illness of his daughter and is paired with the Senator from Kansas, [Mr. INGALLS.] I presume the Senator from Virginia would vote on this question "nay." That is my understanding.

Mr. INGALLS. If the Senator from Virginia were here, I should vote "yea."

The Secretary concluded the call of the roll.

Mr. EUSTIS, (after having voted "nay.") On political questions I am paired with the Senator from Colorado, [Mr. CHAFFEE.] The Senator from Iowa and others deem this a political question and therefore I withdraw my vote.

Mr. SHIELDS. I was induced to pair with the Senator from Nevada, [Mr. SHARON.] I do not consider voting to give a pension to the soldiers of the Mexican war a political question, and I am sorry it has been made so; but I see it has taken that shape and I do not want to be placed in a false position. I presume if he were here, he would vote with the body of his party.

Mr. PATTERSON. Perhaps he would vote with me.

Mr. SHIELDS. I cannot tell. However I am paired with him on all political questions, and as this seems to be considered one I cannot vote. My vote would be "nay" and his would be "yea," I suppose.

The result was announced—yeas 27, nays 24; as follows:

YEAS—27.

Allison,	Conkling,	Jones of Nevada,	Plumb,
Anthony,	Conover,	Kernan,	Rollins,
Blaine,	Dawes,	Matthews,	Saunders,
Booth,	Dorsey,	Mitchell,	Spencer,
Cameron of Penn.,	Edmunds,	Morrill,	Teller,
Cameron of Wis.,	Ferry,	Oglesby,	Windom,
Chandler,	Howe,	Paddock,	

NAYS—24.

Bailey,	Coke,	Grover,	Maxey,
Barnum,	Davis of West Va.,	Harris,	Morgan,
Beck,	Dennis,	Hereford,	Patterson,
Burnside,	Eaton,	Lamar,	Ransom,
Butler,	Garland,	McCreery,	Thurman,
Cockrell,	Gordon,	McPherson,	Wallace,

ABSENT—25.

Bayard,	Hoar,	McMillan,	Voorhees,
Bruce,	Ingalls,	Merrimon,	Wadleigh,
Chaffee,	Johnston,	Randolph,	Whyte,
Davis of Illinois,	Jones of Florida,	Sargent,	Withers,
Eustis,	Kellogg,	Saulsbury,	
Hamlin,	Kirkwood,	Sharon,	
Hill,	McDonald,	Shields,	

The PRESIDING OFFICER. The vote by which the amendment proposed by the Senator from Missouri [Mr. SHIELDS] was agreed to is reconsidered. The question recurs on agreeing to the amendment proposed by the Senator from Missouri.

Mr. MITCHELL. If my amendment is now in order as an amendment to the amendment of the Senator from Missouri, I ask that it be reported.

The PRESIDING OFFICER. The Senator from Oregon moves to amend the amendment proposed by the Senator from Missouri by adding what will be read by the Secretary.

The SECRETARY. It is proposed to add to the amendment the following additional proviso:

Provided further, That no person who served in the confederate army during the late war of the rebellion or held any office, civil or military, in the late confederacy shall be entitled to receive any pension under this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon to the amendment of the Senator from Missouri.

Mr. ANTHONY and Mr. THURMAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WYTHE.]

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Virginia, [Mr. WITHERS.]

Mr. KIRKWOOD, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. RANSOM, (when Mr. MERRIMON's name was called.) My colleague [Mr. MERRIMON] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] My colleague would vote "nay" on this question if he were here.

Mr. SHIELDS, (when his name was called.) I am paired on this question also with the Senator from Nevada, [Mr. SHARON.]

Mr. WADLEIGH, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. MERRIMON.]

The Secretary concluded the call of the roll.

Mr. EUSTIS. On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "nay."

Mr. BOOTH. My colleague [Mr. SARGENT] is paired with the Senator from Virginia, [Mr. JOHNSTON.] I neglected to make the announcement on the previous vote, and I make it now once for all.

The result was announced—yeas 24, nays 26; as follows:

YEAS—24.

Allison,	Chandler,	Howe,	Plumb,
Anthony,	Conkling,	Jones of Nevada,	Rollins,
Blaine,	Dawes,	Matthews,	Saunders,
Booth,	Dorsey,	Mitchell,	Spencer,
Cameron of Pa.,	Edmunds,	Morrill,	Teller,
Cameron of Wis.,	Ferry,	Oglesby,	Windom,

NAYS—26.

Bailey,	Conover,	Harris,	Morgan,
Barnum,	Davis of W. Va.,	Hereford,	Patterson,
Bayard,	Dennis,	Kernan,	Ransom,
Beck,	Eaton,	Lamar,	Thurman,
Butler,	Garland,	McCreery,	Wallace,
Cockrell,	Gordon,	McPherson,	
Coke,	Grover,	Maxey,	

ABSENT—26.

Bruce,	Hoar,	McMillan,	Shields,
Burnside,	Ingalls,	Merrimon,	Voorhees,
Chaffee,	Johnston,	Paddock,	Wadleigh,
Davis of Illinois,	Jones of Florida,	Randolph,	Whyte,
Eustis,	Kellogg,	Sargent,	Withers,
Hamlin,	Kirkwood,	Saulsbury,	
Hill,	McDonald,	Sharon,	

So the amendment to the amendment was rejected.

Mr. SAUNDERS. I move as an amendment to the amendment offered by the Senator from Missouri to add the following proviso:

And provided also, That all the rights, advantages, and effect of said act shall apply to and be enjoyed by the officers and soldiers who served in the Winnebago and Black Hawk wars.

The war with the Winnebagoes occurred, I think, in 1828; the Black Hawk war was in 1831 and 1832. That is about fifty years ago. Of course if any soldiers should have the right to recover pensions after those of the war of 1812 it should be the soldiers of these wars. At any rate, if the soldiers of 1846 should have the advantages of this act, those who served twenty-four years before have as much right to a pension. If we propose, as we propose here, to grant pensions to the soldiers who served in the war of 1846, I say that those who served twenty years prior to that time have fully as strong a claim upon us, if not stronger, than the soldiers of 1846. There is probably not a very large number of these survivors; they are men between the age of seventy and ninety; but what there are should be cared for as properly and as well as we care for the survivors of the war with Mexico. I know some of them. The Black Hawk war was the war in which the late President Lincoln served as a soldier. I know there are quite a number of his associates now living in the State of Illinois in which he lived; and they are scattered probably over the Western States generally. These men have as much right to pensions as the others. I therefore hope that my amendment to the amendment will prevail.

Mr. KERNAN. I ask that the amendment offered by the Senator from Missouri [Mr. SHIELDS] be reported.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri, to which the amendment offered by the Senator from Nebraska is proposed, will be read at the request of the Senator from New York.

The Secretary read the amendment of Mr. SHIELDS, as follows:

Provided further, That the law granting pensions to the soldiers, and their widows of the war of 1812, approved March 9, 1878, is hereby made applicable in all its provisions to the soldiers and sailors who served in the war with Mexico of 1846.

Mr. KERNAN. I desire to call the attention of the Senate to the effect of adopting this amendment. The effect of this amendment, if it be adopted, is that every man who served in the Mexican war for fourteen days, or his widow if he is dead, shall be put upon the pension roll for life. The law granting pensions to soldiers and sailors of the war of 1812 provides that every soldier who served in the war of 1812 fourteen days, or was in a battle and honorably discharged, is entitled to a pension, so that the result of this amendment will be, if it becomes a law, that every soldier who served in the war with Mexico fourteen days and was honorably discharged will have a pension for life, and his widow will receive it after his death.

I assume that I am correct in saying that we have, as we should have done, provided pensions to the heirs of those who were killed in the war of 1812, as well as to every man who was disabled in that

war. I do not think that at this time we can afford in justice to the tax-payers to say that any man who served in the war with Mexico the length of time I have named shall be put upon the pension-roll for his life, and his widow after he is dead, if she survives him. I say this with the kindest spirit to those soldiers. I have always been willing to do them all honor; but the number who survive, I am glad to know, is large, and I do not think we can pension them now where they were neither wounded nor disabled, if they served fourteen days in Mexico.

Mr. SHIELDS. Mr. President, I take great pleasure in putting my friend right on one point. There were no fourteen days' men in Mexico. No man in the Mexican war served a less time than one year.

Mr. KERNAN. I did not say that there were such; I merely said what would be the effect of the amendment if it was adopted and became a law. Every Senator will judge for himself as to its effect.

Mr. SHIELDS. I say if this becomes the law it will only pension the men who served in the Mexican war, and none served there for a less time than one year. There seems to be talk about the drain that is made upon the Treasury. Since we commenced agitating this question hundreds of these soldiers have passed away. According to the report received the other day at a gathering of the survivors in Baltimore, they are dying off at the rate of a hundred men a month.

Senators talk about it being a drain on the Treasury. Sir, this country is never going to be bankrupted by paying the men who fought for and served it. Those have not been the means that have drained the Treasury. I have no wish to make a speech, and it would take up time. I am very sorry, I regret exceedingly to be compelled to say it, but I do not think the proposed law is going to have the effect, stated by the Senator from New York. In my opinion we are jeopardizing the whole bill, not only the soldiers of the Mexican war, but the whole bill is in danger if we proceed to amend the amendment as suggested by the Senator from Nebraska.

Mr. THURMAN. Mr. President, I have no doubt that the soldiers in what is called the Black Hawk war were very meritorious soldiers and fought well and deserve well of their country; but if we begin to tack on to this bill all the soldiers who have fought in the numerous Indian wars of the country, where shall we stop? Is it not apparent that, whether intended or not—and I certainly do not impute the intention to anybody—it would inevitably result in killing the bill? How many Indian wars have we had? If we pension the soldiers in the Black Hawk war, then we must pension the soldiers of the Creek war in Florida and we must pension the soldiers in the Oregon war and the soldiers in divers other Indian wars too numerous to mention, and where are we to end? If we take up every little Indian war we have had and tack the soldiers of that war to this bill it will result in the failure of the measure.

I am ready to consider as a separate measure a bill to pension the soldiers of the Black Hawk war, if my friend from Nebraska will introduce such a bill, or the soldiers of any other war in which the American soldier has served his country and has become disabled in the service of his country; but I am not willing to make this an omnibus bill and to have it killed by making it an omnibus bill.

Therefore, without any prejudice whatever to the very meritorious men whom my friend from Nebraska wishes to take care of, without any expression of unkindness to them or any condemnation of his proposition, I hope that amendment will not be tacked upon this bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Missouri.

Mr. SAUNDERS and Mr. TELLER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE.]

Mr. KIRKWOOD, (when his name was called.) I am paired on all questions arising upon the amendment of the Senator from Missouri with the Senator from Indiana, [Mr. VOORHEES.]

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.]

Mr. COCKRELL, (when the name of Mr. WITHERS was called.) The Senator from Virginia [Mr. WITHERS] is absent, as has already been announced. If he were present, he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 16, nays 37; as follows:

YEAS—16.

Allison,	Bruce,	Conkling,	Plumb,
Anthony,	Burnside,	Edmunds,	Rollins,
Blaine,	Cameron of Wis.,	Howe,	Saunders,
Booth,	Chandler,	Morrill,	Teller.

NAYS—37.

Bailey,	Dawes,	Ingalls,	Morgan,
Barnum,	Dennis,	Jones of Florida,	Paddock,
Bayard,	Dorsey,	Jones of Nevada,	Patterson,
Beck,	Eaton,	Kernan,	Ransom,
Butler,	Eustis,	Lamar,	Thurman,
Cameron of Pa.,	Garland,	McCreery,	Wallace,
Cockrell,	Gordon,	McPherson,	Windom.
Coke,	Grover,	Matthews,	
Conover,	Harris,	Macey,	
Davis of W. Va.,	Hereford,	Mitchell,	

ABSENT—23.

Chaffee,	Johnston,	Oglesby,	Spencer,
Davis of Illinois,	Kellogg,	Randolph,	Voorhees,
Ferry,	Kirkwood,	Sargent,	Wadleigh,
Hamlin,	McDonald,	Saulsbury,	Whyte,
Hill,	McMillan,	Sharon,	Withers.
Hoar,	Merriman,	Shields,	

So the amendment to the amendment was rejected.

Mr. HOAR. I move to amend the amendment as follows:

Provided further, That no pension shall ever be paid under this act to Jefferson Davis, the late president of the so-called confederacy.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Missouri, [Mr. SHIELDS.]

Mr. HOAR. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BAILEY. Mr. President, I wish to say but one word. I have no idea that the Senator has meant to create any feeling in the consideration of this measure, but at the same time his amendment is intended in some way to provoke controversy and to open discussion. It would make Mr. Davis the only exception to the amnesty that has been granted by the American people to the entire people of the South, and I trust that the gentleman who introduced the amendment will not insist upon it.

Mr. HOAR. Mr. President, the person named in my amendment certainly has been singled out by no selection of mine, by no selection of any person who agrees with me on the important public questions which divide the people of the country to-day. He has been selected by his own act in a marked and conspicuous manner, as the representative and leader of an attack on the life of the country which had educated and which had honored him.

It is not for the purpose of provoking any discussion or controversy that this amendment is suggested. This gentleman never has given utterance to an expression of regret for his attack on the life of the Republic which educated and honored him. He never even has requested, as so many of his associates in the late rebellion have done, that his constitutional disabilities should be removed. Spurning the clemency of the Republic to-day, he stands spurning the opportunities which the Constitution would give him, by the consent of Congress, if he should apply for public service, which few others who acted with him have done. And it is now proposed by the votes of this Senate to do to that person, his treason unrepented of, the singular honor of putting him upon the pension-rolls of this country, and to tax the widow and the orphan of the loyal soldier to pay to him that pension. The gentlemen who propose to do that are the gentlemen who provoke all the controversy which the proposition instigates or excites. I do not propose to do it. I do not propose that the vote of the State which I have the honor in part to represent shall be cast for that proposition; and therefore I offer the amendment.

Mr. GARLAND. I should like to have the amendment reported again.

The PRESIDING OFFICER. The amendment to the amendment will be again reported.

The Secretary read as follows:

Provided further, That no pension shall ever be paid under this act to Jefferson Davis, the late president of the so-called confederacy.

Mr. GARLAND. Mr. President, of course I do not know the motives of the Senator who introduced this amendment beyond his own explanation; but it is a curious spectacle for the American people to behold at this late hour of the session and this late hour of the day, or rather early hour of the morning, that when this Government is pensioning General Longstreet by a small post-office, I believe, in the State of Georgia, whose chief boast and best glory is having killed more Yankees possibly than anybody else in the confederate army; and when the present Postmaster-General served gallantly and nobly also in that army, and the late James L. Orr was sent to Russia by the chief of the American Army, as it is so called; and when Mosby, who bragged also that he was the Marion of the second war and that the bravest examples in his army were the "Culpeper boys" of Virginia, is cared for by the Government; then there is Akerman, who was well provided for also by the Government he fought—putting all this together, it is rather a strange thing to me, and the proposition must strike the American people at this day, as I said just now, with somewhat of surprise.

So far as Mr. Davis is concerned, I do not suppose he wants a pension. I do not suppose he ever thought of it a moment. As one who served with him in a civil capacity in the late war, I wish I had the power and the authority now, but I have not, although I know it would accord with every impulse of his heart, to enter here upon the record before the people of the country a receipt in full to the Senator from Massachusetts and all others who occupy the same position toward that distinguished gentleman. He would scorn it if tendered grudgingly. He does not ask it, and he would not receive it unless given freely and in the spirit it is bestowed upon others. He was a gallant soldier in that war. His services are upon the record of this country, and while they may not surpass, yet they will equal in history all Grecian fame and all Roman glory. If there is anything of credit to the Senator for offering the amendment, he is welcome to it; but I do not envy him in this work.

Mr. HOAR. Mr. President, I desire to add to the arguments for my amendment the further argument that the gentleman who claims to have stood in confidential relations to Jefferson Davis and to speak his sentiments says that Jefferson Davis would scorn this honor if it were tendered him by the country.

Mr. SHIELDS. Mr. President, I take a different view from both sides of the question. My opinion is that it would be conferring a distinction upon Jefferson Davis that would elevate him in the South much higher than I want to see him elevated to except him from ten million people. That is my difficulty. To make him the one solitary exception is about the highest distinction that can be conferred upon him in history, and I am not in favor of that. It was said of a distinguished Roman whose statue was not carried in a triumph that he being excepted was the most distinguished man of that period. So it went down to history; so it sounds to this day; and so will you send Jefferson Davis down by making him the one solitary distinguished exception among ten million people.

Mr. BAILEY. Mr. President, I do not know what are Mr. Davis's views in this regard. I imagine he has never given one moment's thought to the question whether he would receive a pension or not. I suppose he would not apply for it, at all events not for the present. I know nothing about that; I do not profess to speak for him; but I wish to say that this country is to-day longing and wishing for peace and for quiet. I appeal to the gentlemen upon the other side of the Chamber; I beg and I entreat them to let us be at peace. That is what we in the South desire. We have lost all; we are poor; we are desirous to restore our industries and to restore our prosperity, and not to revive or in any way to recognize that there is to-day, or that there has been in the past, any difference between the two sections.

A few nights ago the amendment offered by the Senator from Missouri was adopted by a vote of almost two to one, or quite two to one. Senators upon the other side of the Chamber voted for it then, but for some reason a change has come over them. Since that time a motion was entered to reconsider; it has been reconsidered; and now the pending amendment is offered to the amendment of the Senator from Missouri. Why is this done, Mr. President? I said it must be intended with a view to provoke discussion. We intend to have none; we cannot afford to have any. Our unhappy condition will not permit it, even if we desired it. But we of the South do not desire it; we wish to avoid it; we will submit to anything that you say rather than to have further enmity or further hostility. We implore you for the sake of our common country to avoid everything of this kind.

Why single out Mr. Davis? Is it intended to place an affront upon the South, or is it intended for a political purpose? I fear, Mr. President, that it is the expectation in some way by singling him out that differences may arise, that hostility may be provoked, that something may be said in debate of which advantage can be taken. I trust that is not the purpose, but I fear it may be.

I trust, therefore, that the Senator who offered this amendment—and I do not know who offered it—may withdraw it, and that we shall have an end to all these discussions and all these differences, and let us be at peace. Has Mr. Davis applied for a pension? Not at all. Has he sought it? Not at all. Whether he will accept it I do not know, and I do not believe that he will, because there are many gentlemen who were in the war with Mexico who probably will never apply for this pension; not because of their hostility to the Government, but for a higher, a more patriotic, reason; for the reason that there is no necessity for it.

Mr. MAXEY. Mr. President, I have not risen to discuss this question. I believe that wise statesmanship demands always oblivion of the causes and conduct of a great civil war, and he who seeks to keep these alive is the country's worst enemy. He is ignorant of the world's history or reckless of its teachings who would urge a measure calculated to revive unpleasant memories. It is a question that I never have and which I never shall discuss here, because it uselessly stirs up passions that had best be buried. I only desire to say that if you were to summon from the North and the South and the East and the West the survivors of the war who at the battle of Monterey on the 19th and 20th and 21st of September, 1846, served with Jefferson Davis, the great leader of the Mississippi Rifles, which performed such glorious service that the whole country rang with his and their praise, they would with one accord vote against such a proposition. It is not one that could possibly meet their approval.

I will say in addition that there was a glorious band of five thousand soldiers fighting under the stars and stripes at Buena Vista on the 21st, 22d, and 23d of February, 1847, who stood up against more than twenty thousand of Santa Anna's army, and the movement of the Mississippi Rifles with its V formation under Jefferson Davis attracted the attention of the whole country. Boldly they stood there resisting assaults from the right and from the left, hurling back the hosts of Santa Anna, and the gallant band led by Davis did as much as any other one command to gain that glorious victory which shed immortal luster upon American arms. Not one of the survivors of that band of five thousand men, whether they came from the State of Massachusetts or elsewhere, would stand here and back and indorse the proposition made by the Senator from Massachusetts. Ay, more; the gallant soldiers of the North, who imperiled their lives in the war of giants, fresh in memory, honor the devotion of their gallant adversaries to their conviction of duty, illustrated on many a

hard-fought field. Leave this question to the chivalry of the Union Army, and they would repudiate this thin political maneuver as utterly unworthy.

I leave this question not here, but I leave it to the men who followed the flag of the Union in those wars. Let them say whether this battle-scarred, knightly gentleman, who is now tottering upon the brink of the grave, whose white hair blossoms for the better land which is soon to be his home, shall have this stigma placed upon him. I leave it to them to say whether when a movement is made which is so patent that a man although he might be a fool could read and understand the purpose and object of it—I leave it to them to say whether they would support such a proposition. I do not wish ever to have it said of me that I made such a proposition. Let those who seek such notoriety wear its honors.

Mr. THURMAN. Mr. President, I have already stated that I am instructed by my Legislature to support granting pensions to the soldiers of the Mexican war. I do not read anywhere in those instructions that I am to except Mr. Jefferson Davis, nor do I see in their spirit that it is the opinion of the General Assembly of the State of Ohio that the punishment of the people of the South ought to be vicarious in the person of Jefferson Davis. I do not anywhere see in those instructions that it is the desire of the people of the State of Ohio to single out Jefferson Davis and make him a martyr, while other men who went quite as far as he did are not only not punished but are received into the highest stations in this Government. I have seen an Attorney-General of the United States who was a confederate officer. I see now a Postmaster-General of the United States who was a confederate officer. I have seen one of the most gallant and bravest soldiers of the confederacy, General Longstreet, confirmed for office by the dominant party in this Senate again and again. I have seen the guerrilla, Mosby, sent to a foreign country as the representative of this nation. I am repeating only what was said by the Senator from Arkansas, but it cannot be repeated too often. I see on the benches of the Federal courts in the Southern States men who were engaged in the confederacy, and who were just as guilty as Jefferson Davis, if you talk about guilt.

I do not believe much in this assumed indignation toward that man, especially when it comes from a Senator from the State in which treason has been published and preached longer and more violently than it ever was in any other State in this Union. I do not know that the Senator from Massachusetts ever had any denunciations for Lloyd Garrison and the like who denounced the Constitution of the United States as a compact with hell, who said they were in favor of achieving the liberty of the slaves over the broken Union and over the trampled-down Constitution of the country. I never heard of his denouncing them. I never heard that his indignation then rose in the way that it seems to be excited to-night.

No, Mr. President, the American people want not only that there shall be amnesty, as I have said, but that as soon as possible there may be oblivion. They do not want to set up Mr. Jefferson Davis or any other one man as a monument that the people may be eternally looking upon and the people of his section be eternally looking upon as a martyr, when all other men walk free and unchallenged on the face of this Republic.

I am not the least bit afraid of the verdict of the people of my State upon this subject, nor of the people of the nineteen other States whose Legislatures have passed resolutions in favor of these pensions. I am told by the Senator from Missouri, [Mr. SHIELDS,] and I was told the same thing the other day by the Senator from Indiana [Mr. VOORHEES] not now in his place, that twenty Legislatures have passed resolutions in favor of granting these pensions. Show me one of them that asked us to except Mr. Davis, or except any other one man, and make him the vicarious sufferer for the sins of the southern people.

Mr. HOAR. Mr. President, one word in reply to the Senator from Ohio. I will state the distinction between the case of Mr. Davis and that of Postmaster-General Key and Mr. Longstreet and Mr. Akerman.

Mr. GORDON. One is a radical and the other is not; that is all.

Mr. HOAR. The gentleman says in his seat that one is a radical and the other is not.

Mr. GORDON. I did not mean that for the Senator from Massachusetts.

Mr. HOAR. These gentlemen have planted themselves on the platform of a restored unity; they have adopted not solely the republican faith, but they have adopted the results of the war; they have acquiesced in the good faith, in the judgment of the American people. When we stand by their side we stand on a platform made up of the unity of the Republic and of the three new amendments to the Constitution. No people more gladly than the people of the State which I represent have approved the policy of inviting into the service of the Republic those men who have been lately in arms against them, wherever and whenever they show a sign, whatever may be the past, that the present controlling feeling in their bosom is love of their country.

But, how is it with Mr. Davis? What do we find? What sign. I do not say of repentance but of present patriotic feeling, has come from the bosom of the president of the confederacy? The Senator from Arkansas [Mr. GARLAND] himself said that Mr. Davis would scorn the pension. Does Mr. Davis come to take advantage of the signal and noble clemency of the Republic which, by express consti-

tutional enactment, the American people have clothed Congress with the right of extending? They have come one by one, asking that they may be set free from their disabilities and that they may enter again into the service of their country, take the place of American citizens, and be clothed with all the constitutional rights which pertain to persons who did not engage in the rebellion. But, how is it with Mr. Davis? He scorns the constitutional clemency of this people. He would scorn, as his friend—who undertakes to speak for him—has just said in the presence of the Senate, the pension. He glories in "the lost cause." There is not an utterance which comes from his lips which does not say to the people of the South "remember the past, and set your faces against the present." There is no voice which comes from him as it does from Longstreet and from Mosby and from Key, inviting his countrymen of the South to forget the past and join hands with us in looking to the glorious future which is before us.

This is not an attack upon this gentleman. It is a proposition, thoughtless originally I doubt not, but now adhered to after full consideration, to make it possible and lawful to place him upon the roll of honor of the Republic, and to support him with his opinions unchanged and his influence unchanged, at the expense of the loyalty of this country.

The Senator from Arkansas alluded to the courage which this gentleman had shown in battle, and I do not deny it. Two of the bravest officers of our revolutionary war were Aaron Burr and Benedict Arnold. It is related of Arnold that when an exile in England he met an American lady at the entrance of the House of Commons, and asked her what the people of America would say if he should return to his native land. The lady's reply was: "They would bury your wounded leg with the honors of war and hang the rest of you." No such spirit or temper has been displayed to Mr. Davis. He lives in peace; he can go unharmed without insult, without disrespect, without molestation, from one end to the other of this country. There is not a nation on earth, there never was a nation in history which ever exhibited or would exhibit to-day such clemency as the victorious American people have exhibited toward the president of the late Confederate States; but this is a little too bitter cup to put to our lips and ask us, which I say to his credit he does not ask us—

Mr. GORDON. And nobody else, Mr. President.

Mr. HOAR. And nobody else, to put him upon the roll of honor of the Republic, and pension him at the cost of the widows and orphans of the soldiers of the late war.

Mr. THURMAN. Mr. President, I must say that I shall never get so old as not to be surprised. We are always learning something. I have found out to-night for the first time that the only way in which a man can show himself to be truly loyal, truly devoted to the Union of the States and to the support of the Constitution is to be an office-seeker. If he does not seek office, then he is disloyal. What is the complaint that the Senator from Massachusetts makes of Jefferson Davis? That he does not seek office; that he does not ask his disabilities to be removed in order that he may receive the same rewards from the republican party that have been showered on Akerman, on Longstreet, on Key, and on Mosby. Because he does not seek office, because he is not an office-seeker, and therefore does not ask to have his disabilities removed, the Senator from Massachusetts is indignant and says that he shall not have a poor pittance for the wounds that he received and the services that he performed in the Mexican war should this bill pass. I say that that argument is the most remarkable thing that I have ever discovered yet. I have not read any of Mr. Davis's productions for some years past; but I am told that in correction of criticisms that were made upon some speech of his, not long since he published a letter as patriotic, as devoted to this Union, as ever was written by man. I have not seen it, and I speak of it only from the reports of others; but certainly, so far as I have seen, he has been peaceable and quiet and has counseled submission as fully as any of these gentlemen who have been rewarded by the republican party.

If he had undertaken to give that extreme proof of loyalty which the Senator from Massachusetts seems to consider a *sine qua non*, if he had come to this Congress and asked them to remove his disabilities, I must be permitted to doubt whether there is one Senator on that side of the Chamber who would have voted for the bill. I doubt it extremely. I do not think that I have ever seen the day since I took my seat in the Senate that the republican side of this Chamber would have voted to remove Jefferson Davis's disabilities. By some strange perversion, as it seems to me, of reason, they seem determined that he shall be the vicarious sufferer, that he shall be in the opinion of the men of his section of the Union the man marked out as a martyr.

Mr. President, I am not disposed to make a martyr of Mr. Jefferson Davis, any more than I am disposed to make a martyr of any other man who was on that side of the question. I am not disposed to single him out for any such honor at all, and least of all do I wish in this measure of national gratitude to those who were engaged in the Mexican war to mix with it, to put in the same text with it, this offensive discrimination against a man of the South which is an insult to nearly the entire people of the South.

Mr. LAMAR. Mr. President, it is with extreme reluctance that I rise to say a word upon this subject. I must confess my surprise and regret that the Senator from Massachusetts should have wantonly, without provocation, flung this insult—

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Senator from Mississippi is out of order. He cannot impute to any other Senator either wantonness or insult.

Mr. LAMAR. I stand corrected. I suppose it is in perfect order for certain Senators to insult other Senators, but they cannot be characterized by those who receive the blow.

The PRESIDING OFFICER. The observations of the Senator from Mississippi, in the opinion of the Chair, are not in order.

Mr. LAMAR. The observations of the Senator from Mississippi, in his own opinion, are not only in order but perfectly and absolutely true.

The PRESIDING OFFICER. The Senator from Mississippi will take his seat until the question of order is decided.

Mr. LAMAR. Yes, sir.

The PRESIDING OFFICER. The rules of the Senate explicitly require that the Chair shall preserve order in respect of observations between Senators. The Chair is of opinion that the statement of the Senator from Mississippi, that the proposition of the Senator from Massachusetts is an insult and is wanton, is out of order.

Mr. LAMAR. I appeal from the decision of the Chair.

The PRESIDING OFFICER. Upon that question the Senator from Mississippi appeals from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GARLAND. I ask that the Secretary take down the words.

Mr. MORRILL. They have been taken down.

Mr. GARLAND. They should be taken down and read before the vote is taken.

The PRESIDING OFFICER. The remarks of the Senator from Mississippi will be read by the Reporter.

The Reporter read as follows:

I must confess my surprise and regret that the Senator from Massachusetts should have wantonly, without provocation, flung this insult—

The PRESIDING OFFICER. Is the Senate ready for the question? The Chair has decided that the remarks of the Senator from Mississippi, read by the reporter, are not in order. From that decision the Senator from Mississippi has taken an appeal. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. CAMERON, of Wisconsin. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is the Senate ready for the question? Senators, as many as are of the opinion that the decision of the Chair shall stand as the judgment of the Senate will answer "yea;" the contrary opinion, "nay."

The Secretary proceeded to call the roll.

Mr. HOAR, (when his name was called.) I am paired for the evening with the Senator from Maryland, [Mr. WHITE.]

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.]

The roll-call having been concluded, the result was announced—yeas 15, nays 26; as follows:

YEAS—15.			
Allison,	Cameron of Pa.,	Dorsey,	Paddock,
Anthony,	Cameron of Wis.,	Ferry,	Rollins,
Booth,	Chandler,	Matthews,	Windom.
Burnside,	Dawes,	Morrill,	
NAYS—26.			
Bailey,	Davis of West Va.,	Harris,	Morgan,
Barnum,	Dennis,	Hereford,	Patterson,
Bayard,	Eaton,	Jones of Florida,	Ransom,
Beck,	Eustis,	Kernan,	Thurman,
Butler,	Garland,	McCreery,	Wallace.
Cockrell,	Gordon,	McPherson,	
Coke,	Grover,	Maxey,	
ABSENT—35.			
Blaine,	Hoar,	McMillan,	Sharon,
Bruce,	Howe,	Merrimon,	Shields,
Chaffee,	Ingalls,	Mitchell,	Spencer,
Conkling,	Johnston,	Oglesby,	Teller,
Conover,	Jones of Nevada,	Plumb,	Voorhees,
Davis of Illinois,	Kellogg,	Randolph,	Wadleigh,
Edmunds,	Kirkwood,	Sargent,	Whyte,
Hamlin,	Lamar,	Saulsbury,	Withers.
Hill,	McDonald,	Saunders,	

The PRESIDING OFFICER. The judgment of the Chair is reversed, and the Senate decides that the words uttered by the Senator from Mississippi are in order, and the Senator from Mississippi will proceed.

Mr. LAMAR. Now, Mr. President, having been decided by my associates to have been in order in the language I used, I desire to say that if it is at all offensive or unacceptable to any member of this Senate, the language is withdrawn, for it is not my purpose to offend or stab the sensibilities of any of my associates on this floor. But what I meant by that remark was this: Jefferson Davis stands in precisely the position that I stand in, that every Southern man who believed in the right of a State to secede stands in.

Mr. HOAR. Will the Senator from Mississippi permit me to assure him—

The PRESIDING OFFICER. The Senator from Massachusetts will address the Chair. Does the Senator from Mississippi yield to the Senator from Massachusetts?

Mr. LAMAR. Oh, yes.

Mr. HOAR. Will the Senator from Mississippi permit me to assure

him and other Senators on this floor who stand like him that in making the motion which I made I did not conceive that any of them stood in the same position in which I supposed Mr. Davis to stand. I should not have moved to except the gentleman from Mississippi from the pension-roll.

Mr. LAMAR. The only difference between myself and Jefferson Davis is that his exalted character, his pre-eminent talents, his well-established reputation as a statesman, as a patriot, and as a soldier enabled him to take the lead in the cause to which I consecrated myself, and to which every fiber of my heart responded. There was no distinction between insult to him and the southern people, except that he was their chosen leader and they his enthusiastic followers; and there has been no difference since.

Jefferson Davis, since the war, has never counseled insurrection against the authority of this Government. Not one word has he uttered inconsistent with the greatness and glory of this American Republic. The Senator from Massachusetts can point to no utterance of Jefferson Davis which bids the people of the South to cherish animosities and hostilities to this Union, nor does he cherish them himself.

The Senator, it pains me to say it, not only introduced this amendment, but he coupled that honored name with treason; for, sir, he is honored among the southern people. He did only what they sought to do; he was simply chosen to lead them in a cause which we all cherished, and his name will continue to be honored for his participation in that great movement which inspired an entire people, the people who were animated by motives as sacred and noble as ever inspired the breast of a Hampden or a Washington. I say this as a Union man to-day. The people of the South drank their inspiration from the fountain of devotion to liberty and to constitutional government. We believed that we were fighting for it, and the Senator cannot put his finger upon one distinction between the people of the South and the man whom the Senator has to-day selected for dishonor as the representative of the South.

Now, sir, I do not wish to make any remarks here that will engender any excitement or discussion; but I say that the Senator from Massachusetts connected that name with treason. We all know that the results of this war have attached to the people of the South the technical crime of rebellion, and we submit to it; but that was not the sense in which the gentleman used that term as applied to Mr. Davis. He intended to affix—I will not say he intended, but the inevitable effect of it was to affix upon this aged man, this man broken in fortune, suffering from bereavement—an epithet of odium, an imputation of moral turpitude.

Sir, it required no courage to do that; it required no magnanimity to do it; it required no courtesy; it only required hate, bitter, malignant sectional feeling and a sense of personal impunity. The gentleman I believe takes rank among Christian statesmen. He might have learned a better lesson even from the pages of mythology. When Prometheus was bound to the rock it was not an eagle—it was a vulture—that buried his beak in the tortured vitals of the victim.

I send to the desk a letter written by Mr. Davis upon this subject to Mr. SINGLETON, a gentleman who represents one of the districts of Mississippi in the other House; and with the expression of my opinion that the Senator from Massachusetts does not represent Massachusetts in the step that he has taken and the sentiments he has uttered this day, I shall take my seat.

The PRESIDING OFFICER. Does the Senator from Mississippi desire to have the letter he sent to the desk read?

Mr. LAMAR. I do, sir; I wish it read as part of my remarks.

The PRESIDING OFFICER. The letter will be read, there being no objection.

The Secretary read as follows:

MISSISSIPPI CITY, 1878.

DEAR SIR: I am quite unwilling that personal objections to me by members of Congress should defeat the proposed measure to grant pensions to the veterans of the war against Mexico, therefore request and authorize you, should the fate of the bill depend upon excluding me from its benefits, in my behalf, to ask my friends and the friends of the measure silently to allow a provision for my exclusion from the benefits of the bill to be inserted in it. From other sources you will have learned that not a few of those who then periled their lives for their country are now so indigent and infirm as to require relief, and it would be to me sorrowful indeed if my comrades in that war should suffer deprivation because of their association with me.

While on this subject I will mention that it did not require a law to entitle me to be put on the list of pensioners, but it rather requires legal prohibition to deprive me of that right. As an officer regularly mustered into the military service of the United States and while serving as such I was "severely wounded" in battle, and could, under the laws then existing, have applied for and received a pension. My circumstances did not require pecuniary relief from the Government, and I did not make the requisite application, therefore my name has never been upon the roll of pensioners and offers no obstruction to the restoration of those names which have been stricken from it.

Respectfully and truly, yours,

JEFFERSON DAVIS.

Hon. O. R. SINGLETON.

Mr. BLAINE. Mr. President, the Senator from Ohio indulged himself in a line of remark which I hardly think was justifiable. He was arraigning this entire side of the Chamber for running at the name of Jefferson Davis. I wish to say to the honorable Senator from Ohio, and to all the Senators on that side, that, neither in this Chamber nor in the other in which I have served, did I ever hear what he would call an attack made on Jefferson Davis until he was borne into the Chamber for some favor to be asked and some vote to be exacted.

Who brought him here to-night? Who has brought him into Congress at different times? No republican. No republican Senator or Representative has ever asked censure or comment or reference to him; but you bring him here and ask us either to vote or keep silent; and if we do not keep silent, then the honorable Senator is astonished and indignant, and the honorable Senator from Mississippi thinks that a wanton insult is intended. I want the country to understand that it is that side of the Chamber and not this side that brings Jefferson Davis to the front.

Mr. BUTLER. Let me ask the honorable Senator—

Mr. THURMAN. I will say to the Senator—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. BLAINE. I yield to either of the Senators.

Mr. BUTLER. The first occasion upon which I heard the name of Jefferson Davis in this Chamber was made by the honorable Senator from Kansas [Mr. INGALLS] last night. The Senator from Maine cannot, therefore, say that truthfully.

Mr. BLAINE. Some allusion, the Senator means?

Mr. BUTLER. Yes, sir; precisely.

Mr. BLAINE. This is not an allusion in debate; this is for legislative action. This is something that every man must answer for.

Mr. THURMAN. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. The Senator from Ohio will address the Chair, if that is in order. Does the Senator from Maine yield to the Senator from Ohio?

Mr. BLAINE. Certainly.

Mr. THURMAN. I wish the Senator to explain what he means by our bringing Jefferson Davis here? Does he mean introducing this proposition to pension the soldiers who served in Mexico?

Mr. BLAINE. Yes, the measure you are agitating brings him here.

Mr. THURMAN. Then it is a crime?

Mr. BLAINE. Not a crime at all. I am not charging the Senator with a crime, but I resent with some little feeling that the Senator should look over to this side of the Chamber and complain that we are taking some extraordinary course with the name of Jefferson Davis. We do not bring him here. You bear his mangled remains before us, and then if we do not happen to view them with the same admiration that seems to inspire the Senator from Ohio we are doing something derogatory to our own dignity and the honor of the country, and when the honorable Senator from Mississippi comes to his defense the first word he had to speak for Mr. Davis was that he never has counseled insurrection against the Government. I took the words down.

Mr. OGLESBY. Since when?

Mr. BLAINE. Since the close of the war. He has never counseled insurrection! Let us be thankful. Why should we not pension a man who has shown such loyalty that he has never counseled insurrection! That is from the representative of his own State. I took the words down when he spoke them. I was amazed. I did not exactly consider the words of the honorable Senator from Mississippi a wanton insult to apply to me or anybody else, but I considered them to be most extraordinary words, that when pleading the case of Jefferson Davis at the bar of the American Senate to be pensioned on its roll of honor, his personal representative, his associate, his friend, his follower, commends him to the American people because he has been so loyal that he has never counseled insurrection since the war was over.

This is the man brought in here who, according to the Senator from Mississippi, is to go down to history the peer of Washington and Hampden, fighting in the same cause, entitled to the same niche in history, inspired by the same patriotic motives, to be admired for the same self-consecration.

Let me tell the honorable Senator from Mississippi that in all the years that I have served in Congress I have never voluntarily brought the name of Jefferson Davis before either branch, but I tell him that he is asking humanity to forget its instincts and patriotism to be changed to crime before he will find impartial history place Mr. Jefferson Davis anywhere in the roll that has for its brightest and greatest names George Washington and John Hampden.

Mr. LAMAR. Mr. President, I shall only say one word in reply to the Senator from Maine. I was not presenting the title of Jefferson Davis to a pension or pleading for anything in his behalf when I made use of the expression that has excited the Senator's criticism. I was seeking not to prove the loyalty of Mr. Davis but to repel the charge of disloyalty that was made against him by another Senator. I meant to repel the idea that he stood isolated, separate and distinct, representing a different order of ideas, a different class of society, from the people of the South at large. I stated that his position was that of all in the South who were acquiescing in the results of the war and co-operating in giving them a harmonious and successful development. I will state a single typical fact in illustration.

Two or three years since a riot occurred in a Southern State, where Mr. Davis was temporarily residing, in the course of which violence was done to several negroes. A meeting was called to express the indignation of the community and their determination to put down these lawless violations of the rights of the newly emancipated portion of our citizens. Among the most prominent and eloquent speakers in that meeting was the man who has been singled out for this public reproach and whose name has to-night been characterized by

the worst epithets which the vocabulary of abuse can furnish. He denounced riots and outrages, showed that violence could not and would not be tolerated and that relief from wrongs must be sought by peaceful and lawful means.

Mr. President, I state this fact not for the purpose of pleading for Jefferson Davis, as the Senator from Maine states it, or of presenting his claim for a pension. We only insist that he being summoned to the leadership of the southern people in the late war there is no reason why he should be set apart for disgrace and punishment on account of a political offense which was the offense of the whole people who called him into their service.

Such a policy is in my opinion neither wise nor just; it is not the course that even the monarchical governments of Europe, the most arbitrary among them, have pursued. Who for years has been the prime minister of the Austrian cabinet? A man who was the leader of the Hungarian revolt and was for a long time a fugitive from Austria under sentence of death and a reward put upon his head. And there is the great and eloquent Kossuth, who was the chief of the revolutionary government of Hungary, the leader of that war, afterward admitted to a seat in the parliament, the legislative body of Austria. This political intolerance is not worthy of the present age. In all enlightened governments political offenses are dealt with in the light of a broad and comprehensive policy looking to the future interests of the whole country. They are not regarded in the light of crimes. In great revolutions, where large masses of society are arrayed as belligerents against each other, it is now considered that to punish the defeated party as criminals, to go a single step further than to make secure the results of the victory won, is the dictate of dwarfed statesmanship and ignoble vengeance. There is no longer any distinction between the southern people and the northern people with reference to any of the results of the late war. The relations of the States to the Federal Government, the relations of the people to the States, the social, civil, and political rights of the people, are recognized alike at the North and the South, and it is my opinion, sir, that this proposed measure does not represent the sentiment of the people either North or South. With regard to the status of Mr. Davis in the political history of this country, whatever may be the opinion of the Senator from Maine, or whatever may be my own, will have to undergo the revision of posterity, and I cheerfully remit the question to that tribunal.

Mr. BLAINE. Why, Mr. President, does the honorable Senator from Mississippi declare that the policy of the Government of the United States, administered as it has been through the Republican party, has been one of intolerance toward those who were prominent in the war, if I may use a euphemism, and leave out rebellion, which is offensive to his ears? Do I understand the honorable Senator to maintain here on this floor that the Government of the United States has been intolerant? Certainly the Senator does not mean that.

Mr. LAMAR. Do you yield, sir?

Mr. BLAINE. Certainly.

Mr. LAMAR. Why does the gentleman from Maine ask me that question? It was not one that I was discussing.

Mr. BLAINE. But it is the very language the gentleman used.

Mr. LAMAR. No, sir.

Mr. BLAINE. The gentleman spoke of intolerance.

Mr. LAMAR. I was speaking of the intolerance involved in the legislation now proposed. But, sir, I have no disguises whatever on this subject. I do not wish to go back now and discuss the policy of the reconstruction laws nor the general policy of the republican party. I have in the other House repeatedly given my views very fully upon each of these topics. I will say that a policy which emancipated the servile class of the South and disfranchised the southern people, excluding them from all participation in the governments maintained by force over them, was rank intolerance. I say, sir, that a harder and more ungracious system of legislation could not be devised than to thus disfranchise a whole people and put them under the domination of their slaves. I assert that it was a policy more severe in its punishment and more terrible in its consequences than if a general confiscation had been inflicted upon that people. It not only subjected them to that humiliation which is the greatest of all tortures to a proud and manly race, but it held them down by force while they were being robbed and plundered by their dishonest officers. In these and many other respects which I will not mention, the policy of the republican party was intolerant.

But, sir, there were some things in the history of reconstruction to which I can refer with pleasure.

Many republicans in this Senate and many in the other House have been always willing to remove the political disabilities imposed upon the southern people by the proscriptive section of the fourteenth amendment, although they have inexorably required a formal petition in every instance to be made by the party relieved. I have always considered this action by republicans, with their views in relation to the war, as magnanimous. I have so felt it in my own case. I have, therefore, no hesitation in saying that there has been in this respect much of an imposing character in the action of the victorious section in its treatment of the section that was conquered. Sir, the very fact that the representatives of a people who were in insurrection against the national authority—for that is the status to which the fortunes of war have assigned us in history—are now participating in

the exercise of that national authority is a great, imposing, and inspiring spectacle of the benignant power of free institutions, and it gives me pleasure to express my admiration of it.

Mr. BLAINE. The honorable Senator has made the speech I was intending to make myself. I was about to ask him whether he considered this Government intolerant. I was not going to make the *argumentum ad hominem*. I was not intending to make any personal allusion to the Senator.

The Senator confuses things in his argument. He says it was not magnanimous to release a servile race, and he mixes up the policy made necessary by war—

Mr. LAMAR. The gentleman is mistaken. I did not say that it was not magnanimous to release the servile race. The gentleman is mistaken.

Mr. BLAINE. What did the Senator say?

Mr. LAMAR. I said that it was not magnanimous to release and set that servile race over a race of freemen and make them their rulers.

Mr. BLAINE. That is another point.

Mr. LAMAR. It is the point.

Mr. BLAINE. The point?

Mr. LAMAR. It is the point which I made.

Mr. BLAINE. The Government of the United States never disfranchised or put under political disabilities more than fourteen thousand men in the entire South. Out of the millions who were in the war it never disfranchised over fourteen thousand men. There are not two hundred left to-day with political disabilities upon them. There is not one that ever respectfully or in any other way petitioned to be relieved and was refused. I know very well what the honorable Senator from Ohio meant when he said that Hon. Jefferson Davis should commend himself because he was not an office-seeker and had not asked to be relieved of disabilities. Why, if the newspapers are to be credited, especially those in the southern democratic interest, Mr. Davis is a candidate for office; he is pledged to sit on the other side of this Chamber two years hence, and the honorable Senator from Ohio will in the next Congress with his eloquence—I am predicting now—urge that these disabilities be removed from him. I predict further that he will urge it without Jefferson Davis paying the respect to the great Government against which he rebelled of simply asking in respectful language that disabilities be taken from him. He has never asked it. I do not say that I can quote the authority but I think I am correct in saying that Mr. Davis has boasted that he never asked it. I am very sure that another great leader in the South, Mr. Toombs, of Georgia, has boasted that he would never do it, and in the House of Representatives three years ago when the general amnesty bill was pending and it was proposed that the amnesty should be granted merely on the condition that it should be asked for by each person desiring it, that was resisted to the bitter end. This great Government was to go to them and ask them if they would take it. The action of the democratic House of Representatives—I am speaking of the past now, which is quite within parliamentary limits—the action of the democratic House of Representatives was not that Jefferson Davis might have his disabilities removed upon respectful petition, but that we should go to him and petition him to allow us to remove them.

The Senator from Mississippi quotes European governments as precedents for us. I know it is not graceful to boast of magnanimity, but I maintain that there is nothing in history to compare with the magnanimity of the Government of the United States after the war. Nearly one-half of this body on Wednesday next will be composed of gentlemen who took part in the war against the Government; a very large and imposing membership already in my eye here to-day, once in the rebellion, and now forgiven, welcomed, honored, invited to the highest council board of the nation.

And let me say that the Senator himself having received the magnanimity of the Government, justly bestowed upon him, honorably asked for, let me say to him that it does not become him to speak of intolerance. There is no parallel to the magnanimity of our Government; not one single execution, not one single confiscation; at the outside only fourteen thousand out of millions put under disfranchisement, and all of them released and all of them invited to come to the common board fraternally and patriotically with the rest of us and share a common destiny for weal or for woe in the future. I tell the honorable Senator it does not become him or any southern man to speak of intolerance on the part of the National Government; rather, if he speaks of it at all, he should allude to its magnanimity and its grandeur.

Mr. GARLAND. Mr. President, I regret very much that the few remarks I submitted to the Senate after the reporting of the amendment offered by the Senator from Massachusetts have probably given rise to this debate, and I regret very much that the session has been prolonged in consequence of those remarks, because in the two years I have been here I have kept an estimate of the time I have occupied in the Senate and I have not quite consumed five hours in those two years; but having to some extent provoked this debate I must be permitted, and I claim the indulgence of the Senate a few moments, to express my views upon the subject as presented since I sat down last.

It is true I did say in the remarks I first submitted that Mr. Davis would scorn this pension. I uttered those remarks, and I call the attention of the Senator from Massachusetts to them in reference to

the time, the occasion, and the circumstance of presenting the amendment that he offered; and I repeat now for the second time that Mr. Davis, while he would be proud of any recognition of his services for his country at any time, if he believed there was a man, woman, or child in the State of Massachusetts or any other State of this Union that begrudged him recognition or that looked upon him with suspicion on account of that recognition, would scorn it and turn from it as he would turn from the hiss of an adder.

Mr. Davis and myself were not in a general way of the same politics in reference to this Government; but I have never had occasion, in the long service that I had with him and under him, in a civil capacity entirely, to doubt his capacity, to doubt his integrity, or to doubt his power of purpose under any and all circumstances; and I will say to the Senator from Massachusetts, and all others who agree with him and indulge in the spirit that prompted this amendment, that whenever they seek to see a game man die, whether he dies in adversity or in prosperity, they may go to the dying bed of Jefferson Davis and they will witness that.

But the Senator from Maine calls on the Senator from Mississippi to state whether the General Government has not been generous to those whom they conquered, to use his language in this Hall. I will say to him and to you, Mr. President, and to all others, that he is a bold man who would say they had not been generous, but he is a much bolder man who would say they had been generous. But take the circumstance that provokes this debate, I deny *in toto* *et in longo* *vallo* that the conduct of this Government has been generous to Jefferson Davis, and that is the matter now in hand. When he was incarcerated in the prisons of their country, as they then called it, poor and emaciated and broken down, beyond the power of doing harm to any living person, much less any living government, and carried to Richmond, almost as often as Troy viewed her walls encircled and her chief pursued, to stand his trial, they dared not try him, and they have not to this day tried him. The sacred principle at the bottom of this Government is that no man has a right to say another is criminal until he is presented, indicted, tried, and convicted; it matters not what your individual opinions may be as to his guilt or innocence. Mr. Davis has sought and implored, and his friends and attorneys for him, trial from time to time; and it has never been granted. How could he in decency's name, in the name of all that is sacred and all that is worth pleading for, let me submit to the Senator from Maine, how could he ask the country to pardon him when they kept him in chains, although liberated upon the bond of friends in the North?

Now we are speaking of the conduct toward Jefferson Davis, and I shall not be drawn into a discussion of the conduct of the northern people to the South generally, or toward Mr. Toombs. The work of the day is enough for that day. The question here is upon Jefferson Davis on this amendment; and I say, considering those times, followed up by what has been uttered in Congress from time to time against that gentleman, with the amendment to this bill, the conduct instead of being generous has been cruel; it is barbarous; it is inhuman.

As I look over the Chamber, I see now sitting here the gentleman who has acquired the name of "Cerro Gordo" (Senator Williams, of Kentucky) by his distinguished conduct at that battle; and in a few days, if we have an executive session, he is to be sworn in here as a Senator, one of the highest offices known to this country. Why not level your shafts at him? Why not strike him down when you strike this gallant American whose name has become historic and interwoven into the very best annals of his country? Senator Williams, after illustrious service in Mexico, and gallant service in the confederate cause, is soon to be with us and adorn this high theater; yet Jefferson Davis cannot receive a pittance from the Government he has served so well, and the mere mention of it stirs the blood of gentlemen who talk of generosity to indignation.

I could give instance after instance. But you talk of generosity, and you speak of the proud eras of your history. Why, sir, in the proudest era of Roman history no general was ever permitted to have a triumph or bear a trophy that he had won in a civil war; and the proudest and greatest military nation of modern Europe, England, has had her escutcheon blurred because she held the great Napoleon a prisoner, as this Government would have held Jefferson Davis but for the generosity of Horace Greeley and a few others, the latches of whose political shoes those who are urging this motion are unworthy to unloose.

These are my convictions, here and everywhere else. I am authorized to express them. That man is beyond the pale of injury to any one. He has demanded his trial; he has asked to come before witnesses and his accusers, the highest and best gift under the American Constitution. You may talk about your thirteenth, fourteenth, and fifteenth amendments, but that thing of being confronted by your accusers and the witnesses against you is the greatest privilege and right yet. He has asked and demanded it, and yet they have not given it to him; and they would make him, by their own denial of a trial in the courts, a tramp and a vagabond, and condemn him by this amendment, and brand him even with worse than the mark put upon Cain.

Mr. BURNESIDE. I shall detain the Senate but a moment. I approached this question when it was first broached by the Senator from Missouri with an entirely non-partisan spirit. I have believed

for a long time that the surviving soldiers of the Mexican war should be pensioned. I have never before thought on the subject with a view to the connection which the soldiers themselves had with the late rebellion. I have been forced to think of it in that connection to-night. I would not myself feel willing to vote myself and my Mexican war comrades of the North a pension and withhold from those who served with us in Mexico that are now in the South, and I therefore voted against the amendment which proposed to exclude them.

With reference to the amendment of the Senator from Massachusetts, I will say that I feel no hesitancy in voting to exclude the name of Mr. Jefferson Davis from any pension-list of our Government. I would not willingly bring his name up for the purpose of excluding it unless it was necessary. I recognize the motive of the Senator from Massachusetts in making his motion as a proper motive.

Mr. Davis, at any time since the Government of the United States has adopted the system of removing the disabilities of men who like him served the rebellion, could have asked for the removal of his disabilities. As to whether Congress would have removed those disabilities or not, is another question. Mr. Davis could have asked for their removal, and in view of the great part he took in the rebellion, if he felt like again joining with the citizens of the United States in working for the public good, he could have asked for the removal of his disabilities. He has chosen—

Mr. MORGAN. I should like to ask the Senator from Rhode Island whether the indictment against Jefferson Davis is still pending before the courts?

Mr. BURNESIDE. I confess I cannot answer the question. I think not, though.

Mr. MORGAN. My impression is that it is pending. I know that indictments against Mr. Clay are pending in the district or circuit court of North Alabama; and I know in reference to Mr. Clay, and I think the remark is equally true in reference to Mr. Davis, that while under indictment he feels that he cannot apply for the removal of his disabilities for it would be a confession of guilt.

Mr. BURNESIDE. That is a view I confess I had not taken of it, but I hold that any man who bore arms against the Government of the United States, who after the termination of the rebellion desired to re-enter upon his duties as a citizen, ought to have done all in his power to place himself upon the same footing as other citizens of the United States, but a man who holds himself aloof from those duties has no right to consideration, particularly as to pension-lists.

Now, I am speaking of this in a general way. I would cast no slur now upon Jefferson Davis and would do him no harm. As has been said, he is an old man, with one foot in the grave; he can do nobody any harm in the future; but he was responsible for a great wrong; he was a leader, an originator to a considerable extent of the wrong; but certainly a leader of public opinion in the South during the rebellion.

But enough of that. I would rather not vote for this amendment if I could avoid it, but if I am pressed to vote for it I shall do so.

Now, Mr. President, a few practical words in reference to the position in which I find myself. As I said before, I approached this subject in a non-partisan spirit, and if a law could have been passed granting pensions to the Mexican war soldiers on the vote which was taken the other day I would have been glad. Since then I have had some misgivings about it in view of the additional drain it would cause upon the Treasury. Besides, I find that the large majority, in fact almost every member of my party on this floor, is opposed to the passage of the amendment of the Senator from Missouri unless the Mexican war veterans who served in the South during the rebellion are excluded from its benefits. If that exclusion is made I am satisfied that Senators on the other side of this Chamber will not vote for it. If the exclusion is not made and my vote goes to pass the amendment in the Senate, and it should go to the House and be passed there, there is no reason for me to suppose that the President, in the face of the fact that every republican Senator on this floor except myself voted against the amendment, would not feel called upon to veto the bill. In view of this danger which threatens the pension bill if thus amended, and in view of the great harm that would result to Union soldiers by the failure of the bill to become a law, and in view of the duty which I owe to Union soldiers, I deem it my duty to vote to change my position and vote against the amendment of the Senator from Missouri.

I still believe that these Mexican veterans should be pensioned; but I do not think, in view of all that has occurred here to-night, that an amendment looking to that should be placed upon this bill; and I am sorry now that the Senator from Missouri, [Mr. SHIELDS,] my old comrade and friend, introduced his amendment, and I am sorry I voted for it, although my vote did not carry it, for it was carried by a large majority. But now that my vote may influence the result, I desire to place myself where I shall feel that I have done my duty to my country, to my own comrades who are interested in this bill, and to my party. I am a member of the republican party and desire to vote with it when not conscientiously constrained to do otherwise. There is a necessity for two great parties in this country, and the man who tries to do his work outside of party lines will be a failure; and I do not desire to be any more of a failure than God has made me.

Mr. President, I have endeavored to give my reasons for my change of views and I am not afraid to say that I have changed them. I

think it is the part of wisdom to separate this amendment from the arrears of pension bill, and pass the bill as soon as possible in accordance with the wishes of the chairman of the Committee on Pensions, finish our other work here, and go to our homes.

Mr. PATTERSON. Mr. President, I was not in the Senate when the arrears of pensions bill was voted on and when the amendment of the Senator from Missouri was adopted. If I had been here I should have voted for that amendment and for the bill, and I propose to vote for both to-night.

I regret very much to see the turn that this debate has taken to-night. I had hoped that all my republican friends would vote to pension the soldiers of the Mexican war; and when you vote to pension the Mexican war soldiers you should vote to pension all the Mexican war soldiers. I do not care if Jeff. Davis is among the number. Jeff. Davis was a gallant soldier in the Mexican war and I do not propose by my vote to punish Jeff. Davis in this way for his rebellion. Every other person who was engaged in that rebellion has been pardoned, has been forgiven, and I do not think the people of this country—and when I say the people of this country I mean particularly the people of the North, and I happen to know as much about the sentiment of the people of the North as any Senator on this side of the Chamber; I am a northern man and I am proud of it—I do not believe the people of the North, the republicans of the North care that much about Jefferson Davis that they would want the Senate, in passing a bill pensioning the Mexican war soldiers, to make an exception of Jefferson Davis.

I vote against the amendment of the Senator from Massachusetts as a republican. I do not want the republican party to make that much of Jefferson Davis. Let Jefferson Davis go on that roll if he chooses to go; he is not here to-night asking to be placed on the pension-roll. He happens to be a soldier of the Mexican war, and it is not a charity, it is a duty we owe to the soldiers of the Mexican war to pass a pension bill for them, and if we find Jefferson Davis's name among the list I say let him go on the Mexican war pension-roll if he wants to go; and if he does not want it he need not take it. But the people of this country do not care that much about Jefferson Davis; and the republican party make a great mistake when they single Jefferson Davis out and make him an exception. I love the republican party too much to desire to see it make a mistake of that kind. I want the republican party to succeed; I want the republican party to control this country; and I say to my friends on this side of the Chamber, you cannot control this country by any narrow, illiberal policy of that kind.

I shall vote against that amendment and I shall vote for the amendment of the Senator from Missouri to pension the Mexican war soldiers whenever I get a chance, for I believe in doing that I represent the people of my own State and I believe I represent the people of the North. The people of the North never did and never will begrudge a debt they owe the soldier; I have never heard one man in the North complain of the \$30,000,000 we pay every year to the soldiers by way of pension; and you may add to that and they will not complain. I am told that this will add twelve or fifteen millions more. The people of the North, the people of the South, the people of the whole country do not care what it takes to pension the soldiers; they will pay it, and they will pay it cheerfully. If the representatives of the people on this floor do not think so, let them go home and ask the people if we shall not pay the soldiers, and they will tell you yes.

Mr. HARRIS. Mr. President, having known Jefferson Davis for more than a quarter of a century, and believing, as I do, that I understand the motives which have guided his actions as a public man, I must be permitted to express my profound regret that the Senator from Massachusetts should have deemed it necessary to have submitted this amendment, because of the fact that it makes an invidious and unjust distinction between Mr. Davis and the people of eleven States who were in full sympathy with him. If the course pursued by Jefferson Davis in 1861 and the years that followed, was criminal, and is not to be forgiven, and he is still to be held up not only for censure and abuse, but as a criminal, I beg to say that I am as guilty as he, and I see around me on this floor a number of gentlemen, honored by their respective States, and honored by the various members of this body by daily and most kindly association and intercourse, who were no more and no less guilty than Jefferson Davis.

Issues upon grave and important questions of constitutional law, which affected the rights and interests of the people of nearly half the States of the Union, had agitated the public mind, and been the fruitful subject of much and angry discussion upon the floor of Congress for many years, and which culminated in 1861 in the secession of eleven States. I will not stop now to inquire into the merits of the question. For the purposes of my argument it does not matter which side was right or which wrong. History will record the facts, and posterity will determine the question when passion and prejudice shall have subsided. But the fact that the people of both the North and the South immediately flew to arms, putting their lives upon the issue, is proof conclusive that they were impelled by profound and sincere convictions.

It was the struggle of giants, fierce, protracted, and sanguinary. After four years of bloody strife, greatly outnumbered, shut out from the world by blockades, and resources exhausted, we accepted the liberal terms which were offered by General Sherman and surrendered

our arms. It was the surrender of brave men in good faith, and from that moment no word or act of Mr. Davis or the men who composed the confederate armies has done violence to those terms. From that moment we have recognized the fact that the issues of the war were settled, and forever settled. And being so settled, it was sincerely hoped by the people of the South, and, so far as I know, by a large proportion of the people of the North, that the passions engendered by and the bitter memories of that bloody struggle should be soothed by time, if not forgotten.

If I understood the honorable Senator from Massachusetts he spoke with commendation and approval of the fact that General Longstreet, Colonel Mosby, Postmaster-General Key, and others who were confederate soldiers, had asked that the events of the war should be forgotten. The Senator assents. Then I am authorized to assume that he, too, believes that these bitter and bloody memories should be buried in the deep grave of forgetfulness and oblivion.

I appeal to the honorable Senator to know if in his opinion this amendment of his is calculated to promote peace, harmony, and forgetfulness of that bloody past? So far from it, does he not recognize in it a fire-brand, potent only to revive those memories and rekindle the fires of sectional prejudice and hate?

What valuable end will be accomplished by the adoption of this amendment? The pittance that it will save to the Treasury is too paltry to furnish a motive to any Senator to desire its adoption. Whatever may be the motive prompting its introduction, and I do not propose to inquire into that, its chief, if not its only effect will be, to fire the northern heart and revive sectional animosity which may possibly tend to array a solid North against a solid South.

Mr. President, the country has suffered already by far too much from these sectional strifes. Let us turn from them now and forever, and devote our undivided energies and efforts to building up the languishing industries of our people and restoring prosperity to the country.

Why single out Jefferson Davis as the victim, and the only victim, of your resentment when he is no more guilty than the whole people of eleven States? Why censure and stigmatize him when all others are forgiven? Has the Senator from Massachusetts a single motive prompting him to desire the peace, happiness, prosperity, greatness, and glory of this country that is not shared by Mr. Davis? This is his home, his country, and his only home and country. The graves of his ancestors and his children are here; all that he has is here; all that he is, all that he can hope to be, is inseparably identified with this country. If this is not his home, his country, he has no home or country. Every consideration of interest, honor, and patriotism prompts him, as it does the whole people of the South, to promote by all legitimate means the peace, prosperity, success, and glory of the country, and the whole country.

If the amendment which excluded all the veterans of the Mexican war who had been confederate soldiers from the pension-roll had been adopted I should not have felt the injustice so keenly, though I should have regarded it as an unjust discrimination between the veterans of that war; but when the judgment of the Senate has been pronounced against excluding that class, and you single out one man for the purpose of casting obloquy upon him, my sense of justice revolts at the idea.

I shall vote against the amendment, and am resolved that neither my vote nor my silence shall ever cast a stigma upon the name of Jefferson Davis. I have known him long, and I know him well; and take pleasure in saying that, broken in fortune and in health as he is, in all the elements of true manhood, talent, attainments, and purity of personal character, he stands to-day, and proudly stands, the peer of any Senator upon this floor.

Mr. WALLACE. Mr. President, whence cometh all this noise? Let us trace this record and see if the fault lies at our door. The arrears of pensions bill came into this body through the Senator from Kansas, [Mr. INGALLS,] and was passed by a non-partisan vote, without any partisan feeling, or bitterness, or passion. But four Senators on this side of the Chamber cast their votes against it. Pending its passage the Senator from Missouri, [Mr. SHIELDS,] a soldier in two wars, bearing upon his body the scars earned in the war with Mexico, comes to plead before the Congress of his country for those who with him earned for us an empire; and the Senate, in response to his appeal, placed upon that bill pensions for the Mexican veterans—a praiseworthy and a generous act. It was passed; it became apparently the recorded will of the Senate, and was about to be sent to the other House for its concurrence, when a Senator not occupying a place upon this side of the Chamber, a Senator leading and prominent upon the other side—the Senator from Minnesota, [Mr. WINDOM]—interposed, and prevented the bill from going to the House by making a motion to reconsider the vote by which the arrears of pensions bill was passed. He voted for the bill. Was this his purpose? That motion to reconsider was not our act; it was the act of the republican side of the Chamber. The bill and the motion to reconsider slumbered upon the records of the Senate until to-night; and now this motion to reconsider the vote by which the arrears of pensions bill was passed is called up for action. By whom? By our side? Nothing of the kind; but by the republican side of the Chamber. It is brought to the attention of the Senate by the Senator from Minnesota, and the motion to reconsider is pressed to a vote, and that having been discussed by the Senate, it was reconsidered, and the

measure was again before us. Then followed a motion by a republican—the Senator from Michigan, [Mr. FERRY]—to reconsider the amendment of the Senator from Missouri, which gave pensions to the veterans of the Mexican war. That motion prevailed, and it was passed by almost a strict party vote, gentlemen upon this side of the Chamber voting "nay" and gentlemen upon that side of the Chamber voting "yea." After it was thus reconsidered the next proposition was that of the Senator from Oregon now in the chair, [Mr. MITCHELL,] another republican Senator, who introduced a proposition by which the provisions of the amendment of the Senator from Missouri [Mr. SHIELDS] should be restricted in its application to men in the Southern States who had been in the rebellion. By its prescriptive terms no man living in and loving the South, however much he might have suffered for his whole country, could partake of the benefits of the amendment of the Senator from Missouri. [Mr. SHIELDS.] In other words, although they of the South who had aided in obtaining for us a vast empire upon the Pacific slope had been brave and true soldiers in the war with Mexico, yet because they had gone into the war of the rebellion they are forbidden to be recognized as patriots; and this, too, although many of their comrades now sit upon this floor, in the highest council chamber of the Republic. Although some of their comrades have occupied places in the Cabinet of the nation; although many of them occupy places upon the bench in the judiciary of the country; yet, in the face of all this, these men are to be deprived of the benefits we give by this law to Mexican veterans.

In casting my vote for this measure I have obeyed the direction of my own State. I have obeyed the wishes of many there who had gone into this war and are now needy and poor. I voted for the amendment of the Senator from Missouri; but I could not vote for the proposition of the Senator from Oregon. It cuts a deep and wide line between those of the North and those of the South, where none such ought to be. I voted against that amendment, and every one of my political brethren upon this side of the Chamber voted with me and against it. A democratic House passed the pension bill, democratic votes passed it here; democrats vote to pension Mexican veterans, republicans reconsider it and amend it with opprobrium upon a class of brave men. This was defeated mainly by our votes, and now the fire-brand of dissension is thrown in by the same party action in bringing into the Chamber a proposition in regard to Jefferson Davis. We thought of no pension for him; his letter disclaims it for himself. Not only Jefferson Davis, but every other man South who had shouldered his musket or wielded his sword in the war with Mexico, was attacked and dishonored by the proposition of the Senator from Oregon. That proposition has been voted down; and but two Senators upon the republican side of the Chamber voted against it. What has followed? Jeff. Davis and a bitter debate. This amendment has come from the Senator from Massachusetts. Its purpose may have been just; its results are bad. Having failed to deprive all of those South who had aided us in the Mexican war of their right to a pension, which I believe this people would cheerfully give if the question were left to them, Senators on the other side select a single man, and he is to be elevated upon a pedestal of dishonor, to the end that their votes against the bill may be justified. The Senator from Massachusetts [Mr. HOAR] brought hither that name, and no one on this side of the Chamber had ought to do with it. The responsibility for throwing this man's name here, the responsibility for attempting to take from the roll of Mexican veterans the names of those in South Carolina, in Mississippi, in Texas, and in all the South who aided us in the struggle with Mexico, is not upon this side of the Chamber; it lies upon you, Senators, republicans, and not upon us. Its purpose is plain. The bill is to be killed, and your votes in doing it must be justified to the people by partisan acrimony and political debate.

Mr. GORDON. Mr. President, I do not wish to engage in the general debate, but to suggest some reasons which might justify those of us who sympathized with the South in the late war in withholding our votes upon the amendment. The Senator from Massachusetts who has offered this amendment excluding Mr. Davis from participation with all the other soldiers who contributed blood or services to give victory to American arms in Mexico must have taxed his ingenuity to place southern men upon this floor in an attitude most disagreeable. He knows full well that our self-respect must of necessity rebel at the thoughts of voting for such an amendment. He knows full well that a vote by us to exclude Mr. Davis is to place a brand upon our own foreheads and upon those who fought or fell with us in the late war. He knows that whatever poison is carried to the breast of Mr. Davis by this Parthian arrow, sent back from recently defeated republican ranks, must of necessity find lodgment in the breast of every man at the South whose sensibilities are capable of a wound. That Senator [Mr. HOAR] knows that every impulse of manhood and every sentiment of honor forbid a vote by a southern man for any such proposition as he has seen fit to offer; and yet, he does offer it with notice from that side of the Chamber that if the amendment is defeated the bill itself is also to be defeated. The Senator from Massachusetts [Mr. HOAR] therefore asks us to vote for an amendment at which our manhood revolts and to defeat which we are notified is to defeat the bill.

Mr. MORGAN. I agree with the Senator from Georgia as to what should be the course of those who come from the Southern States.

Mr. GORDON. I want to add another word if my friend will allow me. I have given the reasons which must be apparent to every Senator from every section why we cannot and will not vote to single out Mr. Davis from among southern men, as in any degree more responsible for the war or more worthy of republican spleen than those of us who followed and sustained him in the late revolution. I have also mentioned one reason why I am disinclined to vote against that amendment, namely, that if the amendment is defeated by our votes the bill is to be defeated, and we are to be held responsible for depriving not only the soldiers who fought in Mexico, but the Union soldiers of the late war of their pensions. Since my entrance upon public duty I have never failed on any occasion to pay all due respect to the soldiers who fought on the northern side in the late war, nor to deprive them of pensions, and all honors and emoluments which a grateful country might wish to bestow. I submit, therefore, that it is unworthy of any Senator to descend to the level of such a plane as this in order to secure as he wrongly imagines some political advantages. For one, therefore, I am disposed to sit silent while the Senator from Massachusetts and those who sympathize with him take the responsibility of settling the fate of the amendment or of the bill. In this, however, I shall be guided by the wishes of my friends on this side of the Chamber.

Mr. MORGAN. I think the Senator from Georgia in what he deems to be the proper course to be taken by gentlemen on this side of the Chamber has spoken for those from the South. So far as Mr. Davis is personally concerned we have his authority in the letter which has been read from the desk to-night, that he does not wish to embarrass any soldier of the Mexican war by the fact of his name being mentioned. It seemed to me that his expressions of regard for his comrades during that war were very tender and very manly. When he stated in that letter to his friends that he never entertained the idea that any soldiers should be left off the pension-roll because of any offense he might have been supposed to have committed against the Government of the United States, I think he gave utterance to one of those expressions that he was capable of on all occasions. I would therefore feel warranted entirely even in accepting the amendment of the Senator from Massachusetts, if I did not feel satisfied that there was much more in the amendment than the mere desire to exclude Mr. Davis from a pension. Mr. Davis has not claimed a pension though he has been entitled to it for many years. He has not claimed it because he was excluded by the laws of the United States, but he has not claimed it because he thought that in claiming it he would bring himself in contact with a public sentiment which would grate harshly on his own feelings, and he did not choose for the small pittance of the pension to make the sacrifice of feeling that would necessarily have to be made in order to secure it. I dare say that Mr. Davis has never thought about claiming the pension of the United States Government at any moment of time, no matter what may be his position or personal necessities. He no more thought of that than the honorable Senator from Missouri did, who is entitled in his own person, as I think justly, to the sobriquet of "the hero of two wars."

When the Senator from Missouri brought in this amendment to the bill for the purpose of benefiting his comrades in the war with Mexico, I dare say it never entered his thoughts that Mr. Davis might be one of the pensioners under that amendment. He was not undertaking to pension Jefferson Davis. He had no thought of drawing him into controversy under any circumstances. The heart of the grand old soldier bore itself out in that amendment, and he came here and spent perhaps the last hours of his public service in rendering a tribute of respect and regard for those men of whom he spoke so eloquently the other day in the Senate, and who stood with him in that little army of ten thousand men in the grand struggle with the Mexican Republic which resulted in bringing to us, I might say I think with justice, if not the larger the richer part of our present domain. The honorable Senator from Missouri, who ought not to be called a Senator when we think of his great military services, but rather a general, in the introduction of that amendment to this bill had no mercenary thought; no political question agitated his mind; no reflection upon the effect this movement might have upon the status of political parties ever for a moment agitated his thoughts; but it was an amendment moved for the pure and patriotic purpose of rewarding those men who of all others on this continent best deserve the regard of the American people, for they are the only men who have borne arms on behalf of this country who did not fight either in a political war or a war for the defense of their own homes and firesides.

The soldiers of the war of 1812, the soldiers of the numerous Indian wars we have had in this country, were men who stood between an enemy and their own hearth-stone and undertook to defend that sacred place against the invasion of an enemy, either domestic or foreign. The soldiers of the war of 1861 to 1865 fought in a political war, a civil war. The soldiers of the war with Mexico fought in a controversy between our country and a foreign government, a war which was justified in the then belief of the American people—and I believe history has not reversed that judgment—by long insults and outrages which had been inflicted on our country by the government of Mexico. They were called from their homes, they went abroad, that little but brilliant band of soldiery, the like of which we are told, and I believe fully, has no parallel in history. They went abroad, and not only did they maintain the honor of their names and the honor of the American character in a foreign land, establishing the banner of conquest

in the halls of the Montezumas, but they returned, and in their return they brought with them a dowry the like of which no similar band of men has ever brought to any country in the world. They have gone from that day to this without recompense. Bills have been introduced in the two Houses of Congress to provide pensions for them. The Legislatures of the different States have instructed their representatives here to see that these men had some reward. If to-day you were to take one hundred miles square of the country they brought within the boundaries of our Government and donate it to them, you would do scanty and mean justice even to their deserts on that great occasion.

Now, this brave old soldier, [Mr. SHIELDS,] who has the misfortune to be a democrat, came upon this side of the Chamber instead of coming on the other side of the Chamber, and here he undertook to advocate the rights of his comrades in arms, and being, as I believe he has stated, the last surviving commander of that splendid host of men, he brought forward an amendment to a bill which provided for arrears of pension for those who had suffered in the civil war and undertook to attach it to that bill. The Senate by a decided majority sustained that amendment. Then the heart of the Senate was touched; then the baleful influences of supposed party advantages had not spread themselves over the heart and mind of the Senate, but men came up like men and voted pensions to those who deserved them, and assisted those who for years have been trying to have it fitly done. It was a simple act of justice on the part of this Government.

The Senator from Pennsylvania [Mr. WALLACE] has alluded to some features of this case. It has come now to be considered a question of party advantage, as I have observed. There are those on the other side of this Chamber who are now unwilling to vote pensions to the Mexican war soldiers, several thousand of them, who certainly ought to have them. Some secret power has brought its influence to bear upon the other side of this Chamber, and now with great alacrity members on that side have changed their position, and for the purpose of getting an excuse for breaking down this right of the Mexican war soldiery to pensions at the hands of the American people, as I understand it, this amendment of the Senator from Massachusetts [Mr. HOAR] is drawn. The effort is to load down this whole pension bill with the name of Jefferson Davis. The effort is to deprive the soldiers of the Mexican war and their representatives here on this floor of that right of recognition which almost every heart in this land feels in its deepest throbbings is an act of simple justice. Because it is within the desire of a Senator to deprive all the members of the army that served in Mexico of pensions, he brings forward one name that gentlemen think is still able to call up bitter memories on the part of the American people.

We have not got the personal authority of Mr. Davis to make any statements in reference to this subject; but the Senate has heard the letter read to-night to which I referred in the opening of my remarks. Every Senator on this side of the Chamber knows that it would be a high gratification to Mr. Davis that this bill should suffer no embarrassment by his name being included within its provisions. Having no right to withdraw it, having no right here to make the release or surrender of his right under the pension law or under this bill when it shall pass, I think it is the duty of Senators on this side of the Chamber to allow Senators on the other side to dispose of that branch of the subject as they please, and if they choose to vote down or vote up the amendment of the Senator from Massachusetts, let them do it.

I think, however, if I were on that side of the Chamber I would consult a little the Constitution of the United States, and I would ask myself the question whether or not you can put the name of one man into a law to be excluded from its benefits upon an assumption by the Senate of the United States that that man has been guilty of treason against his country, and whether in that way you can vote a bill of attainder against an individual in the United States. I think I should ask myself that question if I were to introduce a bill in the Senate for the purpose of excluding any citizen of a State from an equal participation in all that belonged to every other citizen upon a declaration of guilt by the Senate of the United States in the nature of a bill of attainder.

There have been bills of attainder in this country. Missouri had a bill of attainder against certain citizens, and that bill of attainder was brought before the Supreme Court of the United States, and not only was it broken down but it was disgraced by the judgment of that court in the estimation of every man in this country who ever had a sense of justice or a knowledge of law.

If a bill should be introduced into the Senate to exclude Jefferson Davis from his right to a pension under the law as it stood before 1860, he being then a wounded Mexican war soldier, and it were put upon the ground that he was guilty of treason, those who might undertake to stand by Mr. Davis could well point to Richmond and to the record there and ask of the country why, if he were guilty of treason, he has never been tried; and it might be a question for the consideration of the Senate of the United States whether this body upon a bill like that would undertake to convict him of treason when in a judicial court an indictment was pending, which indictment has never been disposed of and upon which the right of trial had been denied him.

Though the amendment of the Senator from Massachusetts cannot

be considered strictly in the light of an attainder of an individual by the Senate of the United States, yet the principle upon which that amendment is founded includes the proposition; and when that amendment is voted for, it is a declaration by which the Senate of the United States will have solemnly committed itself to the proposition that it has the right to select out any American, and by name convict him of treason.

I have thrown out this suggestion not because I desire to evade any responsibility which may belong to my action as a Senator on this amendment, but for the purpose of drawing the attention of the country and especially of Senators on the other side of the Chamber to the question whether this legislation against men by name, legislation itself involving an accusation of treason, is the appropriate form in which the Senate of the United States ought to consider a measure of this character. I trust, therefore, Mr. President, that Senators on this side of the Chamber will allow Senators on the other side of the Chamber to dispose of this question as seems to them best. I am not willing to vote upon myself a censure; because I happened to have been a comrade of Mr. Davis and happened to have been in fact more advanced in my views in reference to secession than was he. We of the South well remember that at the time of the secession Mr. Davis was not in full accord with the front rank of the secessionists; but we chose him because we believed he was a man of high character, of great courage, of established abilities, a man whom we could trust even more because he had not been in the van of the movement that we were urging. For a like reason we chose that eminent statesman who is yet in this city and now an honored member of Congress in the other House, ALEXANDER H. STEPHENS, as the vice-president of the Confederate States. Mr. STEPHENS doubtless got the votes of the Southern States because there was a large body of men there who believed that without a conflict of arms there would be an opportunity of securing through him a better basis of union than that which had existed at the time of our separation. There was a conservatism of feeling in the Southern States which led to the election of Mr. STEPHENS, and that same conservatism of feeling had a large influence in the election of Mr. Davis. Mr. STEPHENS is in the other branch of Congress to-day, and no man raises his voice against him; no utterance of hostile or unfriendly sentiment or feeling is ever heard in reference to ALEXANDER H. STEPHENS; and yet ALEXANDER H. STEPHENS in the South is regarded as being just as true to us to-day as Mr. Davis. He is regarded as being as much a representative man as Mr. Davis. The Congress of the United States welcomes that man not merely for his ability, but also for his past history. The censure that falls on Mr. Davis falls equally upon me, falls equally upon every man in the South, and indeed it falls more heavily on many gentlemen on this floor than it would either upon Mr. Davis or Mr. STEPHENS.

General Joseph E. Johnston is a member of the House of Representatives elected to the next Congress, and what censure have you got for him? He was a man who resigned his position in the United States Army, and a very high one it was, and took in a large degree the very leadership of the armies of the South. What censure have Senators to cast on Joseph E. Johnston?

Then the name of Jefferson Davis is separated in this amendment from all the other names, and that name is brought before the Senate of the United States to-night, not I believe for the purpose of inflicting pain on Mr. Davis, not for the purpose of inflicting any contemptuous or invidious treatment on this side, but for the mere purpose of handicapping this measure, so that it cannot go through the Senate and House of Representatives. I think Senators on this side will do themselves simple justice by retiring from the contest and allowing the other side to decide it.

Mr. CHANDLER. Mr. President, twenty-two years ago to-morrow, in the old Hall of the Senate, now occupied by the Supreme Court of the United States, I, in company with Mr. Jefferson Davis, stood up and swore before Almighty God that I would support the Constitution of the United States. Mr. Jefferson Davis came from the Cabinet of Franklin Pierce into the Senate of the United States and took the oath with me to be faithful to this Government. During four years I sat in this body with Mr. Jefferson Davis and saw the preparations going on from day to day for the overthrow of this Government. With treason in his heart and perjury upon his lips he took the oath to sustain the Government that he meant to overthrow.

Sir, there was method in that madness. He, in co-operation with other men from his section and in the Cabinet of Mr. Buchanan, made careful preparation for the event that was to follow. Your armies were scattered all over this broad land where they could not be used in an emergency; your fleets were scattered wherever the winds blew and water was found to float them, where they could not be used to put down rebellion; your Treasury was depleted until your bonds bearing 6 per cent., principal and interest payable in coin, were sold for eighty-eight cents on the dollar for current expenses and no buyers. Preparations were carefully made. Your arms were sold under an apparently innocent clause in an Army bill providing that the Secretary of War might, at his discretion, sell such arms as he deemed it for the interest of the Government to sell.

Sir, eighteen years ago last month I sat in these Halls and listened to Jefferson Davis delivering his farewell address, informing us what our constitutional duties to this Government were, and then he left and entered into the rebellion to overthrow the Government that he

had sworn to support! I remained here, sir, during the whole of that terrible rebellion. I saw our brave soldiers by thousands and hundreds of thousands, ay, I might say millions, pass through to the theater of war, and I saw their shattered ranks return; I saw steamboat after steamboat and railroad train after railroad train arrive with the maimed and the wounded; I was with my friend from Rhode Island [Mr. BURNSIDE] when he commanded the Army of the Potomac, and saw piles of legs and arms that made humanity shudder; I saw the widow and the orphan in their homes, and heard the weeping and wailing of those who had lost their dearest and their best. Mr. President, I little thought at that time that I should live to hear in the Senate of the United States eulogies upon Jefferson Davis, living—a living rebel enlogized on the floor of the Senate of the United States! Sir, I am amazed to hear it; and I can tell the gentlemen on the other side that they little know the spirit of the North when they come here at this day and with bravado on their lips utter eulogies upon a man whom every man, woman, and child in the North believes to have been a double-dyed traitor to his Government. [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) Order must be preserved in the galleries.

Mr. MORGAN. If the Senator or any other man in the United States believed that, why did they not proceed to try him? And I ask who went on his bond when he was released from prison?

Mr. CHANDLER. The democratic candidate for the Presidency, I believe, went on his bond.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Massachusetts to the amendment offered by the Senator from Missouri.

Mr. THURMAN. Mr. President, I wish to say a word, not to go into any argument of this matter. The Senator from Georgia suggested that the southern Senators on this floor should not vote on this amendment, and if I understood the Senator from Alabama he expressed the same opinion. Let us see how that will work practically. If they decline to vote there will be no quorum in the Senate voting. That is very clear. I am inclined to think, on the other hand, if they do vote there will be enough Senators on the other side who are opposed to granting pensions to the Mexican war soldiers who will withhold their votes in order that the amendment of the Senator from Massachusetts may be defeated, and that then they can have an excuse for voting against the bill; that is, for voting against the Mexican war pensioners.

So we are between Scylla and Charybdis, we who are in favor of granting pensions to the soldiers of the Mexican war. I think now under these circumstances the straightforward way is the better way, and let the responsibility fall on those to whom it belongs. I think the best way is for every Senator to vote, and if Senators do not vote on the other side in order that the amendment offered by the Senator from Massachusetts may be defeated, and they may have the excuse for voting against granting pensions to Mexican war soldiers because this terrible specter Jeff. Davis is in the category, let them avail themselves of it, let them defeat the pensions for the Mexican war soldiers, let them have the responsibility.

If the southern Senators do not vote on this amendment on the yeas and nays, there will be no quorum. It is very true the democratic Senators are not responsible for that, for the republican Senators are still in a majority, and if they were all here there would be a quorum. I do not say they are more bound to be here than the Senators who are in the minority; but they are not here and there will be no quorum if so large a body of the Senate as those who come from the South do not vote. Then what? Then are we to have a repetition of what we had the other night, four mortal hours spent in getting a quorum, and that, too, in such a night as this, in such a storm as this? Why, no, sir; it will result in an adjournment and that will be the whole of it.

My advice, therefore, is that every Senator shall vote, and vote his true sentiments and let the responsibility rest where it belongs.

Mr. BLAINE. It seems to me that the honorable Senator from Ohio is quite free in imputing motives as to what this side of the Chamber will do; that we will withhold our votes in a certain contingency. I should like to know why he is justified in saying that?

Let me say to the honorable Senator from Ohio that this bill came here to provide arrearages of pensions for the soldiers of the war of the Union who were disabled in it, and the rider put on here by his vote, among others, is that unless we pension not merely Jefferson Davis but ten thousand other men who fought in the ranks of the confederate army, the Union soldiers shall not have any relief. This bill came from the House a simple bill to provide for the payment of arrearages of pensions to soldiers who fought for the Union in the war of the rebellion and were disabled in the war. The Senator from Ohio and his political associates put a rider on that bill that before a dollar shall be paid to one of them the confederate soldiers who fought in the Mexican war shall also be put on the pension-roll.

Mr. THURMAN. The Senator from Maine is nothing unless he is personal. If he wants personalities he shall have them to his heart's content when the proper occasion shall arise. It is not the time just now.

Mr. BLAINE. What have I said personal?

Mr. THURMAN. Sit down; don't interrupt me.

The Senator talks about a rider put on this bill. Who put it on? Did a minority in this Senate put it on? It was moved by a man whose record is glorious in this country, and will be remembered quite as long as that of the Senator from Maine and I think as much cherished by the American people as that of the Senator from Maine. He is the man who moved it, having at his back the instructions of twenty Legislatures and the petitions of thousands of people. He put it on as he had a right to do, at least he had a right to move it; and a majority of the Senate, including republicans, voted to put it on. That is how it came on. And ever since that there has been a struggle to get it off, and the struggle now is to get it off. Sir, there can be no mistake about it, and it will not be misunderstood. The struggle is here, under the pretense of denouncing Jefferson Davis, to deny pensions to the soldiers of the Mexican war.

Mr. BLAINE. The honorable Senator from Ohio speaks to me of being personal. He had gone on speculating as to how we would vote here, as to what we would do in the future. I called attention to what he had done in the past. Was it personal for me to allude to a vote that the honorable Senator had cast?

When he came to designating my personalities he said that I had called the amendment a rider. That is very personal. What was it but a rider? How was it put on? It was put on by every democratic vote in the Senate, with a few republican votes who did not quite understand it; and if it be personal, let me repeat the personality. It is thrust in here to-day, and it gives to ten thousand men in the South who were in the confederate army pensions as a rider on a pension bill for the Union soldiers, and if the Senator considers that personal, let him make the most of it.

Mr. KERNAN. The Senator from Maine is so familiar with the record that he ought in common courtesy, and as it was put on by the yeas and nays, to state who voted against it.

Mr. BLAINE. I should like to hear one who did vote against it get up and deny it.

Mr. COKE. Mr. President, I desire to say only a few words. I propose, on the amendment offered by the Senator from Massachusetts, [Mr. HOAR,] to vote my honest convictions. I am here representing in part a State which, under the Constitution of the United States, stands equal to any State in this Union. As a Senator I hold that it is not only my right, but my duty, to vote as my judgment of the right dictates.

I hold, Mr. President, that Mr. Jefferson Davis is no worse man than myself; than other gentlemen upon this floor; than the mass of the southern people who selected him as their leader during the great civil war. I hold that he is not more guilty, no more criminal; that he is exactly the same man morally that the great mass of the men of the South are in this regard. I am neither ashamed nor afraid to record my vote on this amendment just as my heart and judgment dictate.

The South did not bring Mr. Davis before this body. The honorable Senator from Missouri [Mr. SHIELDS] introduced an amendment to the pension bill, placing upon that bill and giving to them the benefit of its provisions the surviving soldiers of the Mexican war. It happens that Mr. Davis is one of the most distinguished of these. Shall I discriminate against him? Why shall I discriminate against Mr. Davis? There may be reasons why other gentlemen may do it, but why shall I do so? Shall I do it because he was a rebel, when I was just as much a rebel as he? That would not be honest; it would not be candid; it would not be sincere. We both were rebels to the extent, I at least of my humble ability, and shall I condemn him because he was one? I will not do it. It might be politic for me to do so; but I prefer to be candid and sincere, and vote as I feel and as I believe to be right; and I propose to vote squarely against this amendment.

I have but a word or two more to say. I believe that I am as loyal to this Government as any man in it. I believe that I represent a people as true to the traditions of the fathers of this Republic as any people under the flag of this Union. I believe that I represent a people who would do battle for the liberties of this country with as much alacrity as any people in it. I believe that I represent a people whose history shows they are true wherever they bear allegiance. Gentlemen may talk about treason and about traitors. I and my people were true to the confederacy. We laid down our arms, or were made to lay them down, it is unnecessary to inquire exactly which, [laughter,] at any rate they were laid down, and we have given our allegiance to this Government, and we are as true to this Government and will be as true to it as we were to the confederate government. Yes, Mr. President, you may look to New York, you may look to Massachusetts, you may look to New Hampshire, you may look throughout the North, and you will find no man or men whose hearts beat truer to the Constitution, to the Union, to the flag of this country, and to the traditions of its fathers, than do those of the people of Texas. They have never deserted a cause to which they had given their allegiance. They achieved their own independence against a power tenfold their superior in numbers and resources. They came voluntarily into this Union. They cast their lot with the people of whom they formed a part and from whom they sprang in the States of the South when the civil war came on, and were true to the death to them, for their dead are to be found upon every battle-field of the civil war, and when the confederacy went down they gave back their

allegiance to the Federal Union, and they are here to-day, and they mean as long as time lasts to stand by their country. They believe as their great leader, Sam Houston, believed, that when the country was riven in twain a man's section became his country, and they adhered to it.

Now that the breach has been healed and they are again under the old flag, under the old Constitution, they will stand by it to the last. Massachusetts and New York and New Hampshire have not men that will cling to this Union longer than will the people of Texas, nor have they men that will dare the chances of battle further in defense of American institutions and American honor than the men of Texas will. I say this because it is true, because I know it to be true, and I at the same time tell you, candidly and sincerely, that we love Jefferson Davis because he represented us in a struggle in which our young men and our old men went down to their graves and by which our women were made widows and our children were made orphans. He represents us and we love him, we respect and revere him. While we cling to this Government and to the institutions of this country, and to the glorious memories of our fathers, we at the same time tell you that we stand by our past as true and honest men will ever stand by what they believe to be right.

I will vote, Mr. President, against the amendment of the honorable Senator from Massachusetts, for I never will by word, or deed, or by silence even, consent to fix a stigma upon him who was the leader of my people—and a noble leader he was—in a struggle which will ever be memorable for heroism, fortitude, and devotion unequalled in the world's history.

Mr. WINDOM. Mr. President, I will not occupy the attention of the Senate more than five minutes probably. The Senator from Pennsylvania [Mr. WALLACE] has attempted to place a responsibility upon this side of the Chamber which he thinks is somewhat burdensome to bear, and as a very large share of that responsibility, if there be any serious danger that arises from it, belongs to myself. I think I am justified in stating what I regard as the exact issue in this case.

Some time ago a bill was passed granting arrears of pensions to the soldiers of the late war. The appropriation bill to provide for these arrears came from the House of Representatives, was referred to the Committee on Appropriations, and reported back to the Senate, containing nothing but the money to pay those arrears of pensions, plain and simple. If that bill could have been permitted to pass without other conditions, which the other side of the Chamber have sought to place upon it, it would have been a law before this day. But it could not be permitted to pass, and why? It was desired that certain other persons who have been discussed here to-night should be made pensioners as a condition of complying with an existing law to pay to those who by our statutes are entitled to their pensions to-day.

Mr. WALLACE. The Senator from Minnesota will allow me to ask him a question.

Mr. WINDOM. Certainly.

Mr. WALLACE. Who was it that moved the amendment covering the arrears of pensions?

Mr. WINDOM. I do not understand the Senator.

Mr. WALLACE. Who was it moved the amendment to the appropriation bill covering the arrears of pensions bill?

Mr. WINDOM. Where?

Mr. WALLACE. In this body.

Mr. WINDOM. The amendment to the pension bill?

Mr. WALLACE. To the appropriation bill.

Mr. WINDOM. For these arrears of pensions?

Mr. WALLACE. Yes.

Mr. WINDOM. The Senator from Missouri, [Mr. SHIELDS.] If I understand the Senator's question it is this: who moved the amendment providing for pensions for the war of 1846 to the appropriation bill to pay the arrears of pension? If that be so, I answer the Senator from Missouri, who belongs to that side of the House.

Mr. WALLACE. Correct, certainly.

Mr. WINDOM. I am quite willing to meet my full share of that responsibility. I stand here ready to-night, and so does every Senator on this side of the Chamber, to vote at once to comply with the existing law in appropriating money to pay these arrears of pensions. We desire to do that; but the Senators on the other side of the Chamber say no, you shall not pay these arrears of pensions unless you do—what? Let us see. Unless, as my friend from Massachusetts and others have said, unless, to illustrate the strong point in this case perhaps, unless you pension Jeff. Davis. I do not care to go into that. There are a great many of the same kind; I will not single him out; but that is the exact position, that we shall not vote the money, although the bill has been passed, although it is at present a law upon your statute-book that these people are entitled to the arrears of pensions, they shall not be paid, but that this bill shall be permitted to die unless we agree to another law to pension somebody else.

Now, then, how do these people appear in the matter? Let us see. The arrears of pension go to men who were disabled, who were wounded or incurred disability in the defense of their country. You propose to say these men shall not be pensioned unless we make a new law pensioning everybody who served fourteen days in the war with Mexico or who was in any kind of an engagement, no matter how small, \$3 a month for his natural life, and pension men who were never

disabled at all, men who received land warrants for their services in that war, and will extend that pension to the widows of those men, no matter how great that number may be.

Mr. President, I am perfectly willing, as I said a while ago, to consider a bill for pensioning the soldiers of the Mexican war, but it should certainly be a carefully considered bill. I do not believe that we should withhold the arrears of pensions which the law grants until we can compel the passage of a law granting pension to a man who has received a land warrant, and who was fourteen days in the Army of the United States in the war with Mexico, and that that shall be a condition which is made here to-night on the passage of this appropriation bill. Take off, as the Senator from Maine has said, the rider which has been placed upon it, let us consider it in a separate bill where we can have time to discuss it, to amend it, and I will vote for any proper law on that question. But I am perfectly willing to accept the responsibility of going home to the soldiers of my State and saying: "You will have to wait three or four months longer for your pay," rather than be compelled to pension the class of men who have been referred to here to-night. I meet that responsibility, and my full share of it, with the utmost composure.

Mr. BECK. Mr. President, I may misunderstand the legal effect of the amendment—let me read it—as offered by the Senator from Missouri. It provides "that the law granting pensions to the soldiers, and their widows, of the war of 1812, approved March 9, 1878, is hereby made applicable in all its provisions to the soldiers and sailors who served in the war with Mexico of 1846."

I see no provision there for the widows of those soldiers or sailors. It is applicable to the soldiers and sailors who served in the war with Mexico in 1846, and not to the widows of those soldiers and sailors, as I understand.

Mr. WINDOM. Will the Senator allow me to answer him at this point?

Mr. BECK. I desire to know whether that interpretation is correct or not.

Mr. WINDOM. As I understand the amendment, it extends all the provisions of the law of March 9, 1878, to the soldiers of 1846. Now, what are those provisions? I will not read them, but only state them. The first section describes those who shall be pensioned all "who served for fourteen days in the war with Great Britain of 1812, or who were in any engagement, and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men."

Mr. BECK. Read the title of that act.

Mr. WINDOM. It is—

An act amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes, approved March 9, 1878.

Mr. BECK. That is the description of the act. The extension made by the proviso of the Senator from Missouri is not to the widows, but it is to the soldiers and sailors who served in the war with Mexico in 1846. By no sort of construction can it reach the widows. Although the act of March 9, 1878, granting pensions to the soldiers and sailors of the war of 1812, and their widows, is extended so as to be applicable to the soldiers and sailors of the war of 1846, it does not apply to the widows of such soldiers and sailors. That is my construction of it, and I think you will find it is a correct construction. It seems to me to be the proper and correct one, as well as the legal construction. The act referred to only indicates what rights the soldiers and sailors of the war with Mexico shall have.

Mr. HOAR. Has the Senator from Kentucky the same amendment there?

Mr. BECK. I have the amendment printed in the RECORD as offered by the Senator from Missouri.

Mr. HOAR. The Senator will allow me to read the original, which I hold in my hand, which I got from the Clerk.

Mr. BECK. Certainly; but I have the RECORD here.

Mr. HOAR. The Senator of course would like to hear the genuine document. The amendment reads:

Provided further, That the law granting pensions to the soldiers, and their widows, of the war of 1812, approved March 9, 1878, is hereby made applicable in all its provisions to the soldiers and sailors who served in the war with Mexico of 1846.

Mr. BECK. That is precisely what I read from the RECORD.

Mr. HOAR. I do not believe the honorable Senator from Missouri will say that he does not mean to include the widows of these soldiers.

Mr. SHIELDS. I meant to include them.

Mr. BECK. I do not know what the Senator from Missouri meant. The lawyers of this body will, I think, decide, and the language will be construed to mean, that the provisions of law which provided for the soldiers and sailors of the war of 1812 and for their widows is extended and made applicable to the soldiers and sailors of the war of 1846, and only to the soldiers and sailors of that war, and not to the widows of either of them. It is not extended by the proviso, no matter what the mover of it intended, so as to reach the widows of the soldiers of that war, but only to the men themselves. I may be wrong in that construction, but I think I am right.

Since I am up I desire to say that the Legislature of Kentucky has instructed me to vote pensions to the soldiers and sailors of the Mexican war. I was not responsible for bringing the measure before the Senate in the form in which it came, but if I had refused to vote for it, having been so instructed, my people and my Legislature could very well have said that I had disobeyed their instructions. Therefore I voted for it when it was presented, although a better and more

carefully guarded bill might have been presented. It passed by a vote of 36 to 22. Among that thirty-six I find the names of the Senator from Rhode Island, [Mr. BURNESIDE,] the Senator from Pennsylvania, [Mr. CAMERON,] the Senator from Florida, [Mr. CONOVER,] the Senator from Arkansas, [Mr. DORSEY,] the Senator from Michigan, [Mr. FERRY,] the Senator from Louisiana, [Mr. KELLOGG,] the Senator from Oregon, [Mr. MITCHELL,] and the Senator from Nebraska, [Mr. SAUNDERS.] Those eight republican Senators added to the twenty-two who voted against it would have made thirty, and thus have left the democrats who voted for it in a minority of two. I find among those voting against it the names of the democratic Senator from New York [Mr. KERNAN] and the Senator from New Jersey, [Mr. RANDOLPH.] Therefore I did not regard the vote when it was cast as a party vote in any strict sense. I supposed the fact to be that we were pensioning these men because of services rendered in 1846. They were regarded as meritorious soldiers, and these pensions were granted because of the services then rendered and the magnificent empire that was added to the United States by their services in the field during that war.

The Senator from Missouri [Mr. SHIELDS] the other day, in eloquent language, told us what power we gained, what wealth was acquired, what heroism was exhibited, what extent of territory was added, and because of the services then rendered by those soldiers and sailors my Legislature instructed me to vote pensions to them as men who deserved well of the Republic, and I did so most cheerfully. I care nothing about the subsequent conduct of any of them. No complaint is made as to their conduct in the war with Mexico, and it is for that, and that only, that it is proposed to reward them now.

As to how any of those men behaved afterward I care nothing. If they have done wrong since that time, they can be punished for it, but it is now proposed to reward them for acts done in 1846, and I will not look beyond that to make exceptions. The President of the United States, General Grant, himself a soldier, four years ago sent a message to Congress when disabilities were imposed upon such of the soldiers of the war of 1812 as might have taken part in or given aid to those engaged in the rebellion, in which he said to this body and to the other House that the pensions which were granted to those men who fought in the war of 1812 were granted for acts done and for services rendered in a great war with a foreign enemy, and that it was neither manly nor proper to exclude them from the benefits to which they were entitled by reason of the services then rendered for any subsequent acts that they had done. That was a manly message, and might well commend itself to those who were citizens in war and propose to revive animosities and become belligerents in time of peace.

That message is perhaps fresh in the minds of a good many gentlemen here; and I suppose that we are not going to punish men now for acts done in the late war by withdrawing from them rights which they had acquired as early as 1846, or as early as 1812. If Senators desire to punish Mr. Davis or any other Mexican soldier for any subsequent act, why not take them before a court that would punish them for those acts, and not deprive them of rights that they had acquired years before anything now complained of had happened. Are you afraid to attempt it? You had Mr. Davis in prison, in irons, in torture, and dared not give him the trial he demanded.

I do not propose to go into any discussion as to Mr. Davis, nor to make any discrimination among Mexican soldiers, picking him out and making an example of him. He was not in the mind of the Legislature of Kentucky when they instructed me to vote for this measure, nor was any individual man or soldier of 1846 considered by it. The men who risked their lives in the war of the United States against Mexico, whose service we received, they thought ought to be pensioned. If any of them have done wrong since then, their subsequent action or conduct cannot be considered. It is too small a matter for this Senate to pick out individuals and seek to revive animosities, make disturbance, or create political excitement because some man can be named, who was a good soldier in that war, but has since done something which will distract and divide a people who want to be friends and would be friends but for demagogues who seek to establish a spurious patriotism by reopening party strife, to defeat honest and generous legislation.

Mr. BLAINE. Mr. President, I desire a moment for a matter purely personal, and not in the line of discussion on the pending measure. When I rose to speak the last time I alluded to the vote of the Senator from Ohio, [Mr. THURMAN.] In his reply, with some warmth he said I was nothing if not personal. I rose and asked him what I had said that was personal, and he replied—I certainly think he must have forgotten himself—with a peremptory command for me to "sit down," in a tone which certainly was unusual in this Chamber, and he accompanied it, I think, with a certain menace, that if I desired a personal struggle I should have enough of it. I did not desire to struggle for the floor when the Senator had it and was entitled to it, and I accordingly sat down. I desire now to say that I have been in the Senate three years; I do not remember ever to have made a remark personal to a Senator; certainly if I have it was unintentional. I do not remember ever to have made an unkind allusion to a Senator; certainly if I have it was unintentional. I desire further to say that the Senator from Ohio is the only Senator in this body who ever made a personal, an unkind, an uncalled for, and unparliamentary allusion to myself, and he has done that three times. If he is satisfied with his bearing to-night, I have no objection to it. Once

on a former occasion I sent private word to him that his language was offensive. The difference between us in years commands me not to resent as I might resent the same words from other and younger Senators; but I do not want the Senator from Ohio to imagine that I consider his conduct to-night on this floor such as becomes one Senator to another, such as becomes one gentleman to another.

Mr. THURMAN. The Senator from Maine says that on three times I had been wanting in personal respect or personal consideration for him.

Mr. BLAINE. I do not say that. I said more than that. You had been forward in personal disrespect.

Mr. THURMAN. Upon my word I do not know what the occasions were, nor do I at all remember the message to which the Senator alludes. I have thought the Senator from Maine is disposed to have personal controversies. I have thought that the Senator from Maine was much more disposed to make some personal point with a Senator about his consistency or about his vote than he was to consider the merits of the questions that were under discussion. I have thought that the Senator sought that kind of personal controversy; and that is what I meant by saying that the Senator was personal. But the Senator has, in my humble judgment, and with due submission be it spoken, a habit of which he is perhaps not conscious. He has a habit of interrupting the Senator who is on the floor and endeavoring to carry on a dialogue with him without any leave whatever of that Senator to submit to the interruption. I have seen that, and other Senators have seen it, and have spoken about it again and again. I do not intend that it shall be carried on with me in that way. Therefore I said, and perhaps with some heat, to the Senator to take his seat, or to sit down, because I did not intend to have a dialogue of that sort on the floor with the Senator.

Mr. President, I have been here ten years, and I think I may appeal to my brother Senators that no one has been less disposed than I to have any personal controversy with Senators; and the fact that I have not, so far as I know, or never had, a personal enemy on this floor during the time I have sat here, is sufficient proof that they think I have treated them with courtesy and respect. But I do not admire these personal debates or dialogues to which the Senator from Maine, as it seemed to me, and if I am mistaken I should be very glad to be corrected, is somehow or another addicted. I prefer to discuss so far as I can the merits of a question that is before the Senate, and not make it a subject of personal controversy between me and another Senator as to our courses in respect either to that question or to other questions that have been before the Senate or before the country.

Having said that much upon this subject, and I hope I may never have occasion to allude to it again, I wish to say another thing before I take my seat. The Senator from Minnesota seems to be under the impression that Senators on this side have made the adoption of the proposition of the Senator from Missouri a condition upon which the appropriation for the arrears of pensions should be adopted. The Senator is entirely mistaken about that. If the amendment of the Senator from Missouri had never been offered, I think there would have been a unanimous vote on this side for that bill. If that amendment were rejected, I think we are a unanimous vote upon it. No objection came to it from this side of the Chamber, so far as I know. The only attempts to load it down—no, I do not say they were attempts to load it down, but to amend it—or at least the first attempt, came from the other side, in the shape of a proposition to provide means in order to pay those arrears of pensions.

Mr. RANSOM. May I say a word?

Mr. THURMAN. Let me finish. I will be done in a moment.

The Senator from Missouri saw fit to move his amendment. I believe I was out in the cloak-room at the time. I did not know it was to be offered. I heard the yeas and nays being called; I came in and found what the question was before the Senate. I knew that I was instructed to vote for pensions for the soldiers of the Mexican war; I knew that that met the concurrence of my own judgment, and I voted for the proposition. I could do no less. I never have made it a condition, and although I hope the Senate will not reject it but will keep it on the bill, yet it is not right to say that I (and I think when I speak for myself I speak for nearly everybody else in the same category) have made that a condition upon which the pension appropriation bill should pass.

Mr. WINDOM. I think the Senator from Ohio will agree with me that if this bill be defeated it will be done because a portion of the Senate insist that it shall contain this provision.

Mr. THURMAN. Would it not be quite as just for the Senator from Minnesota to say that it will be defeated because the other side of the Chamber will not grant a pension to the soldiers who served in the Mexican war?

Mr. RANSOM. May I ask the Senator one question?

Mr. WINDOM. I should prefer one at a time.

Mr. RANSOM. If I am not mistaken, the bill for the payment of arrears of pensions came from the other end of the Capitol, from the democratic House.

Mr. WINDOM. It did.

Mr. RANSOM. Of course a democratic minority could not think of putting what the Senator from Maine has called a rider upon it, in view of what had been done elsewhere, if that had been our purpose.

Mr. WINDOM. The bill came from the other end of the Capitol, and was reported back to the Senate containing nothing but the

appropriation. If those who have attached to it this amendment should be content to withdraw it and consider such a proposition in a separate bill, the arrears of pensions could be passed to-night. If they insist upon maintaining this amendment, it will probably be discussed until the bill will fail, and the result will be that the crippled and disabled Union soldier will find that his arrears of pension will not be paid until after the next session of Congress, because his neighbor, if there be any, who never was crippled, who had a land warrant for his services, who served only fourteen days in the Mexican war, could not have a pension secured to him at the same time. Or perhaps he may find it even stronger, if the amendment of my friend from Massachusetts [Mr. HOAR] should be voted down, that he could not receive his arrears until the chief of the confederacy should be placed upon the pension-rolls also.

There is a strong impression in some parts of the country that the time is coming when the Union soldier will not be pensioned at all until all those who fought on the other side are pensioned; and I think I may say to the Senator from Ohio that this action will very much strengthen that impression if the arrearages of pensions bill is lost for that reason.

Mr. GORDON. Does the Senator from Minnesota think it is exactly just to the southern gentlemen who have never failed to vote every pension asked to pension the Union soldiers, to make that remark?

Mr. WINDOM. I said there was such an impression. I did not make it. I dislike to have that impression strengthened, and I do say if the bill is lost on this ground and after this discussion, I fear it will strengthen that impression. I did not give any impression of my own upon that subject.

Mr. RANSOM. I dislike very much to say that if there is such an impression it must be a very ignorant impression. I know no other term to apply to it. How the Senator could even re-echo that impression in the manner in which he does it, I must say is strange to me, when the fact could not have escaped his notice that ever since southern Senators have been on this floor, almost without exception, certainly in large numbers, they have invariably voted for every measure that could be considered to be a duty, even by their best friends at the North, to the Union soldiers.

Mr. WINDOM. I could not and would not have dared re-echo that impression until the votes were cast here to-night showing a determination that this bill shall not pass unless the chief of the confederacy shall be placed on the pension-roll with the others.

Mr. RANSOM. Mr. President, within fifteen years I have felt no such depth and fervor of patriotic emotion, of genuine catholic Americanism, as when last week I came into this Chamber, after a brief absence, while the vote upon the amendment of the Senator from Missouri [Mr. SHIELDS] was in progress and heard the amendment read, and I saw in it the declaration of a purpose to do justice to a class of patriotic citizens in every section of the country introduced (and the Senator must pardon me for speaking of him here) by a great Union general, a man distinguished in the Mexican war and further distinguished in the late civil war—a gentleman who has had the rare fortune, the rarest of all fortunes, to represent three States upon this floor. The proposition came from the Union Army; it came from our Army in Mexico. I should have difficulty in finding an adequate statement of my satisfaction when I heard the amendment read; and especially when the first vote given in favor of its noble declaration was cast by the distinguished Senator from Rhode Island, [Mr. BURNESIDE,] a Union general, the luster of whose stainless sword will long illuminate the military annals of his country. I said that the days of our disturbance and dissension were over, that here was a great peace offering, that the American soldiers had been together on the plains and on the mountains of Mexico, and that our action here would help to promote the recollections of that sentiment of a common safety and a common danger which had prompted their deeds of valor in a foreign land, and to renew their devotion to all sections of their common country. When I saw that amendment presented by the distinguished Senator from Missouri, and the first vote given for it by the Senator from Rhode Island, I said I had a right to vote for it. It was my duty to vote for it. It was a measure of great magnanimity and justice, and would do more to promote the cause of pacification and the sentiment of nationality in this country than any law that ever had been put upon the statute-book. When I saw the Senator from Minnesota, [Mr. WINDOM,] when I saw my friend from Michigan, [Mr. FERRY,] when I saw you, Mr. Chairman, [Mr. MITCHELL in the chair,] and other gentlemen, with your faces radiant with high and generous resolve, with your hearts beating with patriotic fervor, rise up like men and carry that amendment, I felt as a patriotic American citizen ought to feel upon such an occasion, I felt that we were about to enact a measure of broad beneficence and of patriotic justice toward the soldiers of both sections; and I rejoiced that upon every occasion we southern Senators had voted for every measure that did justice to the Union soldiers. I found increased satisfaction in the fact that this measure came from a democratic House containing so large a proportion of southern soldiers.

It is wrong, sir, and I use the word in no offensive sense, for gentlemen when they themselves within one short week, before the ink is dry upon their votes, before the dust has fallen upon their tracks, when we only do the same act to-day which they themselves by numbers committed here within the last week, to say that we seek to

deny justice to Union soldiers and to deny them their rights because we will not vote to exclude soldiers of the Mexican war who have been confederates. Senators, I ask with a candor which I should commend in you, can you charge as a wrong upon us a vote which you yourselves gave within less than one short week since? Is it unpatriotic in us to retain the very law of justice and honor which you assisted us to make?

Mr. President, it will not do to say that these votes are inadvertent; it will not do for Senators to escape behind the plea that the votes were thoughtless or accidental. Senators are men of age; they are men of experience; they are men of deliberation; and votes in this Chamber are not given in a minute.

Mr. WINDOM. Will the Senator allow me a moment?

Mr. RANSOM. Certainly I will.

Mr. WINDOM. I have made no plea, so far as I am concerned, that my vote was a mistake or that it was given under a misapprehension.

Mr. RANSOM. The Senator from Minnesota said that it was inadvertent.

Mr. WINDOM. I have not said that it was inadvertent.

Mr. RANSOM. I ask pardon; I understood the Senator to say so. It was then the Senator from Michigan [Mr. FERRY] who said that his vote was a mistake.

Mr. WINDOM. If the Senator will allow me I desire to say that had I not voted as I did the Government would probably have been compelled to pay from thirty to fifty million dollars additional without any further consideration than was given to that amendment at that time. By voting as I did I hope to secure the passage of the arrearages of pensions bill and to give the Senate time to consider the Mexican pensions hereafter.

Mr. RANSOM. Then the Senator voted that he might move a reconsideration, do I understand?

Mr. WINDOM. I voted on that side of the question, and I did move a reconsideration.

Mr. RANSOM. I ask the Senator if he voted for the purpose of moving a reconsideration? I do not say the Senator from Minnesota did, because when gentlemen give a vote against their convictions for the purpose of moving a reconsideration they are always very prompt to announce the fact. In a long legislative experience I recall no instance of a vote given with that purpose without emphatic notice.

Mr. FERRY. The Senator from North Carolina has made an allusion to me.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. RANSOM. Certainly I do.

Mr. FERRY. I made the remark that I cast an inadvertent vote on the amendment proposed by the Senator from Missouri. I now ask the Senator from North Carolina whether he questions the truth of my declaration that I did vote inadvertently on that amendment?

Mr. RANSOM. Mr. President, I do not quite understand the inquiry that the Senator makes of me. I should be very sorry, I should regret it very much, if I had said anything that could induce the Senator from Michigan or any other Senator to suppose that I would charge him with the purpose of untruth or equivocation.

Mr. FERRY. The Senator will bear in mind that he said votes were not cast inadvertently here, that Senators are men of experience and cast their votes with the light before them.

Mr. RANSOM. May I explain?

Mr. FERRY. I will listen.

Mr. RANSOM. There are two or three kinds of inadvertence. If the Senator meant by inadvertence that he had not thought over the effect of that vote, if he meant to say that he had not considered well its influence upon the public mind of his people, or of his section, if he meant to say that he had not weighed that vote deliberately and correctly, I agree with all the Senator has said, although he is a better judge of his motives than I am, and perhaps I ought not to assume to construe his motives. As a gentleman and a Senator it is my duty to accept the Senator's statement of his motives.

Mr. FERRY. If the Senator had listened to the words with which I accompanied my motion to reconsider he would have heard that I said I did not understand the scope of the amendment offered by the Senator from Missouri. If the Senator from North Carolina desires a more explicit statement and wishes me to give him the ground why I desire to place myself upon record differently from what I did stand, I will say to him that I did not then understand that the amendment covered the case of Jefferson Davis. I have understood since that it does. That is proof to the Senator that I had not given reflection sufficiently to know exactly the import of the amendment proposed by the Senator from Missouri. Understanding it after I did cast the vote, I sought the first opportunity to intimate to the Senate and to the country that I would move to place myself correctly on the record, for I am not prepared now to vote to give a pension to Jefferson Davis.

Mr. RANSOM. Mr. President, I have no disposition to pursue this inquiry with reference to either the Senator from Minnesota or the Senator from Michigan. Nothing could have been further from me than to disturb those Senators for one second. Whether I am mistaken or not—I hope I am mistaken, but I have such an impression—I think the Senator from Michigan voted to-night for the amendment

introduced by the Senator from Oregon [Mr. MITCHELL] now in the chair.

Mr. FERRY. I did.

Mr. RANSOM. I do not think the Senator from Michigan will say that he did not understand when this bill passed that its scope was to give pensions to men who had been in the confederate army.

Mr. FERRY. I did not state that, if the Senator will hear just exactly what I did state; and as it seems he has not heard it I will repeat what I said. I stated that I did not understand the amendment to include Jefferson Davis. The moment my attention was called to the fact that it did include him, I reiterate what I stated, that I sought the first opportunity to place myself right. I did so by giving notice to the Senate that if the motion of the Senator from Minnesota to reconsider the vote by which the bill was passed should prevail I would move to reconsider the vote by which the amendment of the Senator from Missouri prevailed. I stated then that I had not comprehended the scope of the amendment, and I have now stated more explicitly that, finding it covered Jefferson Davis, I was not disposed to vote for it.

Upon this statement, drawing the line as explicitly as I am able to do, thus giving the Senator from North Carolina the ground upon which I acted both then and now, I think I am entitled to the expression from the Senator from North Carolina that my votes then and now were cast with a like bent before me and I voted inadvertently the first time.

Mr. RANSOM. Mr. President, I certainly have no right and less disposition to question the motives of the Senator from Michigan. I certainly had neither desire nor purpose to impugn his motives, and with that I dismiss the subject. I only regret that these gentlemen who voted for the amendment last week should now condemn gentlemen on this side of the Chamber for doing the very thing they themselves did not six days since. I have no right in the world to dispute that it was done inadvertently. I leave that to the gentlemen themselves.

I have a very few additional suggestions to offer. The Senator from Alabama and the Senator from Georgia have proposed that southern Senators refrain from voting upon this amendment. I would listen to any suggestion coming from those gentlemen with all the consideration of which I am capable, and I know that they reciprocate my confidence. I hope that every one of us here will vote upon this amendment, and as a Senator, the Senator from Texas, [Mr. COKE,] has so well said, that we will now vote as we intend to vote and as we always should vote, our true sentiments.

But I desire to say a word to my friends upon the other side of the Chamber. I say it to the Senator from Massachusetts who introduced this amendment. I ask Senators there to put themselves in our places and let this cup pass to them as it has come to our lips to-night. Knowing that Mr. Davis was of us and with us and that we were with him, that not he but we and our people chose him to be our leader, our chief, as you say, in the late civil war, I ask you, Senators, if as men, as American Senators, bearing the image of God upon your faces, can you look up and say that you would have us place a stigma upon a man for whose position we are responsible? Could human debasement be more complete than in the spectacle of Senators here consenting to degrade a man for that which themselves demanded of him, and which he did in the name of ten millions of people?

Mr. HOAR. I ask the Senator from North Carolina to permit me one question.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. RANSOM. Certainly I do, sir.

Mr. HOAR. I have had occasion to believe that the Senator from North Carolina deals with great candor with this class of questions. Would you, if you were in our place, consent to a law which would put President Davis upon the muster-rolls, if you were satisfied that he was not now loyal in feeling and attachment to the Government?

Mr. RANSOM. I will answer the Senator.

Mr. HOAR. Let me say, in putting the question, that I have the most absolute confidence and belief in the sincerity and the absolute truth of what was said by the Senator from Texas in regard to his own attachment and that of many of his associates and colleagues. I may err. As we err in forming our judgment about men who are our cotemporaries, we sometimes err in forming a judgment about historical characters; but we have to act on that judgment. In my judgment, from the belief which I derive from what I hear and know of the man, I believe President Davis not to be attached to this country to-day as the Senator from North Carolina and as Postmaster-General Key and the Senator from Texas are. I believe that he desires to revive the rebellion. I do not suppose he expects to do it himself; but he tries to inculcate into the minds of the South attachment to "the lost cause," and he has no attachment to the Government. Now, whether I err or not, that is my belief. If the Senator entertained that belief, in my place, would he vote for a law which would put him on the pension-roll? That is the question.

Mr. RANSOM. I might give the Senator an answer that would not be as frank as that I intend to give him. I might say that if I were in his place I should not have that belief; but I will meet the issue presented to me by the Senator. I tell him that if I were in his place as I am now in my place, and I speak deliberately, and I believed Mr. Davis was an enemy of this country, I not only would not pension

him, but I would have for him feelings of unutterable aversion. But, Mr. President, it is impossible that Mr. Davis can be an enemy of this country.

Mr. HOAR. I think he has been.

Mr. RANSOM. No, sir; in one sense, in the sense intended by the Senator, he never was an enemy of this country.

Mr. HOAR. In the manner in which he never was, perhaps he is not now.

Mr. RANSOM. Mr. President, I protest against this unfounded assumption that Mr. Davis is an enemy to this country—to his country. I shall pronounce no eulogy upon him, nor dwell upon his public service as an American soldier and statesman. He belongs to history as does that cause to which he gave all the ability and devotion of his great nature. There I trust both. He is like all of us, human, and doubtless has his resentments, his consciousness of undeserved abuse, of outraged sensibility, and of personal disappointment. But, sir, no one can follow his career as it is written in our history and doubt for one moment that he would unhesitatingly sink all of personal mortification and selfish aspiration rather than inflict injury upon his fellow-citizens. He and his family live under the protection of the flag. His trusted friends are here on this floor, and the Senator from Massachusetts has accorded to them his confidence in their patriotism. I repeat again and again it is impossible that he can be an enemy to this country. How can he separate himself from the great impulse of the whole South for a restored country. To do so would be a wrong to his fellow-countrymen of the South, and that would be more than a crime to himself. In the balance with his duty to them the sense of personal injury would not weigh a feather with him. I deny that he has uttered at any time since the reconstruction measure an indifference to the restored Union. The judgment of history will wither with fire the charge that he seeks to perpetuate the discords of his country. For years every utterance from him has been for its growth, its development, and its material and political unity. Sir, it is true that no groan, no complaint, no remonstrance, no protest, no plea has escaped his lips; but he can have no hope and no policy but for the peace, happiness, and honor of the American people. He still has his convictions, he still has his opinions. I ask the Senator from Massachusetts if he had sincere convictions, the convictions of a life-time, would he willingly surrender them in a moment or to any policy?

Mr. HOAR. No.

Mr. RANSOM. The Senator says he could not. Of course he could not. Devotion to conviction of right can never be a crime in the judgment of Massachusetts.

Mr. President, we do not understand each other. The people of the South and the people of the North unfortunately are ignorant one of the other. A democratic House sent the arrears of pensions bill here a clear bill, and the first vote given for the Mexican amendment was cast by a noble character upon the republican side of the Chamber, and the amendment was passed by the aid of Senators who are his political friends, for we on this side could not pass it unaided. The Senator from Minnesota charges us with trying to defeat the pensions to Union soldiers unless the chief of the confederacy is put on the pension-roll. The record annihilates the suspicion. That bill was passed here by the aid of the votes of southern democrats; and is it right to say that the Senators who passed the bill and who passed it without amendment now demand that the pensions shall fail unless you put on the roll the chief of the confederacy?

But, sir, the Senator from Massachusetts diverted me. I wish to say to my friend from Georgia and to my friend from Alabama that I hope we will all vote upon this amendment, and vote our sentiments. I do not believe there is an honorable man in the Northern States who would have me abandon my heart, be apostate to my history, and consent to put a curse upon a name that in my soul is honored. The noble State that sent me here would and ought to disown me if I could be guilty of such base perfidy to everything that is right. Senators, for what price would you be false under any circumstances to the name and the fame of Abraham Lincoln? What would you do before you would strike the reputation of General Grant or General Sherman? You are justly devoted to the reputations of your great leaders. I have the same sentiment toward mine, and with a right as high. Yet I know the wisdom, I know the duty, and I have the heart, thank God, to come here and bring all of my devotion to this whole country of ours. I have as much right, Senators, to love it as you have. Jefferson Davis has a right to love it. He bought that right with his own blood; he purchased it with patriotic wounds. You may feebly attempt to deprive him of it by this amendment, but it will be his in history indelibly.

Have not the southern people a right to love this country? Did we not help to make it what it is? Did we not cherish it and support it and maintain it for over eighty years, and but for four years were we ever alienated from it? Will you take up those four years and array them against four ages of patriotic devotion? Cease to distrust us. The soldiers stood together breast to breast in the Mexican war. Let their names go crowned to history together. The thunderbolts of battle never divided them. Let them still be united in the gratitude of their country. Among the survivors you cannot find one in all the land who would exclude Jefferson Davis or any other comrade from the just recognition of the country they served.

Mr. President, I love the South, and I love her great names. I have an extreme sensibility for her. I have sometimes almost mourned

that after the war you did not call for five hundred of us, or five thousand of us, as King Edward did at the surrender of Calais, to come up as an atonement, as a sacrifice, for what you call our great crime, that we might have given our lives to make peace and end dissension forever. Humanity would not have suffered by the example of the alacrity with which we should have stepped to that duty.

But let me say to the Senator from Massachusetts that I have still a higher and a better sentiment in reference to my vote upon this amendment. As an American Senator, I desire that the glory of this nation shall excel that of all others, and I do not wish the American Congress to blur its records and diminish the country's fame with an act of petty proscription toward an American citizen. I recall to-day no instance in human history of intolerance or persecution or wrong that has not brought its retribution. I recall no instance, let me say to my friend the Senator from Maine, of magnanimity in man, of magnanimity in a people, that has not brought its rewards of honor and of happiness.

Mr. BECK. Mr. President, it is now five minutes after four o'clock on the 3d of March. We must adjourn at twelve o'clock to-morrow, Tuesday, March 4. This pension bill passed last Friday. The amendment now complained of was inserted in this bill by the votes of eight republicans. But for their votes it would not have been inserted. The bill was finally passed on Friday by the votes of fourteen republican members of this Senate acting in conjunction with democratic Senators, whose names are given in the RECORD of the proceedings of Friday. It would have been the law of the land on Saturday last but for the intervention of the republican Senators from Minnesota and Michigan. If republican Senators are going to tell the soldiers of this country that they have lost their pensions by reason of any improper interference on the part of democrats, I want them at the same time to be told the fact that on the 28th day of February this amendment was inserted by the aid of eight republican votes. The bill was passed with a full knowledge of the effect and scope of this amendment, for no man can misunderstand it, fourteen republicans voting for it, and it would have been the law before now but for the fact that they have interfered by reconsidering it and by throwing firebrands into this body until it is likely to be lost, and lost by their action, lost because they say they are afraid it will take too much money out of the Treasury, because Mr. Davis was a Mexican soldier, and because they now seek to make the country believe that the widows of all these men are to be pensioned, and because they say there would be ten thousand confederates pensioned, when I have no idea there are a thousand, or that anybody believes there are. I want that fact to be on the record also, and let the country know that the bill is lost, if it is lost at all, by the interference of the very men who profess so much sympathy for the soldier, and that the objection that Mr. Davis might be embraced in it was an afterthought and a subterfuge to delude and deceive the men who are deprived of their pensions by the action of the radical party, against the almost unanimous protest of the democrats of the Senate. These facts being understood, republican Senators are welcome to all the political capital they can make out of the fact that Mr. Davis may possibly be benefited by it.

Mr. ANTHONY. Taking advantage of the lull in this debate, and apprehensive that it may rise again to the turbulence and violence that distinguished it in the early part of the evening, I move that the Senate proceed to the consideration of executive business.

Mr. ROLLINS. Let us vote.

Mr. DORSEY. Let us adjourn.

Mr. INGALLS. Let us pass this bill.

Mr. ANTHONY. We cannot pass this bill to-night.

Mr. EATON. I move that the Senate now adjourn.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business, pending which the Senator from Connecticut moves that the Senate now adjourn.

Mr. ANTHONY. We ought not to adjourn now, because the Senator from Georgia [Mr. GORDON] has given notice of his intention to move that when we adjourn it be in respect to the memory of a late member of the House, Mr. Hartridge.

The PRESIDING OFFICER. Debate is not in order. The question is on the motion to adjourn.

The Senate refused to adjourn, there being on a division—ayes 15, noes 26.

Mr. WINDOM. Can we not take the vote now upon the pending bill? There is ample time to vote. I want to say also that the Senator from Iowa [Mr. ALLISON] has a report to present from a committee of conference which ought to be acted upon before a recess or adjournment.

Mr. FERRY. I wish also to remind the Senate that I yielded the floor to my friend on my left [Mr. WINDOM] to move a reconsideration of the arrears of pensions bill, having called up the post-route bill. We could take a vote on the question now pending, and then pass the post-route bill to-night. I hope the Senate will remain here until we pass that bill.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Missouri, [Mr. SHIELDS], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "nay."

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE,] reserving the right to vote if necessary to make a quorum, which I should not exercise upon a question of this kind.

Mr. INGALLS, (when his name was called.) I am paired on all political questions with the Senator from Virginia, [Mr. WITHERS,] the decision of the question to be left to the Senator from Missouri [Mr. COCKRELL] as umpire. If this is regarded as a political question, I shall withhold my vote.

Mr. COCKRELL. I will wait until I see how the vote goes.

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.] If he were here, I should vote "nay." I do not know how the Senator from Nevada would vote.

Mr. WALLACE, (when his name was called.) I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were here, I should vote "nay."

The Secretary concluded the call of the roll.

Mr. KIRKWOOD. I am paired with the Senator from Indiana [Mr. VOORHEES] on all questions arising upon the amendment of the Senator from Missouri.

Mr. RANSOM. I desire to say that my colleague [Mr. MERRIMON] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.] My colleague would vote "nay" and the Senator from New Hampshire would vote "yea."

Mr. COCKRELL. The Senator from Virginia [Mr. WITHERS] is paired with the Senator from Kansas [Mr. INGALLS] on all political questions. I have scrutinized the vote and decide that this is a political question.

Mr. INGALLS. I had a suspicion of that before, Mr. President.

The result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Allison,	Cameron of Wis.,	Howe,	Plumb,
Anthony,	Chandler,	Jones of Nevada,	Rollins,
Blaine,	Conkling,	Matthews,	Sanders,
Booth,	Dawes,	Mitchell,	Teller,
Bruce,	Edmunds,	Morrill,	Windom.
Cameron of Pa.,	Ferry,	Oglesby,	

NAYS—22.

Bailey,	Davis of W. Va.,	Hereford,	Morgan,
Barnum,	Eaton,	Jones of Florida,	Patterson,
Beck,	Garland,	Lamar,	Ransom,
Butler,	Gordon,	McCreery,	Thurman.
Cockrell,	Grover,	McPherson,	
Coke,	Harris,	Maxey,	

ABSENT—31.

Bayard,	Hamlin,	McDonald,	Shields,
Burnside,	Hill,	McMillan,	Spencer,
Chaffee,	Hoar,	Merrimon,	Voorhees,
Conover,	Ingalls,	Paddock,	Wadleigh,
Davis of Illinois,	Johnston,	Randolph,	Wallace,
Dennis,	Kellogg,	Sargent,	Whyte,
Dorsey,	Kernan,	Saulsbury,	Withers.
Eustis,	Kirkwood,	Sharon,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the amendment proposed by the Senator from Missouri [Mr. SHIELDS] as amended.

Mr. CONKLING. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. THURMAN. Mr. President, I have already said that I am instructed to vote for pensions to soldiers of the Mexican war. I have also said that in my judgment it is right to do so. Inasmuch as I dislike the amendment which has been adopted, I cannot on that account vote against pensioning those soldiers. I am very sorry it is included in this category, but to carry out my instructions, and also because I think these soldiers ought to have pensions, I shall vote for the amendment of the Senator from Missouri, even with this amendment attached to it, to which I have manifested my opposition already, and that is all I can do.

Mr. HARRIS. Mr. President, invidious and unjust as I regard the amendment just adopted, I shall vote for the amendment as amended with the same good favor that I voted the other day to pay the arrears of pensions to the Union soldiers. I simply desire to say this much.

Mr. FERRY. The amendment now agreed to by the Senate relieves the bill of a very objectionable feature—such a one as I hardly think the country is disposed to approve of, and one which I could not knowingly indorse. The original amendment of the Senator from Missouri, [Mr. SHIELDS,] which on my motion has been reconsidered, covered a proposition so general, and certainly to my mind so questionable, that, even in its present amended form, I do not believe it will receive the indorsement of the Senate, much less the country.

Mr. MAXEY. Mr. President, believing as I do that the amendment of the Senator from Massachusetts was put upon the bill for a purpose, and if successful to drive the friends of the Mexican war pensions away from it, and believing that measure to be eminently just and proper, I do not propose to fall into that trap, and therefore shall vote for the amendment as amended, believing as I do that the amendment to the amendment is unjust and improper, and never should have been put on.

Mr. BECK. I desire simply to say that the Senator from Texas [Mr. MAXEY] has made the speech I intended to make.

Mr. ANTHONY. I should like some of the legal gentlemen among the Senators to inform me if this amendment is not capable of the construction of carrying arrears of pension only to soldiers of the Mexican war now surviving.

Mr. SHIELDS. No, sir.

Mr. ALLISON. The Senator from Missouri answers the Senator from Rhode Island "no."

Mr. DAWES. If there were a disability clause relating to the soldiers of the Mexican war there would be a point in the case. The Senator from Rhode Island will take notice that there is not any disability about these Mexico pensioners.

Mr. CONKLING. Mr. President, as the time seems at last to have come on this day and night of rest when we are about to vote on this amendment, and as I intend to vote against it, I will occupy a moment in stating one of my reasons. I would vote against this amendment at any time on any bill to pension any class of citizens, and I would so vote had I no reason except that no man in my belief can tell with absolute certainty what it means. It refers to and adopts all the provisions of a certain act which act embraces soldiers, sailors, and the widows and survivors of both, and declares that they shall become recipients of a certain bounty. The pending amendment declares that all the provisions of that act shall be extended to the soldiers and the sailors who fought in a war which we have been told was one of the most glorious wars in history. If that allegation were pertinent to any question now before the Senate, it is possible it might meet with some challenge, or dissent. The merits of the Mexican war, are however quite beside the present purpose. It is proposed to enact that all the provisions of a former act shall apply to all the sailors and all the soldiers now surviving who took part in the war against Mexico.

The language of the amendment is uncertain.

One Senator, the Senator from Kentucky, has affirmed his understanding that this amendment will institute a wholly unjust and invidious rule, namely to bestow the public money indiscriminately upon all the men, the soldiers, who actually survive and the sailors who actually survive, having taken part in the war with Mexico, however well to do in the world they may be, and to deny and exclude all the widows, all the orphans, all the destitute dependents of soldiers and sailors who are dead, however much their claims might appeal to humanity or justice.

One Senator has said that he thus confidently understands the effect of the amendment. Other Senators have said that they understand that when all the provisions of an act which does include survivors of the soldiers of one war are transferred and transplanted to another class of soldiers and sailors the transfer takes with it all the inclusions, all the incidents, and that it does bestow not only on the men who live but on the destitute dependents of those who have died the benefits conferred by the act.

It would be enough for me, Mr. President, to know that so hastily has an amendment been prepared, so sudden has been the occasion in which it appeared, that patent on its face is an ambiguity so great and so radical as this. I say stopping here I would vote against this amendment in its present words for this reason.

There are other reasons which I will not state at length; indeed I will not state them at all except one of them. One would suppose from recent proceedings here, that the American nation and the American Treasury must be rich, and rich in ready cash, beyond the dreams of avarice. One would think that no project of legislation, no assemblage of simultaneous projects, to take money from the Treasury could be so vast or extravagant as to be objectionable by reason of amount, or to encounter any just criticism whatever, so that we are able to find some laudable object for which the appropriation is to be made. We have just received from the Treasury Department a statement that now, stopping where we are, it is necessary to emit bonds to the extent of \$18,000,000 to provide for appropriations already assured; and when a Senator rises and states that an amendment involves forty or fifty million dollars more, the Senate does not halt or shrink; it walks with intrepidity up to the mark, and votes apparently with little reference to the question whether we can afford or whether we can pay the amount proposed.

Mr. President, I hope I shall not be a laggard in any race run to manifest sympathy, respect, admiration, or consideration for men who in any war on the side of the country imperiled their lives, received injury, or rendered service. But these bills sentimental as they may be, and gratifying to one's admiration for valor, and distinguished services and heroic patriotism, splendid as they may be as illustrations of such laudable sentiments, must deal at least rather with Arabic than rhetorical figures. They have a great deal more to do with the multiplication table than they have with figures of speech; and I think it high time before any more money is voted away to recipients, however meritorious, during the disordered dying hours of the session, to make use of chart and compass to take soundings and ascertain somewhat where we stand—high time to pay, not a little, but a great deal of heed to the tax-ridden people of this country who are to pay millions piled on millions which in my judgment could have been and ought to have been saved, involved in the legislation which has been, or is pretty certain to be effected during this session.

Mr. President, I am moved to say two or three other things on this

subject, but I will spare the Senate. It is enough for this moment to know as to this amendment that if it had appeared at the beginning and not at the end of the session, if it constituted a bill by itself, if it were relieved of every incumbrance and every impediment except the vagueness and uncertainty of its terms, it would be in my judgment unsafe and unsuitable for me, so far as my vote could do so, to make it one of the statutes of the nation.

Mr. HOAR. Mr. President—

Mr. SHIELDS. Will the Senator allow me one word?

Mr. HOAR. I have about two sentences to utter. I will yield to the Senator from Missouri, or ask him to wait until I get through as he pleases.

Mr. SHIELDS. Go on.

Mr. HOAR. I do not wish to argue this question at this time of night. I wish just to state one point. The soldiers of the Mexican war were quite largely very young men when they went into the war.

Mr. INGALLS. The average was twenty-five years.

Mr. HOAR. A boy of eighteen in 1846 would now be fifty years old, and in the prime of a vigorous manhood in a large number of cases. A person who was then twenty-five, which was the average age, would not now be sixty years old; he would be fifty-seven years old. Now I do not believe that any nation on earth ever made a pension law which pensioned in the prime of life, without regard to poverty, and without regard to illness, the entire soldiers of a war. We did not do so for the soldiers of the Revolution. The most ardent lover of the soldiers who saved the life of the country would not think of proposing it for the benefit of the northern soldiers in the late war, that when they reached fifty or fifty-five they should be pensioned without regard to need and without regard to health.

Mr. President, I do not believe that one of the twenty Legislatures who are said to have proposed this measure ever meant a pension law like this. I should like to ask the honorable Senator from Ohio, who has cited the instructions of his own Legislature, if he believes that the Ohio Legislature, or five men in it, ever meant that their Senators should vote for a bill like this amendment, which pensions, without regard to need and without regard to illness, men in the prime of life who served fourteen days in the war of 1812. Such provisions cannot be found in the pension bill or the pension policy of any nation on the face of the earth. For that reason, among others, I shall vote against this amendment.

Mr. SHIELDS. I am taken a little by surprise by the remarks of the honorable Senator from New York, [Mr. CONKLING.] I did not expect an attack from that quarter, and I did not expect it would be a triple attack, first on the character of the amendment as being ambiguous and difficult of construction. The honorable Senator seemed to think that he could not construe it, that it might reach widows' orphans and descendants, and so on. The ambiguities, I apprehend, are in the Senator's own lucid imagination. Sir, a more simple amendment, in my humble judgment, never was presented to the Senate. First, the law can only take effect from its passage; secondly, the provisions that apply to the soldiers of 1812 apply to those affected by this clause. Look at the section. The pensions given to the soldiers of 1812 are given to these men. It is said that the soldiers of 1812 got pensions for fourteen days' service. No such service was rendered in the Mexican war. I have already stated that from the date of this amendment, if it becomes a law, the pension commences. None can have pensions except men who served in the war, and no men served in that war for a less time than twelve months. The honorable Senator ought to know this, and with the candor of a great Senator, he ought to admit it and not try to demolish a proposition that has come here in this way, by a covert sneer at the character of the amendment.

Sir, a man may have a giant's strength, but it does not become him to use it as a giant in this kind of way, and if he is a heroic man he will not do it. That is not the way that great minds act—

Several Senators rose.

Mr. SHIELDS. I am called to order by Senators. Why, sir, I was in this body before they were, and I understand myself very well.

Mr. ANTHONY. If the Senator alludes to me, I did not call him to order. I thought he had concluded and I rose to address the Chair.

Mr. SHIELDS. I stated that on the passage of the law the pensions would take effect. That is for the Senator from Rhode Island, because he put that question to me. Then all the other provisions which apply to the soldiers of the war of 1812 will apply to these. Turn to those provisions. There can be no mistake about them. The Senator from New York I suppose is an able lawyer, much abler than I am, but I rendered my poor service in several capacities, so that I have not much followed any one thing, and therefore I cannot claim a superiority in anything. But who takes charge of the bill? Who has rallied his forces to demolish this poor little proposition? Do you think I have not been here before to see the way these things are managed? The forces have been rallied here to demolish a poor remnant of the Mexican war who stands before you.

Reference has been made to the few simple remarks I made the other day. I do not pretend to eloquence; I speak from my heart; I speak what I feel; I am no elocutionist; I am no transcendental eloquent gentleman who sets himself up with an air of superiority over others. No man has sat in this body who has behaved more quietly and modestly than I have since I came here. Who ever heard me even talk of myself in the war? I spoke of others, gallant men, most of them under the sod

to-day. I spoke of men who have won for this country more than any army ever did except the Army of the Revolution. I asked you to give a little pittance to the survivors of that army. Can it not be afforded by a country that would be enriched if it had a great many such men as those who served in that war? I understand what was meant by the reference to my remarks. Then there was an attack on the amendment, and then came a sneer at the war itself. That is one of those peculiar kind of things that are really more provoking than if the gentleman had said the whole thing was a humbug. There was a calm, assumed, and I think self-possessed sneer at the war, that it was not a very big war. Perhaps not; but it was a rather successful one; and if that gentleman ever has the fortune or the misfortune to get into such a war, he will know more about it when he gets into the service.

Now, sir, I have been a little astonished and a little surprised. How can he blame me or any man who has the heart of a man for acting as I have done? I have come in here accidentally, as it were. I did not seek the position; it was given to me without solicitation. I happened to have an opportunity—the last I shall have, I dare say—to vote in the Senate of the United States, to do what? To do an act of justice, of manly justice, and which ought to be given by the manly hearts of the members of the Senate to the few brave men who are left now as a wreck of that war. War-worn, time-worn, these poor men as I see them upon the streets appeal to me. They beseech me, some of them in the poor-houses in the Senator's own State; and yet he comes, the representative of an imperial State, and with an imperial tone speaks to his friends what they are to do with this poor little amendment. Sir, I am not accustomed to that kind of imperious way. I never permit any man to assume superiority over me in any way, and I assure you I never assume superiority over any man on God's earth.

Now, so far as the widows are concerned, this law will give the widows pensions. The law of 1878 includes the soldiers of the war of 1812 and their widows, but not orphans; and this provision extends that law to the soldiers of the Mexican war. What Senator will rise here and vote against a law because it gives pensions to widows? Not even, I dare say, the Senator from New York himself.

And then I have represented three States! Why, sir, the distinguished Senator represents one State larger than all three! [Laughter.] I had the good fortune, and I am proud of it, sir, and I tell you more, it has made me as devoted a son of America, as true to America and the star-spangled banner as if I had been born under the shadow of Bunker Hill Monument. What act of my life has not shown that I have felt in that way, whether in civil or military life? That could not happen in any other country under heaven. Now that I am here, I say to my honorable friend that when the vote was given in relation to the Mexican war veterans and so many of the distinguished Senators on the other side cast their votes for these veterans, I felt then that they were doing a thing worthy of American Senators.

Oh, yes, he has said truly, we do not understand one another. I am an Irishman by birth; I am neither a northern man nor a southern man; and when I come in here I see men who are really great all around me, and I see that the South is the complement of the North. Take either one away, and this would be no longer a great country. I look here with astonishment. Twenty years ago I had the honor of representing one of these three little States. Afterward I came into the Senate to represent Minnesota, retiring in 1859; and just the same thing was going on here then as now, an "irrepressible conflict" between the North and the South. It obstructed legislation; it paralyzed the wheels of Government; it did then exactly what it is doing now. I come back in 1879, everything is changed; the Senate is changed, the country is changed; I am changed most of all perhaps; but that is the same. On it goes, the same thing confronts me to-day that did in 1859—North and South fighting like cats and dogs again. Then it was slavery. Slavery is out of the way now. There is not a slave can live under the star-spangled banner, and I thank God for that most glorious result. But I find the same thing going on, citizens of the same Republic, heirs of the same destiny, for the same destiny they will have and they cannot escape it, are quarreling over sectional disputes. There cannot be two destinies, one for the North and another for the South. They must go up or go down together.

The southern men understand that well enough now, and I am glad they do understand it and have come to their senses. They ought to have understood it before. As an Irishman would say, "they ought to have stopped before they began." [Laughter.] But they have stopped now, and I say for all parties, Oh, what a destiny is before this country! What a destiny and fortune is marked out for this great Republic if the people are only true to themselves, if instead of dividing, separating, and quarreling among themselves they unite to put this country at the head of the world! And they can do it.

I ask pardon, Mr. President, for trespassing so long on the attention of the Senate.

Mr. CONKLING. Mr. President, I am not quite sure after listening to the honorable Senator from Missouri, whether he understood me to express or imply any disrespect to him.

Mr. SHIELDS. Oh, not the least. I would have understood that very quick.

Mr. CONKLING. I rose especially for the purpose of disavowing

any such intention, if the Senator ascribed it; but being up, I will call attention to the fact that after the Senator from Kentucky had placed his interpretation upon the amendment which came from the Senator from Missouri and after that restrictive interpretation had been doubted, we hear now from the Senator from Missouri himself, who I infer from his remarks is the author of this amendment—I knew before that he offered it but I was not sure that he was its author, because constantly we take up and offer amendments which find their way to our tables—we hear from him that instead of agreeing with the Senator from Kentucky in his interpretation, he understands the provision to mean what the Senator from Kentucky denied.

The Senator from Kentucky was entirely clear; if I remember aright he said he had no doubt, and fortified his statement by saying that he thought the lawyers in the Senate would all agree, that the amendment of the Senator from Missouri did not include, but excluded, widows and children. Now comes the Senator from Missouri himself and says certainly it includes widows. If it includes widows it includes other survivors.

I bring this to notice to justify my assertion that here is a proposition so ambiguous that on the spot it is differently understood by Senators; and I submit with great respect to the Senator who offered it and to any Senator who may differ with me, it is thus proved an unsafe amendment to enact into law. The Senator from Missouri seemed to think that the fact that it includes, as I incline to believe it does, widows is an objection to it in my estimation. Had the Senator observed my remark at the time, he would have noticed that I said the interpretation given to it by the Senator from Kentucky made it an invidious, and as I thought an unjust amendment, because such an amendment ought to include the destitute dependents—I believe was my expression—of those who fell in the war. The Senator will see I think that I hardly deserve the criticism in this regard which he seemed to point at me.

Mr. President, the Senator also observed that I seemed to cast a slur upon the war with Mexico. I did say that some Senator had referred to it as one of the most honorable and glorious wars in history; and I did say that were that a material issue here, some difference of opinion might be found among Senators. It is not material because it does not add to or diminish the services of those who fought that war under the authority of their Government, or the claims they have for recompense whether that war in its inception was one of the just and glorious quarrels which have become historic. For myself I believe, and I have no disposition to conceal, that it was a war declared and begun in violation of the Constitution of the United States, based upon an untruth in the beginning, based upon the declaration of a President that "American blood had been shed upon the American soil." Chancellor Kent, and not Chancellor Kent alone, but Ambrose Spencer, who was distinguished as a chief-justice of my State, and other eminent men denounced the declaration of the Mexican war and its commencement as a flagitious violation of the Constitution of the United States and an outrage upon the public law so called, the law of nations.

It was a war set on foot to extend human slavery, and to perpetuate that monstrous wrong. This does not reflect at all upon the men who fought as soldiers or sailors; it does reflect some light, however, upon a part of my meaning. Whenever in the forum of conscience or in the forum of history it is in order to investigate and investigate truly the causes, the pretenses, and the purposes which incited war by this country with our neighbor, Mexico, a good many facts must be marshaled to stand I fear in painful impairment of the allegation that it was in its inception one of the just and glorious contests which the world has seen.

I say this, Mr. President, only to show to the Senator from Missouri that my allusion to a remark made by way of glorifying the Mexican war, related not in any sense to the merits or the service of the soldiers who contended, or to any claim which they may have upon the gratitude or the purse of the country.

Mr. SHIELDS. Should that have the slightest effect on what the country owes the poor soldier?

Mr. CONKLING. On the contrary, the Senator from Missouri begins to convince me that he must have been listening to the remarks of some other Senator, and he must have supposed that they fell from me; because the only reference I made to this subject included the remark that it was entirely beside the purpose; that it did not affect the merits of this bill; all I said was that were the question here touching the merits of the Mexican war, the remark made on the other side of the Chamber might not command the assent of all the members of the Senate. I said at the time, I am glad the honorable Senator from Missouri observes that I say it now, that the justness of the war is not, as I understand it, a factor in this case.

But, Mr. President, it is enough for me to know, as I began by saying, and as I will venture to repeat, that we are invited to adopt as a statute a provision which is understood now on the spot to have meanings diametrically opposite, understood to have effects repugnant to each other, and which, understood by the Senator from Missouri, is to the effect that not only the men who served in the war with Mexico, but the widows, and, as I think the amendment means, the children as well, of those who fought in that war are to be pensioned, and that although the soldiers in whose right a pension is to be granted were never wounded and never served for any prescribed

length of time greater than fourteen days. The honorable Senator has told us that fourteen days was not the term of service in the Mexican war; and yet he having been a soldier knows, I take it other Senators know that the fact does not answer the objection. We know that in an army no more numerous than invaded Mexico, there probably were, necessarily there were, many cases of men discharged long before the term for which they had enlisted had elapsed; men who, for some passing accident may have been discharged within a month, within two months, within six months, men who may never have seen a field of battle, and who nevertheless were soldiers regularly enrolled and enlisted, and who went within the jurisdiction of Mexico. Now, speaking of all these men, the Senator understands his amendment to mean that not only they, if living, not only they, although they have received land warrants already, but their widows, if they are dead, and their children, if they are dead, are to be pensioned after the rate of pay lately accorded to the few surviving soldiers of 1812.

I agree with what has been said by others, that such a scale of pensioning was never heard of for any war that has been fought on this continent, and I will venture to say it was never heard of in the world ancient or modern, civilized or barbarous; and I will add that I do not believe that the Legislature of any State intended to instruct, or ever did instruct the Senators from that State to vote for a bill either as ambiguous as this or so all-embracing in its latitude.

Mr. THURMAN. I do not wish to detain the Senate when it is nearly daylight as it is now; but I wish to make a remark to which I invite the attention of the Senator from New York.

The Senator opposes the amendment under consideration because it embraces too much. That is one ground, because it embraces too much; because, as he says, it is all-embracing. His objections to it, then, are twofold: first, that it is too comprehensive in its provisions, and second, that it is ambiguous. That implies that if its ambiguity were removed and if its comprehensiveness were reduced, the Senator might be disposed to vote for it; because, if under no circumstances the Senator would vote for pensions to the soldiers of the Mexican war, if in no form or shape he would vote for a proposition of that kind, then it is a matter of no importance to him whether this is comprehensive or not, or whether it is ambiguous or not. Being opposed to the proposition *in toto*, he need not trouble himself with the particulars. Therefore, when he criticises it upon the ground that it is ambiguous or that it is too comprehensive, his remarks imply that if it were made clear and were reduced to proper proportions it would get his support. Now, Mr. President, this is the thing that I wish the Senator to consider: there is no man in the Senate so great a master of language as the Senator from New York. We all confess that. There is no man more capable of making this amendment perfectly clear. There is no man more capable by apt language to eliminate from it all its excesses. Why, if the Senator is in favor of pensioning anybody who was in that war, does he not apply his acknowledged talent to reducing the amendment to proper proportions and making it as perspicuous and clear as possible?

Mr. CONKLING. Praise undeserved is satire in disguise; but I beg to assure the honorable Senator from Ohio that I take no offense at the fun he makes of me. I am ready to say that when the time shall come that he who is a master of language, he who is a master of the science and the diction of law, and competent to do that which in satire and derision he proposes to me, when the time shall come that he prepares an amendment free from the objections found to this, I shall be certain to vote for it, provided two or three other things concur. I shall want it offered at some time when Senators have slept either the night before or on some recent night, and are by consequence clear-headed. I shall want it offered at a time when the Constitution does not say that the hammer must fall a few hours afterward; and at a time when we may enjoy, as the Senate so often does enjoy, the sonorous and elaborate non-partisan dissertations wherewithal the honorable Senator from Ohio embellishes, illuminates, and expands to transparency all his great conceptions. Then too I shall want also an opportunity to take a passing glance at the balance-sheet of the nation. It will not be necessary in my case, as it is said anxious and nervous political aspirants sometimes find it necessary, before voting upon a question to go out and not only consult the signs in the zodiac, but see how all the tin roosters on all the barns stand, so as to know exactly which way the wind blows. [Laughter.] I will not ask time to do that, because I have no continental prospects to be imperiled by any mistake I may make in voting here. I shall, however, want an opportunity to look at the balance-sheet. I shall want to see whether at that particular time there is or is likely to be any money in the Treasury with which to do such a magnificent thing as in exact, appropriate, and imposing language the honorable Senator from Ohio will be sure to propose.

Mr. President, if all these somewhat varied, and as a lawyer from the Senator's State once said "multifarious" circumstances [laughter] shall concur; and if there shall be a harmonious union of all things, showing that the nick of time, the longed-for and worked-for moment has come for the honorable Senator from Ohio to make his popularity absolutely universal by adding to the endless idolizing train which follows him the serried ranks of the soldiers of the Mexican war, the honorable Senator may be sure that I will vote to add all that resplendent length of tail to his political kite. [Laughter.]

I submit to the honorable Senator that nothing could be fairer than

this. I do not believe that the Senator now is at his best for so great and critical an endeavor. The Senator has during Sunday and Sunday night delivered so many eloquent and fervid speeches, he has so taxed his brain and his imagination, particularly his imagination, and many of his higher faculties, that I do not believe it within the limits of mortal possibility that he can still have reserve force enough to expend himself, I might more appropriately say spread himself [laughter] as undoubtedly he would be glad to do when he takes up the question of the Mexican war, looks over the whole field, calculates all the chances, and arranges it so that all the lights and shadows will strike as they should strike in reference to 1880 and other great and interesting epochs. [Laughter.]

The Senator from Ohio is in a jesting mood to-night; I am in earnest; in grim earnest. I am for the men who carried the star-spangled banner and planted it on the tower of the city of the Aztecs. They are the men for whom the honorable Senator from Ohio should legislate. But with his anxieties he may need to go farther. I beg him to remember those who fought on the other side. A good many of them have come across the border to live or to steal cattle—they may be a factor in elections and results, and I beg him not to be thoughtless of them. He should go very sure-footed, and not march without scouts. In every view it is an important matter, and I warn the honorable Senator not to run any risk of turning his back upon a brilliant future by doing anything without the utmost forecast. The soldiers' ballot in this country is very large; it has great force in many States; it is numerous indeed in all the States, and there are political advantages and hazards which ought, I think, to relieve this subject from the levity with which the honorable Senator from Ohio seems inclined to treat it.

Let me say further to that honorable Senator that when he is as old as I am, when he has had as much experience as I have had in those grand and placid assemblages, each a *plaza de tauro*, called democratic national conventions, he will be satisfied, as I am, that not in the morning at five o'clock, when he is tired, when he is under the reaction of his many speeches which have produced much exhaustion, as all of us can testify, but at some other time when he has himself thoroughly in hand, when he is able to survey the whole table and study its angles and its pockets, to see exactly how to carom not only on the red ball but on the black, and on the Chinese, [laughter,] then and not till then he should take his cue and prance proudly to the fore as the champion political billiard player of all the hemispheres and all the ages. [Laughter.] That is his mission and destiny; and if he is true to it, his name will be "a light, a landmark on the cliffs of fame"—the name of one, prominent not only as a statesman, but as a politician and candidate, able to manage as many horses running as fast in as many different directions as one man ever attempted to drive or to ride. I assure the honorable Senator from Ohio that he entirely mismeasures his opportunity; he cruelly belittles his own powers and possibilities if he fails to appreciate that the farthestmost disk to be seen in the political firmament may be in some measure influenced or deflected in its bearing on Ohio by what may be done in the ultimate disposition of questions concerning the veterans who fought in the Mexican war.

Mr. THURMAN. Mr. President, I shall certainly not engage in any encounter of wit, and much less of words, with the Senator from New York. I only wish now to put in a claim to his eternal gratitude for having enabled him to make one of the happiest speeches of his life, and at the same time I wish to say that when he charged me with levity in what I said he was quite mistaken. The levity is all on the other side. The Senator must have discovered that I have a certain weakness for logic, a certain proneness to analysis, and when the Senator made his objection to the amendment of the Senator from Missouri that it was too ambiguous and that it was too comprehensive, this proneness of mine led me at once to think what then ought the Senator from New York to have done? Ought he not to have reduced the comprehensiveness of this amendment so as to bring it within proper proportions, and ought he not to have exercised that wonderful faculty of language he possesses so as to make it perfectly perspicuous? And remembering that this amendment was offered some days ago, and that there was ample time, (for it needed no excuse and the Senator does not require much time for any such work as this,) I could only understand that the Senator was not attacking this amendment upon its broad merits, but that he was finding fault with small matters, and which was not quite worthy of his ability. It did seem to me that if he were earnestly in favor of granting pensions to anybody engaged in the Mexican war he would have set to work to amend this proposition so as to make it conform to his ideas. Now, what does he say in reply to that suggestion of mine? Why, that I ought to do that work. I am content with the amendment as it is. I am not the man who thinks it is too comprehensive. I am not the man who thinks it is ambiguous. I am not the man who has made any such objection to this proposition. It is the Senator from New York who criticises the amendment of the Senator from Missouri. It is he who says it is ambiguous; it is he who says that it is too comprehensive; and, therefore, if it needs amendment, the amendment ought to come from him and not from me who am satisfied with the proposition of the Senator from Missouri as it now stands.

Further, as to what the Senator has said in respect to the elections and popularity and riding horses in different ways and all that, I can only say again that I enter into no controversy or complication with

the Senator from New York in any matter of wit or dramatic power or graphic description. That I cannot do. I was quite serious in the suggestion I made that as the remarks of the Senator from New York seemed to imply that there might be a proposition for which he would vote, but he would not vote for this because it was too comprehensive and because it was too ambiguous, he should prepare a proposition that was not too comprehensive and that was perfectly clear and perspicuous, and then I would be willing to consider that and see whether it is more proper than that which is now before the Senate. The Senator declines to do that.

The Senator indulges in his humor and his great command of language to make this hour in the morning, five o'clock in the morning, very enjoyable indeed. I thank him for doing so. It has made half an hour pass very pleasantly to me, and it has to the Senate, and if there has been any laugh at my expense, I have enjoyed it as much as anybody.

Mr. SAUNDERS. I know the anxiety we must feel now in settling this question and getting out of here, but I want to state that I voted for the amendment proposed by the Senator from Missouri, and I then voted for the passage of the bill. After reflection on the subject and remembering that the soldiers of the Winnebago and Black Hawk wars were left out in all these bills, I voted for the reconsideration that I might offer an amendment to include the soldiers of those wars. The Senate refused to adopt that amendment, and many of the Senators who were anxious for the other amendment proposed by the Senator from Missouri seemed among the most anxious to vote it down. Having failed to get that amendment in the bill, so as to include all those soldiers who had served full twenty years before these others, men who are now at least seventy to eighty or ninety years old, I shall feel it my duty to vote against the amendment proposed by the Senator from Missouri. Unless he include them and has these soldiers cared for, I cannot now vote for the other.

Mr. MORRILL. Mr. President, I think we ought to take a little notice of the attitude in which we shall be looked at by the world at large. Here only a few years ago we were unable to hire money without paying 6 per cent.; but by a process of having our revenues exceed our expenditures for a considerable number of years we have brought the rate of interest down to 4 per cent. Among all the nations of the world we are perhaps almost the only one that has to-day a revenue over expenditures. It has been our pride that we were a debt-paying nation, and that we had a sinking fund by which 1 per cent. of the debt was to be paid every year, and if so paid it would lead to a very early extinction of the whole public debt.

Early in this session I was apprehensive that the amount of the appropriations at this session would be large. There was a bill before us to reduce the revenue, which I resisted to the extent of my ability. We have not only made our regular annual appropriations as large as usual, but some of them in excess, especially the bill we passed upon to-day. In addition to that, we have passed a pension bill that, according to the best information we can get, will place an unusual burden of \$36,000,000 upon the Treasury, and this amendment which is now pending, I am satisfied from the investigation I have made on the subject, will surpass even any of the estimates that have been mentioned on the floor as to its actual and ultimate cost.

Mr. President, let me say that the world is not unaware of the transactions in the American Congress. During the past month the funding process has been going on at the rate of three or four million dollars a day. Our own people are looking at what is being done here; and since the day before yesterday they have allowed their subscriptions to fall down to no more than as many hundreds of thousands as we were taking in of millions before that time. Therefore, if Senators suppose that we can go on in what appears to me this very reckless manner of having our expenditures so far surpass and exceed the amount of revenue, I think they will find themselves very much mistaken when they go home and see their constituents.

Mr. WINDOM. I want myself but one minute, and I shall keep myself within the line of remark pursued by the Senator from Vermont. Within one year after the passage of the pension bill for soldiers of the war of 1812, we increase the appropriation \$1,500,000 for a single year for that purpose. That war was sixty-six years ago. The average for that war will not be less than two and a half million, probably much more. We now propose to apply the same principles exactly to a war which happened only thirty-two years ago. I think it not unsafe to assume that the cost will be ten times greater per annum than that of the war of 1812, which would be \$25,000,000 a year. Assuming that these pensioners live, on an average, fifteen years—which is certainly a very safe assumption when we remember that our young friend from Illinois [Mr. OGLESBY] was a soldier in the Mexican war—assuming that they live fifteen years, it will amount at least to \$375,000,000 before we get through with it.

The PRESIDING OFFICER. (Mr. EDMUNDS in the chair.) The question is on the amendment of the Senator from Missouri [Mr. SHIELDS] as amended.

The Secretary proceeded to call the roll.

Mr. FERRY, (when his name was called.) On this question I am paired with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE,] though it is quite probable he would vote "nay" if he were here.

Mr. KIRKWOOD, (when his name was called.) I am paired on this

question with the Senator from Indiana, [Mr. VOORHEES.] If he were here, I should vote "nay" and he would vote "yea."

Mr. PATTERSON, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. SPENCER.] If he were present, he would vote "nay" and I should vote "yea."

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON.] I would vote "yea" if at liberty to do so.

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. MERRIMON] is paired with the Senator from New Hampshire, [Mr. WADLEIGH.]

Mr. BOOTH. My colleague [Mr. SARGENT] is absent and paired with the Senator from Virginia, [Mr. JOHNSTON.] My colleague would vote "nay."

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.			
Bailey,	Dennis,	Harris,	McPherson,
Beck,	Enstia,	Hereford,	Maxey,
Butler,	Garland,	Jones of Florida,	Morgan,
Coke,	Gordon,	Lamar,	Ransom,
Davis of West Va.,	Grover,	McCreery,	Thurman.
NAYS—25.			
Allison,	Cameron of Wis.,	Jones of Nevada,	Rollins,
Anthony,	Chandler,	Kernan,	Saunders,
Bayard,	Conkling,	Matthews,	Teller,
Blaine,	Dawes,	Mitchell,	Windom.
Booth,	Edmunds,	Morrill,	
Burnside,	Howe,	Paddock,	
Cameron of Pa.,	Ingalls,	Plumb,	
ABSENT—31.			
Barnum,	Ferry,	McMillan,	Shields,
Bruce,	Hamlin,	Merrimon,	Spencer,
Chaffee,	Hill,	Oglesby,	Voorhees,
Cockrell,	Hoar,	Patterson,	Wadleigh,
Conover,	Johnston,	Randolph,	Wallace,
Davis of Illinois,	Kellogg,	Sargent,	Whyte,
Dorsey,	Kirkwood,	Saulsbury,	Withers.
Eaton,	McDonald,	Sharon,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs, shall another amendment that was made to the bill be engrossed and shall the bill be read the third time?

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GORDON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE.] Unless my vote should be necessary to make a quorum, I withhold it.

Mr. KIRKWOOD, (when his name was called.) The pair under which I have abstained from voting with the Senator from Indiana [Mr. VOORHEES] relates only to the amendment offered by the Senator from Missouri. I am satisfied if the Senator from Indiana were here he would vote, as I take great pleasure in doing, on this question, "yea."

Mr. SHIELDS, (when his name was called.) I am paired with the Senator from Nevada, [Mr. SHARON,] but I take it for granted that he would vote "yea;" and so I shall vote "yea" on this subject.

Mr. DENNIS, (when the name of Mr. SPENCER was called.) I was paired with the Senator from Alabama, [Mr. SPENCER,] I am informed he would have voted "yea," as I shall vote. I vote "yea." He would have voted "yea" also if he were here.

The result was announced—yeas 43, nays 3; as follows:

YEAS—43.			
Allison,	Coke,	Jones of Nevada,	Paddock,
Anthony,	Conkling,	Kernan,	Patterson,
Barnum,	Dawes,	Kirkwood,	Plumb,
Beck,	Dennis,	Lamar,	Ransom,
Blaine,	Edmunds,	McCreery,	Rollins,
Booth,	Ferry,	McPherson,	Saunders,
Burnside,	Gordon,	Matthews,	Shields,
Cameron of Pa.,	Grover,	Mitchell,	Teller,
Cameron of Wis.,	Harris,	Morgan,	Thurman,
Chandler,	Howe,	Morrill,	Windom.
	Ingalls,	Oglesby,	
NAYS—3.			
Eaton,	Garland,	Hereford,	
ABSENT—30.			
Bailey,	Dorsey,	McDonald,	Spencer,
Bruce,	Eustis,	McMillan,	Voorhees,
Butler,	Hamlin,	Maxey,	Wadleigh,
Chaffee,	Hill,	Merrimon,	Wallace,
Cockrell,	Hoar,	Randolph,	Whyte,
Conover,	Johnston,	Sargent,	Withers.
Davis of Illinois,	Jones of Florida,	Sharon,	
Davis of W. Va.,	Kellogg,		

So the bill was passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. Mr. President—

The PRESIDING OFFICER. The Senate resumes the consideration of the post-route bill, which will be read.

Mr. ALLISON. I ask the Senator from Michigan to give way till I make a report from a conference committee.

Mr. FERRY. I yield for that purpose.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 6240, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1890, and for other purposes, having met, after full and free conference, have been unable to agree.

WILLIAM WINDOM,
W. B. ALLISON,
JAMES B. BECK,
Managers on the part of the Senate.
J. D. C. ATKINS,
M. J. DURHAM,
CHARLES FOSTER,
Managers on the part of the House.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. JONES, of Nevada, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate have leave to sit during the recess, and the necessary expenses thereof be paid out of the contingent fund.

PAY OF EMPLOYÉS.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 71) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives; which was read the first time.

Mr. DAVIS, of West Virginia. There is a provision made in the general bill, I believe, for thirty days' extra pay. This will be sixty days additional, making ninety days. I object.

Mr. ALLISON. May I suggest to the Senator from West Virginia that I think it is necessary that this resolution should pass if the Senate desires to accomplish the purpose indicated by the resolution.

Mr. DAVIS, of West Virginia. I am aware that if the Senate desires to pay ninety days' extra pay to all its employés it ought to pass, but I am opposed to that.

Mr. ALLISON. I only desire to say—

The PRESIDING OFFICER. The debate proceeds by unanimous consent. Is there objection? The Chair hears none.

Mr. ALLISON. I only desire to interrupt the Senator from West Virginia, or ask him to allow me to do so, in order to say that the provision of which he speaks is in the legislative, executive, and judicial bill. The committee of conference have agreed to disagree upon that bill, and I desire to ask for the appointment of another committee; but I wish also to state that after a very full and careful consideration of this bill the committee can agree upon every question involved in it substantially except upon the political questions involved in the three hundred and tenth and three hundred and eleventh amendments; and I think now, when we are within a few hours of the closing hours of this session, we may as well understand that the question of an extra session depends upon our agreement or disagreement upon political questions in the nature of legislation involved in two or three bills now pending between the two Houses, and if it is the intention of the gentlemen in this Chamber to insist on this legislation of course there can be no agreement, but there must be an extra session. I move that a further conference be appointed on the legislative, executive, and judicial appropriation bill; and I now desire to say to the Senator from West Virginia that if the proposed agreement should be made final, the resolution of the Senator from Delaware will be essential, that is if any additional pay is to be given to the employés.

Mr. CONKLING. You mean that there will be no provision except this?

Mr. ALLISON. If the bill fails or if a final agreement is reached I think this will still be necessary.

The PRESIDING OFFICER. The Chair will ask the Senator from Iowa if the papers are in possession of the Senate?

Mr. ALLISON. They are on the Secretary's desk.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate again insist on its amendments to the legislative, &c., appropriation bill, so called, and ask a further conference.

Mr. ALLISON. No; the House have already asked for a further conference. I move to agree to that request.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate insist on its amendments and agree to the further conference asked by the House of Representatives.

Mr. GARLAND. I understand the subject-matter of this resolution is in the deficiency bill and not the legislative bill.

Mr. ALLISON. The Senator from Arkansas is right.

Mr. GARLAND. My motion was to amend the deficiency bill.

Mr. ALLISON. The Senator is right, but it does not change the statement I made.

Mr. GARLAND. Very well; I do not want any misunderstanding about it, for I am much attached to the proposition.

Mr. BAYARD. May I inquire whether there was any objection continued to the resolution which I offered?

The PRESIDING OFFICER. Objection was made, and it was not to the knowledge of the Chair withdrawn. The Chair will again ask for objection after the motion of the Senator from Iowa is disposed of, if the Senator desires. The question now is on the motion of the Senator from Iowa that the Senate again insist on its amend-

ments and agree to the conference asked by the House on the legislative, &c., appropriation bill.

The motion was agreed to.

By unanimous consent the Chair was authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Delaware that he will again ask if there is objection to the second reading of the joint resolution offered by him. Is there objection?

Mr. BAYARD. I understand a resolution of precisely similar tenor has been introduced and probably passed the House of Representatives. There is no idea that there will be anything like either extended or double pay to these employés, and the time there given them is sixty days.

Mr. DAVIS, of West Virginia. There is a provision in one of the bills for thirty days' extra pay.

Mr. BAYARD. That has been stricken out, and I believe—

Mr. DAVIS, of West Virginia. Not to my knowledge.

Mr. RANSOM. My friend from West Virginia did not understand the Senator from Iowa. He said that if the resolution of the Senator from Delaware passed he would see that the provision referred to by the Senator from West Virginia should be stricken from the appropriation bill, so that there would be but one provision made on the subject.

Mr. DAVIS, of West Virginia. In addition to that, if there shall be an extra session, of course everybody will be paid, so that there is to be double pay somewhere or somehow.

The PRESIDING OFFICER. Is there objection to the second reading of the joint resolution?

Mr. DAVIS, of West Virginia. Yes, sir; I object. I have objected.

The PRESIDING OFFICER. It cannot be read the second time to-day.

HOURLY MEETING.

Mr. WINDOM. I am about to move that when the Senate adjourns to-night it adjourn to meet at one o'clock on the 3d day of March; but, before making the motion, I ask unanimous consent that the morning hour and the call of the Calendar under the Anthony rule may be dispensed with when the Senate meets.

The PRESIDING OFFICER. Before the Chair entertains the motion of the Senator from Minnesota, he will announce what was just ordered by the Senate, the new conference on the legislative bill. The Chair appoints Mr. WINDOM, Mr. ALLISON, and Mr. BECK. The Chair will now entertain the motion of the Senator from Minnesota.

Mr. WINDOM. I ask unanimous consent that when the Senate convenes to-morrow, at whatever hour, the morning hour and the call of the Calendar under the Anthony rule be dispensed with.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that when the Senate shall meet on its adjournment from to-day until to-morrow, the morning hour and the call of the Calendar under the Anthony rule be dispensed with so that whatever there is of unfinished business on the appropriation bills may be considered immediately after the reading of the Journal. Is there objection? The Chair hears none. It is so ordered.

Mr. WINDOM. I now move that when the Senate adjourns, it adjourn to meet at one o'clock p. m. on Monday, the 3d day of March.

Mr. CONKLING. I should like to inquire if any Senator knows when we are likely to adjourn this morning, or how long we are to be asked to stay here. If much longer, an adjournment to one o'clock will give us no chance for sleep at all.

Mr. FERRY. I will answer the Senator from New York so far as I am concerned, conducting the pending bill, which consists of two sections, one covering all the post-routes, and the other is an extension of time for special service, that it has been intimated by the Senator from Iowa that he will move to strike out section 2, so that it will leave section 1 covering the post-routes simply. With that view I shall ask that the bill be passed without reading.

Mr. PADDOCK. I shall desire to renew the request for concurrence in the House amendment to the bill of the Senate to which the Senator from Ohio once objected, he having concluded to withdraw the objection thereto. It will take but a moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota, that when the Senate adjourns to-day it be to meet on Monday, the 3d day of March, at one o'clock in the afternoon.

The motion was agreed to.

POST-ROUTE BILL.

Mr. PADDOCK. Now, I ask the Senator from Michigan to yield to me for a moment.

Mr. FERRY. The Committee on Post-Offices and Post-Roads have recommended the striking out of all after the word "established," in line 4 of the House bill, and inserting the Senate bill, commencing with the word "Alabama."

Mr. TELLER. I ask the Senator from Michigan to yield to me to call up a resolution I introduced on last Thursday by order of the special committee. There can be no objection to it.

Mr. COCKRELL. I insist on the regular order.

The PRESIDING OFFICER. The regular order is called for. The Secretary will read the bill.

Mr. CONKLING. Before the bill is read, may I ask the Senator

from Michigan whether it is important that we stay here now to pass this bill; and before the Senator answers I wish he would hear an observation I wish to make. I understand there are to be this morning burial services, and if we are to stay here to read this bill through and act upon it and do the other things which seem to be waiting now, we shall be here two or three hours longer.

Mr. FERRY. If the Senator will allow me, it is necessary that this bill should be enrolled, and unless some objection is raised, I shall ask that by unanimous consent it be passed without reading, as it covers simply post-routes and has been examined very closely by the committee, and I think there is but one amendment. The Senator from Ohio desires to make one amendment, and the Senator from Kansas simply two amendments, and they will be sent to the Chair now that they may be considered.

Mr. CONKLING. Can you get unanimous consent?

Mr. FERRY. I ask if there is any objection to having the bill passed without reading, covering simply post-routes, and nothing else?

Mr. WINDOM. No legislation?

Mr. FERRY. No legislation whatever; nothing but post-routes.

Mr. COCKRELL. What becomes of the second section?

Mr. FERRY. The Senator from Iowa moves to strike out the second section. I have no objection to that motion under the circumstances.

Mr. COCKRELL. I do not insist upon the reading of anything, but I insist on action upon it. That is what I ask.

Mr. FERRY. That will follow, as a matter of course. I offer the following amendment—

Mr. KIRKWOOD. Let me get that section stricken out first.

Mr. FERRY. I understand that the bill is to be acted on without reading.

The PRESIDING OFFICER. The Chair has not so understood.

Mr. FERRY. Will the Chair take the sense of the Senate?

The PRESIDING OFFICER. The Chair takes the sense of the Senate. The Senator from Vermont, who now occupies the chair, objects. He is unwilling to consent that any bill shall pass this body without reading, but he will endeavor to see that it is read pretty fast.

Mr. FERRY. Then proceed.

The Secretary proceeded to read the amendment of the Committee on Post-Offices and Post-Roads to the bill (H. R. No. 6126) to establish post-routes in the several States herein named.

Mr. EATON. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate adjourn.

The Senate refused to adjourn—ayes 5, noes 30; no quorum voting.

Mr. FERRY. There are other Senators who have not voted. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair will count the Senate to save that time. [A pause.] Thirty-nine Senators are present. There is a quorum. The motion to adjourn is lost; and the Secretary will proceed with the reading of the substitute.

The Secretary read the amendment reported from the Committee on Post-Offices and Post-Roads as a substitute for the bill.

Mr. FERRY. In line 956, I move to amend the amendment by inserting under "Kansas:"

From Council Grove to Cottonwood Falls.

The amendment to the amendment was agreed to.

Mr. FERRY. After line 1954, I move to insert under "Oregon:"

From Centre Village, via Harlem and Central College, to Westerville;

From Marysville, via Broadway, Bakers' Creek, York, and Mount Victory, to Kenton.

The amendment to the amendment was agreed to.

Mr. MITCHELL. In line 1964 I move to strike out "Sinslow" and insert "Siuslow."

The PRESIDING OFFICER. That correction will be made.

Mr. MITCHELL. After line 2006 I move to insert under "Oregon:"

From Hillsborough to Laurel.

That amendment was submitted to the Committee on Post-Offices and Post-Roads yesterday.

The amendment to the amendment was agreed to.

Mr. FERRY. I move to strike out all of section 2, after the figure 2, down to and including the word "law" in the sixteenth line, being the whole of section 2 except the clause:

And any provision of statute in conflict with this provision is hereby repealed.

This is the amendment which was offered by the Senator from Iowa, [Mr. KIRKWOOD.]

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to strike out from section 2 the following words:

That in cases where special service has already been placed on routes named in this act the Postmaster-General may, in his discretion, extend such service until the time when service can be obtained by advertisement. And whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to establish post-routes."

PRESIDENTIAL ELECTION IN LOUISIANA.

Mr. ALLISON, from the select committee appointed by the Senate under the resolution of the 5th of June last to inquire into what connection, if any, Senator MATTHEWS had with any real or pretended frauds or other wrongs committed in the conduct and returns of the election in the State of Louisiana in 1876 and with any promises of protection or reward, if any, made by any one to one James E. Anderson, and others, &c., submitted a report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the subject.

TENTH CENSUS.

Mr. MORRILL. I move to take up the bill (S. No. 1685) to provide for taking the tenth and subsequent censuses, to be left as the unfinished business.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate. The question is on agreeing to the amendments made by the House of Representatives, if the Chair correctly understands the question.

Mr. MORRILL. I do not like to have it passed without the assent of a larger number than there are present, and I do not push the bill to-night.

SALE OF INDIAN LANDS.

Mr. PADDOCK. I ask the Senate to concur in the amendment of the House to the bill (S. No. 373) to amend an act to provide for the sale of a portion of the reservation of the confederated Ottos and Missouria and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to lay aside informally the pending bill, and to take up for concurrence the amendment of the House of Representatives, which will be reported for information.

The Secretary read the amendment of the House of Representatives, which was to add at the end of the bill the following additional proviso:

And provided further, That bona fide claimants at present occupying lands under the provision of the act of which this is amendatory may, in the discretion of the Secretary of the Interior, be allowed additional time for making the deferred payments required by said act for the land so claimed and occupied by them in good faith not exceeding one year on each payment so required to be made.

The PRESIDING OFFICER. Is there objection to the present consideration of this amendment, returned by the House of Representatives, to the Senate bill? The Chair hears none. The question is on concurring in the amendment, which the Chair understands the Senator from Nebraska to move.

The amendment was concurred in.

DEATH OF THE LATE REPRESENTATIVE HARTRIDGE.

Mr. GORDON. Mr. President, I move that the Senate now proceed to the consideration of the resolutions of the House of Representatives on the death of Hon. JULIAN HARTRIDGE, of Georgia.

The PRESIDING OFFICER. The resolutions will be reported.

The resolutions were read, as follows:

Resolved, That this House has heard with profound regret of the death of Hon. JULIAN HARTRIDGE, a Representative from the State of Georgia.

Resolved, That the House do now suspend the consideration of other business, in order to pay proper respect to the memory of the lamented deceased.

Resolved, That in token of regard for the memory of the lamented deceased the members of this House do wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House do communicate these resolutions to the Senate of the United States.

Resolved, That out of further respect to the memory of the deceased this House do now adjourn.

Mr. GORDON. Mr. President, I offer the following resolutions:

Resolved, That the Senate receives with sincere regret the announcement of the death of Hon. JULIAN HARTRIDGE, late a member of the House of Representatives from the State of Georgia, and tenders to the family and kindred of the deceased the assurance of sympathy under their sad bereavement.

Resolved, That as a mark of respect for the memory of the deceased the members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the Secretary be directed to transmit to the family of the deceased a copy of these resolutions.

Mr. GORDON. Mr. President, no higher tribute can be paid to our common humanity than to assert the truth that no man dies without leaving some mourner over his ashes. No life is so obscure, its light so dim, but that its going out leaves a shadow on some other life, and the length of that shadow, the extent of the sorrow felt at his death, is in some degree the measure of a man's usefulness while living.

Tested by this rule, the distinguished man to whose memory we now pay tribute had already filled, though scarcely in the prime of his manhood, a sphere of exalted and extended usefulness.

Born and reared amid the refinements of the most cultured society; accustomed to the companionship of the ablest and most distinguished men of his State and section; commanding the respect and even the admiration of the Representatives of the entire Union, with whom he had served, he nevertheless won and held to the last the confidence, esteem, and affection of the unlettered, the poor, and the friendless among his constituents. His generous philanthropy and noble sympathies touched the whole circle of humanity at its every point, and all classes and creeds among the people he served mourned his death as that of a champion and friend.

It was my fortune, sir, to be one of the committee who bore back to his home by the sea and to a confiding constituency all that was mortal of JULIAN HARTRIDGE. It was my fortune to observe the extent of the loss to his people and the demonstrations of popular affection, of gratitude, and of grief. Could you, sir, have witnessed, as I did, the spectacle of the entire population of his native city thronging its streets and following his remains to the grave, you would agree with me that it was a demonstration worthy the memory of any man. Such an exhibition of sorrow, felt alike by both races, at the death of a Representative from a Southern State, under the peculiar untoward circumstances which surround us, will be, when rightly understood, a revelation and a sermon to those who now misapprehend us. Like every true Representative of southern sentiment, JULIAN HARTRIDGE was a friend to the colored race, receiving its recognition and gratitude while he lived and its homage when dead. I ask permission in this connection to quote from a speech made by him during an exciting debate in the House of Representatives. He said, referring to the colored race:

There is some feeling on our part toward this race among whom we were born and reared, and with whom we daily live. There is scarcely one of us upon this floor from that section who can look back to the days of his infancy or childhood without seeing something to bring up pleasant and loved memories in connection with this race. For my part, were I to seek to outrage this colored race, there would rise up to rebuke me the memory of the nurse of my infant years—the memory of her whose bosom, although dark with the hue of slavery, yet tenderly and softly pillowed my infant head; whose hands, although hardened by toil, yet kindly ministered to my infant wants; whose voice, although untrained and untutored, sweetly sang the lullaby that soothed my infant slumbers. I tell you, gentlemen, there are ties of interest, there are ties of policy, there are ties of memory and the best emotions of the heart to bind the white people of the South to the colored race.

Sir, to the sincerity with which he spoke these eloquent words, let the scene I am about to describe bear witness. Around the hall in which his remains were laid, and along the streets and at his grave, were the congregated thousands of Savannah's colored inhabitants. In the formal and grand procession which escorted his body to the tomb, the splendidly equipped colored infantry and artillery marched, at their own solicitation, with solemn tread and reverent mien. His former slaves, freed from servitude for more than thirteen years, many of them with heads whitened by age, vied with each other for the honor of bearing his coffin.

But, sir, there was another incident connected with this demonstration which I think worthy of especial mention, because it not only bears witness to the character of Mr. HARTRIDGE and the sincerity of his professions, but is a silent, impressive tribute to that peculiar institution under which he was born and reared, now passed away forever. In advance of congressional committee, taking precedence over distinguished visitors and even of his kindred, accompanying the bereaved wife and children of our deceased friend, as members of his immediate household, were the family servants. First among these was that old colored nurse, her form bent with age and quivering with grief, whose bosom, in his own impressive language, had pillowed his head in infancy, whose hands had ministered to his wants, and who had so often sung her untutored but gentle "lullaby" over his "infant slumbers." Sir, I am tempted to say in this connection that there are myriads of such ties and memories which, undisturbed by adverse influences, would be the surest, safest, and most enduring guarantee of the progress and the political and personal rights of both races at the South.

Mr. President, I shall not attempt a biographical sketch of the life of Mr. HARTRIDGE, nor make specific references to his triumphs at the bar, on the hustings, or in deliberative assemblies. This has been done in a manner most satisfactory by his colleagues in the House. I prefer to attempt a brief analysis of those splendid endowments of mind, of heart, and of person which so distinguished him.

With a vigor of intellect and a magnetic presence that gave him command of men; with a rigid integrity and love of justice that gave him the confidence of men; with a nature the melody and harmony of whose sympathies gave him the love of men; with an eloquence and strength of utterance persuasive and convincing; with a love of his whole country that quickened into new life the dormant patriotism of others, it is not too much to say of him that there is no height of distinction nor breadth of usefulness to which he might not reasonably have aspired.

His chief mental defect seemed to have been an indisposition to great intellectual effort. That his mind was one of unusual brilliancy none who knew him well will deny; and yet while his influence in the House was great, he rarely spoke. There was in him a hidden or rather repressed power, which, when fully aroused under the guidance of a beautiful culture and of a heart devoted to truth, was almost irresistible before juries or the people, or in deliberative bodies.

His character is a fit counterpart of his mental endowments. Too

brave to know fear, he shrank from an act of cruelty or injustice with the timidity of a child. Too proud to brook an insult or to give one, yet his spirit was as gentle as a woman's, and as tender in the depth and sweetness of its affections.

He was without hypocrisy or affectation, and so despised the least semblance of ostentation as to give him at times the manner of austere reserve. Behind this distant manner, however, there was a native courtesy, sincere and knightly, a generosity almost prodigal, a capacity for friendships devoted and true, and a geniality of temper uniform and perennial. How could he be otherwise? Men are molded, Mr. President, not only by the influences of home and its associations, but by the peculiar civilization under which they are reared, and even by the climate and the scenery of the country around them. JULIAN HARTRIDGE grew up under a civilization whose center was the home and the home affections, under a climate where the blue skies were rarely overcast but by a passing cloud, where the air was genial, soft, and balmy, and where the forests were clad in perpetual green.

His death, so sudden and unexpected to his friends, was not a surprise to him. He heard the muffled tread of the grim king, and spoke freely of his approach. He stood calmly on the verge of the undiscovered country, on the crest of that great water-shed from which flow in opposite directions the rivers of time and of eternity—the one backward to the ever lost, the other forward to the everlasting; and while we were yet hoping for his recovery he peacefully crossed that dark line we all must pass which separates this life from the vast and vague unknown. His career was short, his life closing at its noon, while the sun was still shining on higher eminences just before him. It closed on a career incomplete, yet pure, bright, and honorable, and before the shadows of age had darkened his intellectual vision or dimmed one ray of his genius.

In his beautiful southern home we have buried him, near those wild and weird and enchanting solitudes which he ardently loved and from which he drew so much inspiration in his boyhood and maturer years. Over his grave will grow the flowers that never fade, and the ceaseless music of the pines will fitly emblem the grief of his grateful people.

MR. BOOTH. Mr. President, when an observance like this occurs in the busy hours of a closing session it is apt to seem like an idle ceremony. The duties of public life are so varied and pressing, its calls so incessant, its avocations so absorbing, that there is little time left for sentiment or the indulgence of grief.

Our numbers are constantly changing by death and by the vicissitudes of political fortune; but the leave-taking is short, and the business of to-morrow will make the grief of to-day only a memory. "The strong hours conquer us." It will be so when we shall severally disappear—even those of you Senators who play the greatest parts on this great stage. The actor makes his exit; and however well he may have performed his part, whatever plaudits he may have won, the curtain does not fall, and the play goes on.

The time has gone by, if indeed it ever was, when the loss of any life will seriously influence the permanent direction of public affairs. It is true that no man's place can be filled by another; it is equally true that it is not essential it should be. In the vast aggregate value of the largest unit is scarcely appreciable. A heart has ceased to beat; it is one of millions. The struggle of a life has ended; the struggle of human life never ends. How insignificant is the individual life to the whole of humanity! Yet what an awful gift it is to each of its possessors, this strange personality of ours, which isolates us from all else and yet makes all that is a part of us. Nor sun, nor moon, nor stars, nor past nor present can be, save as they are a part of us.

Life with its possibilities is an awful gift, and when it is bereft the event is unspeakably solemn. Custom familiarizes us with the forms of death, fashion hides their significance with pageantry; only the "stricken heart of love" realizes with what dark eclipse they come. It is well that we should pause, even in the busiest hours, when a comrade falls, not more as a mark of respect for his memory than to receive for our own good the lesson of his life and death.

The memory of JULIAN HARTRIDGE cannot be other than a priceless possession, even in their sorrow, to those who loved him. It was not my pleasure to know him, but by order of the Senate I was one of the committee which attended his remains from this Capitol to the beautiful city where he was born, where he was married, where his children were born to him, where he had spent his whole life, and where he is buried with his fathers. In that community which had known him all the days of his life, all his outgoings and incomings, I felt that I knew him too. There was a tenderness in the mention of his name by all classes, which only a life filled with tender respect for the rights and feelings of others could have won. There was a warmth of expression that showed how he had grappled his friends with hooks of steel. There was that high respect which is only conquered by a life of probity and courage.

I think his life must have been a happy one. The lines seem to me to have fallen to him in pleasant places. No life is free from struggles, trials, temptations, and failures, of which the world little knows, and the deepest scars are within. His life was in a great epoch. It marks its great transition, that the slaves who had borne him on their backs and fondled him on their knees in his childhood, as free men tenderly

carried his body to the grave; still loving the dear young master, panoplied in American citizenship, they walked beside his hearse. His lot was cast with a community cultivated, tasteful, generous, hospitable, and self-respectful. There he lived for fifty years, and dying left no enemy or reproachful friend. Who of us can desire or deserve a more fragrant memory?

Mr. LAMAR addressed the Senate. [See Appendix.]

Mr. GORDON. The Senator from New Hampshire [Mr. WADLEIGH] was unavoidably detained from the Senate, and I ask, therefore, permission to have his remarks printed which he would have delivered if present.

The PRESIDING OFFICER. That order will be entered.

Mr. GORDON. I ask that the Senate agree to the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the resolutions presented by the Senator from Georgia.

The resolutions were agreed to unanimously.

Mr. GORDON. I move as an additional mark of respect that the Senate do now adjourn.

The motion was agreed to; and (at six o'clock and forty-two minutes a. m. Monday, March 3) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 1, 1879.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The SPEAKER. The Chair desires to state that it has been a matter of physical impossibility to complete the Journal, and it will therefore be necessary to defer until Monday morning the reading of the Journal of yesterday's proceedings.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I understand that the objection made by the gentleman from Pennsylvania to my resolution offered yesterday for the consideration of business on the Speaker's table is withdrawn. I ask that the resolution may be considered now.

The SPEAKER. The gentleman from Virginia offered yesterday a resolution in reference to proceeding with business on the Speaker's table at the session of the House this evening.

Mr. ATKINS. Is that to be the exclusive business?

Mr. HARRIS, of Virginia. Subject to appropriation bills.

Mr. PAGE. And conference reports?

Mr. HARRIS, of Virginia. Yes, sir.

Mr. SCALES. I am bound to object.

WAR CLAIMS.

Mr. EDEN. I ask unanimous consent to report at this time from the Committee on War Claims and have passed the bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes. This is a bill of public importance, to which, I think, nobody will object; and if it be not passed this morning, it must inevitably fail. It provides merely for paying accounts allowed by the proper accounting officers of the Treasury; and it can be passed in a few minutes.

Mr. SAPP. Is it a long or a short bill?

Mr. EDEN. The schedule of claims need not be read unless somebody insists upon it, and if that be not read the bill can be disposed of in two minutes. It is the bill which we usually pass every session.

Mr. HALE. How much money does it cover in the aggregate?

Mr. EDEN. It includes one thousand and thirty-four claims, all from the loyal States, except that the State of Tennessee is included.

Mr. HALE. These claims aggregate how much?

Mr. EDEN. Two hundred and forty-six thousand eight hundred and eighty-three dollars and fifty-five cents. There is not an item in the bill that has not been approved by the accounting officers of the Treasury.

Mr. HALE. If this bill has passed the vigilant scrutiny of the gentleman from Illinois, [Mr. EDEN,] and meets his approval, I think we can safely pass it.

The SPEAKER. The Chair thinks so too.

Mr. EDEN. I ask that the bill be read, omitting the schedule of claims.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any moneys in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers, under the provisions of the act of July 4, 1864, since January 17, 1877, namely:

[Here follows the names of claimants with the amounts allowed them respectively.]

SEC. 2. That the agents appointed under the provisions of sections 2 and 3 of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States," and acts amendatory thereof, to investigate and report upon all claims filed under said

act, are hereby authorized to administer oaths and affirmations, and to take depositions of witnesses.

SEC. 3. That all claims not presented and filed under said act, and the acts amendatory thereof, prior to the 1st day of January, A. D. 1880, shall be forever barred.

Mr. EDEN. I am instructed by the committee to offer the following amendments:

In line 1337, page 51, strike out "Halter" and insert "Hatter."

In line 1341, page 52, strike out "Kiener" and insert "Keener."

In line 1403, page 58, strike out "Syles" and insert "Syler."

In line 1569, page 65, strike out "Staliaker" and insert "Staliaker."

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT. I am directed by the Committee on Appropriations to report back amendments of the Senate to the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes, and move that they be non-concurred in.

The amendments were non-concurred in.

Mr. BLOUNT. I am also requested by the Committee on Appropriations to ask for a conference on the disagreeing votes of the two Houses on that bill.

The motion was agreed to.

The SPEAKER appointed as the conferees on the part of the House on the disagreeing votes of the two Houses on the deficiency bill Mr. BLOUNT, Mr. SPARKS, and Mr. BAKER of Indiana.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, Mr. BLOUNT, Mr. CLYMER, and Mr. BAKER of Indiana.

EXPENSES OF JUDICIARY SUBCOMMITTEE.

The SPEAKER, by unanimous consent, presented to the House vouchers of the sergeants-at-arms of expenses of the subcommittee of the Judiciary Committee at Chicago and New York; which were referred to the Committee of Accounts.

TRUSSES TO DISABLED SOLDIERS.

The SPEAKER. There was a bill last night ruled out which the Chair promised he would call attention to this morning. He declined to allow it to come in under the order provided for the evening session, as he did not think it was a pension bill, and was unwilling, with due regard to his obligation to the House, to allow anything to come in except what the order provided should be considered.

Mr. RICE, of Ohio. I ask to take up Senate bill (S. No. 1285) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872, and put it on its passage.

There was no objection.

The bill, which was read, provides that section 1 of the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872, be, and the same is hereby, amended so that said section shall read as follows:

That every soldier of the Union Army, or petty officer, seaman, or marine in the naval service, who was ruptured while in the line of duty during the late war for the suppression of the rebellion, or who shall be so ruptured thereafter in any war, shall be entitled to receive a single or double truss of such style as may be designated by the Surgeon-General of the United States Army as best suited for such disability; and whenever the said truss or trusses so furnished shall become useless from wear, destruction, or loss such soldier, petty officer, seaman, or marine shall be supplied with another truss on making a like application as provided for in section 2 of the original act of which this is an amendment: *Provided*, That such application shall not be made more than once in two years and six months. *And provided further*, That sections 2 and 3 of the said act of May 28, 1872, shall be construed so as to apply to petty officers, seamen, and marines of the naval service, as well as to soldiers of the Army.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SCALES. Is there any means of testing the sense of the House as to whether or not we shall have a morning hour?

The SPEAKER. Yes, by moving to suspend the rules; or the House can vote down the bill now pending as the sugar bill, or dispose of it as it may see fit, and that will open the way to the gentleman's object.

Mr. HARRIS, of Virginia. I call for the regular order of business.

AMENDMENT OF THE RULES.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the rules of the House be so amended that all communications and propositions in relation to appropriations shall be considered, and all bills

making appropriations for the several branches of the public service hereinafter named shall be reported, as follows:

Bill for consular and diplomatic expenses, by the Committee on Foreign Affairs;
For the support of the Army, by the Committee on Military Affairs;
For the Navy, by the Committee on Naval Affairs;
For expenses of the Indians, by the Committee on Indian Affairs;
For payment of invalid and other pensions, by the Committee on Invalid Pensions;
For the service of the Post-Office Department and transportation of the mails, by the Committee on the Post-Office and Post-Roads;
For rivers and harbors, by the Committee on Commerce;
For public buildings, by the Committee on Public Buildings and Grounds;
Which said bills shall be reported with like conditions and restrictions as the same are now reported by the Committee on Appropriations.

AGRICULTURAL REPORT.

Mr. CUTLER, from the Committee on Agriculture, submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 300,000 copies of the report of the Commissioner of Agriculture for 1878; 224,000 copies for the use of the House of Representatives, 56,000 for the use of the Senate, and 20,000 for the use of the Department of Agriculture.

Many members called for the regular order.

THE SUGAR TARIFF.

The SPEAKER. The regular order is the bill (H. R. No. 6134) to regulate the duties on sugar, which the House is considering under a suspension of the rules. The gentleman from Illinois [Mr. BURCHARD] is entitled to the floor for one hour.

Mr. BURCHARD. Although I am now entitled to an hour to discuss the pending bill relating to duties on sugar, yet I consider it very important for the Treasury that some action should be taken, and I want a vote of the House as soon as the pending propositions upon which the House is to vote are fully understood. It is important that either the proposition presented by the majority of the committee or that presented by the gentleman from Ohio [Mr. GARFIELD] shall be adopted; and therefore I propose to the House that a vote be taken on the bill and amendments after one hour's debate, in speeches of ten minutes each. Though I am entitled now to an hour, I am willing to confine myself to the ten minutes.

Mr. ROBBINS. I hope that will be agreed to.

The SPEAKER. The proposition is that at the termination of one hour from this time the vote shall be taken upon the pending bill.

Mr. WOOD. I object.

Mr. BURCHARD. If objection be made, then I will proceed and occupy my hour.

Mr. WOOD. I am chairman of the committee and have a right to be heard on this question.

Mr. GIDDINGS. Is it in order to move that the bill be laid upon the table?

The SPEAKER. At the end of the hour of the gentleman from Illinois there will be an opportunity to move to lay the bill on the table.

Mr. WOOD. I desire to be heard on this question before it is voted on, and I shall object to any proposition that debars me of my right.

Mr. BURCHARD. I am willing that the gentleman from New York shall occupy the same length of time that I do. I think I act very liberally in agreeing to give up the hour I am entitled to.

Mr. HARRIS, of Virginia. If an agreement cannot be come to that this bill shall be taken out of the way of public business, I give notice that as soon as the floor can be obtained for that purpose a motion will be made to lay it on the table. We will not submit to its blocking up the public business in this way.

The SPEAKER. The Chair suggests to the gentleman from Illinois that he allow the gentleman from New York thirty minutes.

Mr. WOOD. No unanimous consent can deprive me of my right to be heard for one hour.

Mr. ROBBINS. Can we not suspend the rules to make the order indicated by the gentleman from Illinois? If the gentleman will yield to me I will make the motion. I desire to move to suspend the rules so as to limit the debate to one hour, after which the vote shall be taken.

Mr. BURCHARD. I am willing myself to submit the motion that I have indicated, that the vote be taken on the bill and amendments after one hour's debate, in speeches of ten minutes.

Mr. GIDDINGS. I move to lay the bill and amendments on the table.

The SPEAKER. The Chair directs the following to be read from the Digest.

The Clerk read as follows:

It is not in order to move to suspend the rules while the House is acting under a suspension of the rules unless connected with the business immediately before the House.

Mr. BURCHARD. I am entitled to the floor and the gentleman from Texas cannot take me from the floor to make that motion. I am willing, however, that a motion shall be made to suspend the rules, so that after one hour's debate, in speeches of ten minutes each, a vote shall be taken upon the bill and amendments.

Mr. ROBBINS. That is the motion I desire to make if the gentleman will yield to me for that purpose.

Mr. WOOD. The gentleman cannot make that motion.

The SPEAKER. The rule is very plain that the Chair can entertain a motion to suspend the rules if connected with the bill which is before the House under a suspension of the rules.

Mr. HALE. That has been frequently done.

The SPEAKER. The Chair entertains the motion. This was done at the last session in reference to the internal-revenue bill.

Mr. WOOD. I can only say that the gentleman from Illinois is guilty of bad faith. The unanimous understanding of the Committee of Ways and Means was that five members of our committee and the chairman should be heard on that bill. But two members have been heard. The gentleman from Virginia, [Mr. TUCKER,] the gentleman from Louisiana, [Mr. GIBSON,] the gentleman from Pennsylvania, [Mr. KELLEY,] and the chairman of the committee are yet to be heard on the bill.

I hope the gentleman from Illinois will not close his long and honorable career in this House by doing that at this time which will impair, at least in my judgment, his character for fair dealing. He knows that it is impossible to discuss this bill with any intelligence in ten minutes. But be that as it may, I presented to him and the other members of the committee a list of members of the Committee of Ways and Means who desired to have their hour to which they were entitled for and against the bill. On this list the names stood as follows: ROBBINS, GARFIELD, BURCHARD, KELLEY, TUCKER, WOOD, and GIBSON. Now, I wish this arrangement carried out in full, and no member of the committee can, acting in good faith to the others, deprive them of it.

Mr. BURCHARD. I desire to make a remark in reply to the chairman of the committee. It was our understanding—

Mr. WOOD. And you have not carried out the understanding. In all my experience in this House I do not remember a similar exhibition of bad faith.

Mr. BURCHARD. It was my understanding that debate should be had by the members of the committee. There is nothing in the statement of the gentleman from New York [Mr. WOOD] that warrants him in saying that a limitation of the time for which members of the committee, including myself, shall address the House is in bad faith. It deprives none of us of the right to speak. If, in view of the urgency of immediate action, the motion to limit myself and the other members of the committee to ten minutes, having the right to print our remarks in full, is in bad faith toward the committee or any member, I cannot myself see it. In consideration of the pressure of the business at this time I thought it proper to submit the proposition I did. If the chairman of the committee questions the good faith of my submitting that proposition I do not wish to press it, although I cannot see that there is any bad faith in it.

But the gentleman from North Carolina [Mr. ROBBINS] in charge of the bill believes that it is in perfect keeping with the understanding of the committee that the House should limit the length of the speeches, and I feel bound to recognize his right to test the sense of the House, if he desires to, upon a motion to suspend the rules for that purpose.

Mr. HAYES. The unfairness consists in keeping the bill before us and blocking legislation.

Mr. GIDDINGS. Has the Chair recognized my motion to lay the bill on the table?

The SPEAKER. The Chair has not the power to recognize the gentleman from Texas at this time to make that motion, for the reason that the gentleman from Illinois [Mr. BURCHARD] is on the floor and is entitled to his hour. But at the end of the hour the Chair will feel bound to recognize the motion.

Mr. BURCHARD. I hope no objection will be made to the proposition I have submitted.

Mr. WOOD. I object.

Mr. BURCHARD. How much time does the gentleman want?

Mr. WOOD. As much time as the gentleman from North Carolina [Mr. ROBBINS] had.

Mr. BURCHARD. That was an hour and a half.

Mr. BANKS. I ask the gentleman from Illinois [Mr. BURCHARD] to let me have some time.

Mr. STEELE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I understood the gentleman from New York charged the gentleman from Illinois with acting in bad faith. He said the Committee of Ways and Means had agreed that five of its members should be heard in the House upon this bill.

The SPEAKER. That agreement does not control the House.

Mr. STEELE. That was the point of my inquiry. I want to know what right the Committee of Ways and Means has to control the action of the House in regard to debate?

Mr. BURCHARD. I am willing to yield to the gentleman who has charge of the bill to make the motion to suspend the rules if he desires to do so. I do not desire to make it myself.

Mr. ROBBINS. I make the motion.

Mr. BURCHARD. I yield to him for that purpose, and no other.

Mr. ROBBINS. I move that the rules be suspended so as to order that at the close of one hour's debate, in ten-minute speeches, the bill and amendments shall be voted on.

Mr. HALE. I think the gentleman from New York [Mr. WOOD] should have an opportunity of being heard.

Mr. ROBBINS. I am anxious that full time for debate be had, but evidently the House will not now allow it.

The SPEAKER. The Chair suggests to the gentleman from Illinois to allow half an hour, which is half of his time, to the gentleman from New York.

Mr. BURCHARD. My proposition would give me ten minutes, and the rest of the time would be at the disposal of the Speaker. I desire the debate should be limited to one hour, and I am quite willing that one-half should be given to the gentleman from New York.

The SPEAKER. The gentleman from North Carolina [Mr. ROBBINS] moves to suspend the rules so that at the end of one hour the vote shall be taken on the bill and amendments, with the understanding that the gentleman from Illinois shall control thirty minutes and the gentleman from New York thirty minutes.

Mr. WOOD. I hope the House will not agree to that motion.

Mr. ROBBINS. I only make this motion because the press of business is such that the House is impatient, and, I perceive, will require either that the debate be shortened to about the time specified or that the bill be laid aside altogether. The bill has been equally debated on both sides, and the gentleman from Illinois, [Mr. BURCHARD], a friend of the bill, now having the floor, proposes to give up his hour in order to get to a vote. I am quite willing to hear the gentleman from New York, [Mr. WOOD], and this proposition gives him half the time allowed for further debate.

The question was taken on the motion of Mr. ROBBINS; and on a division there were—ayes 100, noes 36.

Mr. WOOD. I call for tellers. This is a violation of the agreement made in the Committee of Ways and Means.

The SPEAKER. The House has nothing to do with that. The Chair will appoint tellers, and the gentleman from New York [Mr. WOOD] and the gentleman from North Carolina will act as tellers.

Mr. ROBBINS. The gentleman from New York [Mr. WOOD] is mistaken about this being a violation of any agreement. The agreement was that the utmost latitude should be allowed for the debate so far as was consistent with getting a vote on the bill this session. But it was all the while accompanied by this reservation, that we must have a vote; the subject must be acted on. I remember saying this emphatically; and in taking charge of the bill and agreeing to allow gentlemen what time they wished, this condition was constantly mentioned by me: that a vote must be taken and debate must not be permitted to extend so far as to defeat the bill by non-action upon it. I think we have now reached a period where the House will insist on action at once or never.

Mr. BURCHARD. If the House prefers to allow two hours for debate, I have no objection.

Mr. HARRIS, of Virginia. I suggest a compromise by allowing half an hour additional.

Mr. WOOD. I must object to that, for there are four members of the Committee of Ways and Means who desire to be heard upon this very important question.

The House divided; and the tellers reported—ayes 94, noes 61.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. BURCHARD. As the gentleman from New York desires a full hour I propose that the debate be limited to two hours, and at the end of two hours the vote be taken to give the gentleman the control of the full hour.

Mr. MILLS. I understand that by the terms of the resolution assigning this business for consideration now it was to be considered under the five-minute rule, and will not that allow five minutes' debate upon amendments offered?

Mr. BURCHARD. Is there any objection to the proposition that the vote should be taken at the end of two hours?

Mr. TUCKER. I object.

The SPEAKER. The Chair will answer the gentleman from Texas as soon as he can obtain the resolution from the journal clerk.

Mr. BURCHARD. If the House is not willing to close debate I will proceed with my remarks.

The SPEAKER. The gentleman from Illinois [Mr. BURCHARD] is entitled to the floor.

Mr. BURCHARD. I should have been glad if the House would have agreed to close debate.

Mr. TUCKER. I understand that the gentleman from Illinois proceeds without any understanding whatever as to the time of closing debate.

The SPEAKER. Certainly. There was not a two-thirds vote in favor of closing debate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had concurred in the joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to Hon. R. C. McCormick by American exhibitors at the Paris exhibition.

The message further announced that the Senate had concurred in the resolution of the House of Representatives authorizing the Clerk of the House of Representatives to correct an error of spelling of a name in enrolled bill (H. R. No. 4392) for the relief of Lucinda C. Dillahenty.

DUTIES ON SUGAR.

The House resumed the consideration of the bill for the repeal of the duty on sugar.

Mr. BURCHARD. Mr. Speaker, I am more anxious to have legislation on the pending proposition than I am to have discussion. I should be willing that a vote should be taken now without any de-

bate. [Loud cries of "Vote!" "Vote!"] I have asked for a vote, but some of my associates on the committee have objected to my proposition and insist upon their right to discuss this bill. If there is to be further discussion, it becomes necessary for me to state some facts that have not yet been presented to the House, in order to aid, if I can, members in forming an intelligent opinion as to the merits of the various propositions—the bill and amendments.

The committee recommend three classifications for sugar, based upon natural distinctions as to whether they are refinery, cheap grocery, or refined sugars. The first are to be ascertained as now by the Dutch standard of color, being not above No. 13, the second, not above No. 16, and the third, all above No. 16, and the rates to be fixed at 2.40, 2.75, and 4 cents per pound respectively.

The gentleman from Massachusetts [Mr. BANKS] proposes to adopt the polariscope and assess duties according to its test of saccharine strength on sugars not above No. 13, and would make the duty 3½ cents per pound on our second classification and 4 cents on the third.

The gentleman from Ohio [Mr. GARFIELD] proposes to leave the rates and classifications as they are now, except to carry all sugars below No. 10 which test 92° of crystallizable sugar to the rate of duty now fixed by law on sugars above No. 10 and not above No. 13, and to give the Secretary authority to use the polariscope or other means that he may prescribe for ascertaining the crystallizable strength of the sugar.

In the first place, I wish to clear up a possible misunderstanding that may have arisen from an incomplete if not incorrect statement by my distinguished colleague on the committee, the gentleman from Ohio, [Mr. GARFIELD], in regard to the position of the Secretary of the Treasury and the Treasury Department in respect to this measure. The proposition which he read to the House and which he has offered as an amendment to this bill, was submitted to the Committee of Ways and Means, but it was not the proposition which the Secretary of the Treasury submitted when he called the attention of Congress to the subject of the duty on sugar.

Mr. GARFIELD. I do not want that there shall be any misunderstanding as to a matter of fact. The gentleman of course does not mean to deny that the amendment was drawn in the office of the Secretary of the Treasury and sent to me as his last views of the case, and I presented it before the Committee of Ways and Means as coming from him.

Mr. BURCHARD. I do not desire to do any injustice to my colleague, for there is no man in the House for whom I personally have more respect than for the gentleman from Ohio. I admit that this proposition to apply the polariscope was presented to the Committee of Ways and Means by the gentleman from Ohio, and I presume it was prepared at the Treasury Department. But the Secretary of the Treasury, in his annual report which I hold in my hand, the report for 1877, stated that—

The Dutch standard is an unsatisfactory basis for the assessment of duty, founded as it is on color alone, which bears no definite relation to the value of the sugar. If, however, the Dutch standard is to be retained, it is recommended that the grades be reduced in number, so that there shall be but three rates of duty, one for sugars not above No. 13, one for sugars above 13 and not above 20, and another for all sugars above No. 20, including all refined sugars. Based upon the quantities of the various grades imported during the past two years, the following rates would yield about the same amount of revenue as was collected during that time: sugars not above No. 13, per pound, 2.38; above No. 13 and not above 20, 3.45; above 20, and all refined sugars, 5 cents. This is inclusive of the 25 per cent. additional duty imposed by the act of March 3, 1875.

The report clearly shows that the Secretary recommended that the grades should be reduced so that there should be but three rates of duties on sugars.

Just about that time two manufacturers or dealers in polariscopes came before the committee. They had with them what was called a German polariscope and also another called, I believe, the French polariscope. They exhibited them before the committee, and it was one of the most interesting exhibitions that I ever witnessed. Their experiments carried me back to my old college days. The committee were polariscope struck. It seemed to us that the polariscope was a beautiful and splendid thing; and notwithstanding the Treasury Department had recommended a consolidation of these rates of duty, we were for applying the polariscope, and for carrying out the application in all its details. Some of us came to the conclusion at that time that if the polariscope could be relied upon to test the saccharine strength of sugar, then every degree of strength should be made to pay a corresponding duty.

After these gentlemen had explained the matter to us they went before the National Academy of Sciences, or before Professor Henry, I do not know which it was, and obtained a letter, the one which has been read by the distinguished gentleman from Ohio, [Mr. GARFIELD], in which it was stated not only that the polariscope could be used for the purpose of ascertaining the saccharine strength of sugar, but that the German polariscope was the one they would recommend for adoption.

That reminds me of the experience of Congress in former sessions in regard to spirit-meters. Congress desired to ascertain if some way could not be devised by which the alcoholic strength of liquors could be ascertained as the spirit flowed from the still. They referred the matter to the same scientific gentlemen, who experimented upon it for a year. At the end of that time they not only recommended the adoption of a meter for the purpose, but they recommended the adoption of the Tice meter. And the distillers of the country were com-

pelled by law and by Treasury regulations to purchase eight hundred Tice meters, at an average cost of \$1,000, and attach them to their distilleries. At the end of one month the Treasury Department had to abandon all those meters as being utterly worthless, and a loss of \$500,000 was entailed upon those who had been compelled to buy them.

The Secretary, on the 25th of January, 1878, addressed a note to the Committee of Ways and Means on the subject of sugar duties, and, referring to the recommendation in his annual report and the objections to the new classification urged by the refiners and their proposition to add polarization to the color test, in conclusion he said:

Unless the committee is satisfied that some sure test of sugar of No. 10 and below can be made, I still adhere to the recommendation made in my annual report; but upon that question I think the committee has better means of deciding than I.

The Committee of Ways and Means, during its preparation of the tariff bill, decided not to give hearings before the committee to the different interests to be affected, and necessarily was imperfectly informed as to the objections to the use of the polariscope as a basis for assessing tariff duties, and the bill which the House subsequently rejected contained a schedule of the duties on sugar not above No. 13, Dutch standard, graded and based on the polariscope test.

Upon the failure of the bill the Secretary of the Treasury urged separate action on sugar, and as the committee seemed to have agreed upon the adoption of the polariscope, suggested the draught of a bill based in part upon the use of that instrument. No action was taken; and in his last annual report, December, 1878, the Secretary of the Treasury again called attention to the sugar duties. He said:

It is deemed imperative that some change in the mode of collecting duties on sugar should be had, and it is preferred, as stated in the last report, that the duty should be at one rate on all sugars, up to a point which will exclude temptation either to color sugar for the purpose of reducing the duty, or to commit fraud by means of sampling and classification. The duties now are, to a large extent, dependent upon the fidelity of the sampler, one of the lowest-paid officers in the public service.

Again, at this session, the subject of the duties on sugar came up before the Committee of Ways and Means. There had been a previous hearing before a subcommittee at New York and the testimony was printed, and those interested in the duties, as well as the Secretary and some of the Treasury officials, were heard upon the subject, the latter on the 17th of December, when the Secretary submitted a memorandum in which the several previous recommendations were recapitulated, the reasons were given for the former qualified recommendation of the polariscope, and the Secretary added:

During the past summer the question of the reliability of the polariscope as an aid in the classification for duty of sugars has been the subject of very much discussion in the public press. Some have thought that the adoption of the polariscope would be but going from the serious difficulties attendant upon the color standard to another standard equally as unreliable. The testimony, however, of some of the best merchants is in favor of its use. The parties in the sugar trade did not agree upon any plan for a modification of the tariff, and the Secretary in his report for the present year practically renewed the recommendation which he made in his report of 1877, at least so far as concerns sugars not above No. 13, which, in the former report, he places at 2.38, and in the present at 2.40.

If Congress should consider the polariscope test a reliable one, this Department would have no objections to a retention of the present rates of duties on sugars by color, with the addition of the polariscope as a detective.

At the lengthy hearing during this session the attention of the committee was called to the unreliability of the polariscope in testing and the difficulties in sampling the lower grades of sugar. A majority of the committee came to the decided conclusion to adopt the Secretary's original recommendation to combine all sugars not above No. 13 in one grade and put them under one rate of duty. They fixed upon from No. 13 to No. 16 as the next grade, and above 16 as a third.

Now, that we have substantially adopted the last recommendation of the Secretary of the Treasury cannot be questioned, because I have here a letter from him dated February 18, 1879, which I will ask the Clerk to read, in which he insists that it is imperative that some change should be made, that the duties on grades to a certain number should be at one rate, and stated that he prefers that the duties on sugar should be arranged by consolidating the grades so as to exclude the temptation of evading the duty.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 18, 1879.

Sir: I have received your letter of this date requesting me to inform you what evidence, if any, is in the possession of this Department of frauds upon the revenue through the under-classifying of sugars by means of improper sampling and how such frauds have been consummated.

In reply I have to state that while the Department has been unable as yet to secure such evidence of false sampling of sugars as would justify suits against importers or criminal prosecutions against officers, evidence has been obtained to induce the conviction that such frauds have been perpetrated to a great extent. From affidavits on file in the Department it appears that in some instances it was the practice of certain Government samplers to receive the samples of cargoes of sugar from the sampler employed by the importer, who drew the samples from the hogsheads and delivered them to the Government samplers when called for, these samples representing the lowest grade of sugar usually one or two grades below the true color; and that in some instances where light sugars were imported samples were furnished from the sugars of a dark color, which were not of the imported cargo.

In several instances of resampling and reclassification differences have been found against the Government. In this connection I refer to my last annual report, in which allusion is made to the subject of sampling and classification as follows:

It is deemed imperative that some change in the mode of collecting duties on sugar should be had, and it is preferred, as stated in the last report, that the duty should be at one rate on all sugars up to a point which will exclude temptation either to color sugar for the purpose of reducing the duty, or to commit fraud by

means of sampling and classification. The duties now are to a large extent dependent upon the fidelity of the sampler, one of the lowest paid officers in the public service."

Very respectfully,

JOHN SHERMAN, Secretary.

HON. HORATIO C. BURCHARD,
House of Representatives, Washington, D. C.

Mr. BURCHARD. The position of the Secretary from these reports and communications seems to be:

First. Legislation is desired to relieve the Treasury from conflicts and embarrassments in attempting to collect the duties upon sugars under a tariff discriminating on the grades of color below No. 13.

Second. One rate of duty on all sugars not above No. 13, Dutch standard, is preferred.

Third. If Congress believes the polariscope test ought to be adopted, the Secretary would recommend that it be applied so that sugars not above No. 10, Dutch standard, containing more than 92 per cent. of crystallizable sugar tested by the polariscope or other means, shall pay duty the same as sugars above No. 10 and not above No. 13.

DIFFICULTIES IN SAMPLING.

The Secretary says that the samplers are the lowest paid class of Treasury officials. How is the sampling done? A hogshead of sugar comes here from which the molasses has been drained by the natural law of gravitation. When the hogshead has stood on end, the wet, dark sugar will be found at the bottom and the lighter sugar at the top. When it is placed in the hold of a vessel the hogshead lies on its side, the molasses that remains in the sugar sinks to the side or bilge, and the sugar near the foot end of the hogshead and in the lower side will be dark, while the sugar above will be of a lighter color when the cargo is unloaded and landed on the wharf.

The Government sampler ascertains the grade of the sugar by boring into the hogshead and taking out a sample. If it happens that the end of the hogshead containing the dark sugar is turned up and the sampler bores into that end, he will obtain a sample of dark sugar. If the other end is turned up another and higher grade of sugar will be obtained from the same hogshead. This applies mainly to raw muscovado sugar not above 13; for those are the sugars which are damp.

The testimony of the Treasury officials, of merchants and refiners, and of experts in scientific laboratories confirms the views of the Secretary in regard to the difficulties in the sampling of the lower grades of sugar not above No. 13.

Mr. James, of the Customs Bureau, informed the Committee of Ways and Means:

The test cannot be made to absolutely prevent false returns, because that is a matter of faithfulness and discretion in the administration of the law. Samples are taken, one from the top, one from the middle, and one from the bottom of the hogshead. Sometimes the wet foot, (as it is called,) where moisture has settled, are two inches in depth; sometimes four, and sometimes three; and it requires intelligence to know how much of the bottom sugar to take to mix with the remainder of the sugar, in order to get a fair test of the whole contents of the hogshead. Now, lack of skill or of fidelity on the part of the sampler would, of course, throw it one way or the other.

Mr. S. B. Dutcher, appraiser at the New York custom-house, stated:

Each sampler carries his auger and bores into the hogshead for samples. Take, for instance, what is called centrifugal sugar—sugar made after that style. There are not foots in it as there are in the muscovado sugar, and it requires a great deal of judgment on the part of the sampler and of whoever is supervising the sampling to get at the exact proportions of the dry and of the wet sugar in the hogshead where there is a foot. There must be very great judgment exercised, and it requires considerable experience in order to be a good sampler of sugar in that respect. If the foot is a deep one, of course a larger proportion of the samples that are drawn from that part of the hogshead should be put with the other portions in order to make it the general sample. If the foot is very small, then the proportion of samples taken from it should be very much less, of course. There considerable judgment has to be exercised.

If I were at liberty to give names I could tell what the Treasury agents, who investigated the matter in New York, have reported on this subject. They discharged several samplers there, and they say that others were not above suspicion—in fact that there are but one or two samplers who are entirely clear of any charge or suspicion of wrong-doing in the work of sampling.

Mr. Lawson N. Fuller, who stated to the committee—

I never imported a hogshead; I am, exclusively, a refiner. * * * I have spent twenty-five years in the sugar-refining business, and I expect to spend the rest of my life in it—

and who disclaimed a particle of interest in the subject outside of his own business, said in regard to sampling sugars:

Certain gentlemen in the refining interest declared in Washington that if a uniform tariff was adopted it would ruin their business. I think not. I think it would elevate the business by doing away with all this cheating of the Government by fraudulent classification, and I do not believe it is in the power of any man or number of men to prevent or detect these frauds by samplers. I believe that Mr. Dutcher is a thoroughly competent man for his position, and that he is earnest and honest, but I do not think it is in his power to discover the frauds that may occur, simply because he has to rely upon the samplers for the sugars upon which he fixes the appraisement. Now, if those samplers take the sugars from the heads, centers, and foots of the hogsheads, as he declares, then his appraisement could be a fair one; but that is not the fact. This is not a matter which Mr. Dutcher can decide for himself. He has to rely upon these samplers, and I have in mind a case which came within my own knowledge, of sugars which were sampled for the house with which I am connected entirely out of the foots, and my knowledge that such a case has occurred under my own observation is the reason why I state that these samplers are not to be relied upon, because they can draw samples which will be liable to pay almost any duty that they choose. And this is particularly the case where the sugars go right to the refinery, and are melted up very soon afterward and lose their identity.

I hold in my hand a volume which belongs to the Congressional Library and contains the report of an International Sugar Convention held in Paris in July and August, 1876. Official representatives of the governments of Great Britain, France, Belgium, and the Netherlands took part in the proceedings.

The use of the polariscope as a basis for estimating the duties and drawbacks on sugar was proposed and rejected. In the discussion the errors in sampling were pointed out and considered insurmountable.

M. LeFeuvre remarked (page 43) that grave errors might result in sampling. When a large quantity of sugar is only represented by a single sample, any falsification of the sample and any substitution of an inferior quality of sugar would give such a gain to the refiner that the temptation to commit fraud would become too strong. There are certain cane sugars of which it is difficult to obtain an exact sample, and with every appearance of acting in good faith, it would be easy to take a sample inferior to the average quality.

The difficulties and liabilities to frauds and undervaluations in sampling different grades of sugars not above No. 13 would not be obviated by the use of the polariscope, even if that were a desirable and reliable test for ascertaining the saccharine strength and value of sugar, inasmuch as the wet foots or damp sugar always tests very much lower than the dry. This was admitted by all those who testified before the committee, and is also evidenced by the following testimony at that convention:

M. Toewater (page 50) insisted upon the danger which he thought the taking of samples presented under the system of saccharimetry. Under that system the analysis of an inferior sample was sufficient to exonerate the refiner from a considerable amount of duty. It appeared from this paper (M. Surier, chemist) that in some baskets of Java sugar the quantity of glucose varied from 1 per cent. to 10 per cent., according to whether the sample was taken from one part or the other. The Dutch delegate asked to what errors the analysis of samples and the assessment of duty by saccharimetry might not lead if applied to such sugar?

M. LeFeuvre (page 51) also shared the opinion of the Dutch delegates as to the special dangers attending the taking of samples with a system of saccharimetry. He pointed out the influence which the dark lumps of various qualities often found in muscovado sugar might exercise on the result of the analysis. When the assessment of sugar was made according to color these lumps did not affect the coloration, while when it was a question of employing a chemical process for determining the quantity of salts contained in the sugar it was of the greatest importance that the sample should exactly represent the sugar. He feared, therefore, that it would be very difficult to avoid grave errors.

The polariscope only complicates the means of ascertaining duties, and instead of simplifying it adds confusion to the tariff laws. The Secretary of the Treasury finds that his officials and the merchants are calling for a change, and he asked that some relief be given and at once. In accordance with that recommendation, I have offered to have the debate on this bill shortened so that a vote may be had.

How, then, can we avoid this difficulty? The Secretary of the Treasury says it can be done by abolishing these unnatural distinctions in color which are not founded upon any change in the character of the superior sugar. If a simple, sensible tariff is wanted we have only to adopt the plain business proposition of putting all sugars not above No. 13 at one rate of duty, those from 13 to 16 at another, and those above 16 at another.

What is there about this color standard that is so important? No natural distinction of color can be properly adopted so as to require sugar of one color to pay one rate of duty and of another color to pay another rate. The numbers of sugar do not begin at No. 7. I have reports here showing the analysis of sugar of No. 4 and of No. 3 standards, and even below that.

WHAT IS SUGAR?

It is simply cane juice or other sweet juice boiled down to the point of crystallization. When it is in a condition that it will crystallize it is called melada. You can then put it into a barrel or a hogshead and ship it; or you may take the hogshead and stand it up on end, bore a hole in the bottom, and put in a little stick or a piece of sugar-cane, and then the molasses will drain out. As the gentleman from Massachusetts [Mr. BUTLER] suggested in his pertinent inquiry, the foreign labor of gravitation on the soil of Cuba will make your melada into sugar. That is all the labor there is in it.

If you let a hogshead stand from three to four weeks the molasses will all drain out, and then you can take that same hogshead, turn it over, plug up the hole, and ship it to this country as a hogshead of sugar. It will come here as raw or muscovado sugar, and the color will not go above No. 16. As a rule the sugar produced by this natural conversion of melada into sugar is only fit for refining, and it is brought here for refining purposes. Sugar below No. 13 does not enter into consumption at all. The higher colors, not because of their saccharine strength but because of the color being more inviting to the eye, may enter into consumption.

I hold here in my left hand a specimen of sugar of No. 13, and in my right hand I hold a specimen of No. 16. There is necessarily no more saccharine strength in the one than in the other; yet because No. 16 is more pleasing to the eye and may enter directly into consumption we put a higher rate of duty upon it.

Now, when sugar is refined it is advanced at least beyond No. 16 and up to the grade of C sugar, as it is called; so that the second grade of sugar named in our bill, which is raw muscovado sugar, as a rule does not enter into competition with refined sugars.

CENTRIFUGAL MACHINES AND VACUUM PANS.

The gentleman from Ohio [Mr. GARFIELD] made a statement (which probably he heard from these men who have been giving us information on the subject) that there have been since the tariff of 1870 new processes introduced which enable the manufacturers to color down sugar and bring it in at a lower grade. He spoke of the vacuum-pan process and the centrifugal machine. Why, sir, I have a Treasury report made in 1847 which describes the vacuum-pan process, and the patent for it was taken out in 1813. Sixty-five years ago the vacuum-pan process was invented, and sugar has been boiled by it ever since; and the centrifugal machine has been in use for more than twenty-five years. So that these processes are not new discoveries that have been brought into use since the tariff of 1870 was enacted. The centrifugal process is simply this: instead of letting the hogshead stand on end and the molasses drain out, the sugar is put into a machine which revolves horizontally at the rate of one thousand or fifteen hundred revolutions a minute. The centrifugal force throws out the water and molasses and leaves the sugar; so that in an hour you do by this machine what would require two or three or four weeks by leaving the hogshead to stand on end and drain. By rapid revolution the water and sirup, and with them the coloring matter, are thrown out, leaving the crystals nearly white, or by a slower motion the coloring matter is retained.

Why should we not follow these natural distinctions?

UNIFORM RATE ON RAW SUGARS NOT INJURIOUS TO REFINING INTEREST.

It is said that the tariff proposed in this bill would operate injuriously on the refining interests. Why, sir, I have here a statement, which I cannot stop to read at length, made to the Treasury Department by the men themselves who are trying to defeat our bill, showing that from 1865 to 1871 under the old tariff \$9,000,000 of new capital went into the refining business. It is very surprising that with this increase of business under that tariff it was not sufficiently remunerative. A greater ratio of capital went into the refining business before 1871 than since. It is true that since the present rates were enacted there has also been an increase. But why? Because the consumption of sugar in this country and the world is largely increasing. In 1870 and 1871 we imported a little over eleven hundred million pounds of sugar; we now import fifteen hundred million pounds annually. Why? Because the demand for the purpose of consumption is increasing. In part this increased consumption was no doubt owing to the fact that we reduced the duty on raw sugar nearly one cent per pound in 1871, although since that time we have put it up again.

There is increased consumption of sugar throughout the world. I have here statistics showing that within the last six or seven years the increase of the consumption of sugar in Germany has been 40 per cent. The New York Shipping-List and Price-Current of a late date shows that there has been a similar increased consumption in all of Europe. At the time this law went into effect we took about 50 or 60 per cent. of the sugar of Cuba. But the increased demand since has been such that we now take nearly all of Cuba's sugar—90 per cent. or more—as will be seen by the following table. We take 99 per cent. of her molasses; and notwithstanding this the gentlemen say that Cuba is trying to get rid of the present tariff under which she is able to send us so large a percentage of her entire crop.

Sugar crop of Cuba, 1865-1877, and shipments to the United States.

Years.	Total exports from Cuba, tons.	Shipped to United States.	
		Tons.	Per cent.
1865.....	553,216	303,012	54.79
1866.....	545,636	315,725	57.87
1867.....	580,669	280,119	48.24
1868.....	670,430	358,845	53.53
1869.....	639,406	370,972	58.02
1870.....	659,808	546,221	82.45
1871.....	470,941	337,428	71.65
1872.....	624,465	491,364	78.67
1873.....	714,960	479,373	67.05
1874.....	617,650	481,639	77.11
1875.....	660,750	469,049	71.00
1876.....	537,747	351,174	65.29
1877.....	460,810	418,876	90.92

What we desire is to make a fair, reasonable tariff, and to avoid the difficulties which are insuperable when you undertake to grade your duties on sugar.

SUGAR FOR REFINING.

I have before described sugar in its manufacture, but as preliminary to a discussion of its value for refining it is necessary to know something more of its properties, and right here the House perhaps will pardon me if I consider for a moment what sugar is. We all think perhaps that we know; but I find that science employed a great many analyses in finding out the composition of sugar. I have here

a German work giving the results of a thousand analyses in the laboratory at Amsterdam. Sugar, as imported, and as respects some grades that go into consumption, consists of cane sugar, which is a combination of carbon, hydrogen, and oxygen in certain proportions, and fruit sugar or glucose, in which the proportions are somewhat different, containing somewhat more of the elements of water than cane sugar; so that fruit sugar by the processes of nature can be converted into cane sugar, and cane sugar by chemical processes can be converted into fruit sugar or glucose. Then we have alkalies and acids in combinations or otherwise with other substances called salts; and we have water and coloring matter—extractive matter as the chemists call it. This coloring matter can be bleached out by certain processes without affecting the saccharine strength of the sugar to any degree.

By the Scotch process of refining, as it is called, (and I have here a journal of the Chemical Society, of 1869, which describes it,) the color is simply bleached out. They take—as has also been testified to by Mr. Havemeyer before the Committee of Ways and Means—raw sugar containing any given per cent. of cane sugar, with glucose, water, coloring matter, and other substances found in the cane juice, and bleach out the color in the process of refining, making the sugar into different grades, and then sell the same sugar with all these ingredients left in it. It is fit for consumption, notwithstanding what has been said heretofore about the foreign substances in the sugar. Cane glucose is not injurious. It is 60 per cent. as sweet as other sugar.

Besides what I have spoken of, there is in raw and moist soft sugar what is called invert sugar—sugar in a liquid state that either has not been crystallized, or, having been crystallized, has become liquid again. Invert sugar cannot become crystallized. It is just as sweet as other sugar. Put a spoonful of invert sugar into a cup of coffee and it will make it just as sweet as the same weight of a solution of other sugar. By the polariscope test we find out how much crystallizable cane sugar there is, after looking through and seeing the deflection of light through the solution. They then neutralize this by the action of acids, making it invert sugar, and again note the deflection of light through the solution in the polariscope. The difference in degrees upon a graduated circle between the first and second test gives the percentage of crystallizable cane sugar in the sample. The invert sugar is just as sweet as it was before being rendered incapable of crystallization.

THE POLARISCOPE AS A TEST.

I now come to a difficulty which should be fatal to the proposition to use the polariscope as a basis for determining duties. It gives only the quantity of crystallizable cane sugar and not the real saccharine strength. It does not give the sugar in the condition of invert sugar, just as sweet as the crystallizable cane sugar. It does not give the salts, which are so much to be subtracted, and in addition neutralize a proportion of crystallizable sugar. I have brought these books here that if any gentleman controverted my position I could refer to the page and satisfy him; but of course I cannot stop my argument and read at any length.

In a paper on The Chemistry of Sugar Refining, read by Mr. Wallace, F. R. S., before the London Society, and published in 1869 in the Journal of the Chemical Society, the writer says:

The French mode of determining the value of raw sugar is based upon two assumptions: first, that each percentage of fruit or uncrystallizable sugar prevents the crystallization of an equal amount of cane sugar; and, second, that each part of soluble salts prevents the crystallization of five times its weight of crystallizable sugar. My own experiments bear out the general accuracy of these assumptions. To value a sugar or find out the amount of extractable cane sugar in it, we take the total amount of cane sugar determined by chemical analysis or the polariscope and deduct from it the fruit sugar and five times the soluble salts, and the remainder is the quantity required.

Here are the proceedings of the International Sugar Convention held in Paris in 1876, only three years ago, where you will find they rejected the polariscope entirely. They had scientific gentlemen there, and some of them said they agreed that analysis was the perfect test, but they discarded the polariscope because of its failure to give a true indication of saccharine strength. A sugar that by the polariscope tests 90, having 1 per cent. of salts, in order to ascertain its crystallizable strength, you must reduce the polariscope test by three or five, whichever is the proper coefficient to multiply the quantity of salts by. So that sugar testing 90 per cent. by the polariscope would give in refining from 3 to 5 per cent. less crystallizable sugar than sugar of the same polariscope test containing no salts. The conclusion is irresistible that the polariscope test does not measure the value of raw sugar as imported for refining. It is one of the indices or tests of value to this extent: the man who wants to make hard sugar desires to know how much crystallizable sugar he can make, and the polariscope will give him within a fraction of 1, 2, or 3 per cent. of the quantity of crystallizable sugar. Knowing the country or locality where the raw sugar was produced, the character and effect of the soil upon the sugars made upon that plantation or in that region, the purchaser can roughly guess at the limit of injurious salts, and will in some cases purchase without further examination or analysis. But not knowing these facts, or if wishing to obtain the true value of this sugar, chemical analysis must accompany the polariscope. He must analyze and find out what proportion of salts there is in color, and subtract from that 3 to 5 per cent., and then ascertain how much water and how much glucose there are in it, and then subtract this from 100 per cent., and that will give the percentage of hard sugar he can make.

Refiners make different grades of sugar—white, hard, granulated sugar and soft or moist sugar. They make some sugars where they only bleach out the color. Something was said by one of the sugar refiners about it, but we could not understand it for a while, and I had to go to the book in the sugar alcove of the Library in order to comprehend their processes and their statements. I do not know whether other gentlemen will understand it at once or not without similar examination and study. The proposition struck us as fair that if the polariscope is the index of the strength, 70 per cent. polariscope sugar ought to pay 70 per cent. as much duty as 100. "Oh, no; that will not do," we are told; "color is some indication of value; it will only do to apply the polariscope to a certain degree." There was another question concerning this other 30 per cent. between 70 per cent. and 100, which is called waste, (one refiner called it dirt.) We asked whether it was not lost. "Oh, no," they said. "What do you do with it?" "We refine it," said the gentlemen. How do they refine invert sugar and glucose? They say they sell them without taking them out. They do not, therefore, sell 70 per cent. and throw away 30 per cent., but they sell the whole. This Chemical Journal which I have here shows that, by the Scotch process, out of 100 per cent. of sugar imported they sell 95 per cent. with the color merely bleached out.

I throw out these points hurriedly, in order to show you that the polariscope is not a test of value, because it gives incompletely and imperfectly the crystallizable strength of sugar, and sugar contains other sweetening principles, as was stated here by the gentleman from Ohio, that have a market value, that are sold and consumed every day in the sugars commercially designated from A, B, and C, down.

THE POLARISCOPE TEST VARIABLE.

Another reason why we should not use the polariscope is found in the fact that the results differ, and that is what has convinced me that it would not do to depend upon this test. No two tests ever bring out exactly the same degree of strength. You apply the polariscope test, and let the strength of the same sugar be taken in New York and Boston on the same day, and the tests will not agree. Apply the test on a moist day, and the strength will be less; on a dry day, and it will be greater. It is not reliable, and for that reason the commercial world do not regard it as a safe, infallible test which can be relied upon in the purchase and sale of sugar. And the very men who are urging this, and the Government officials, admit its incompleteness by testifying that nothing short of chemical analysis is entirely reliable.

Mr. Lawrence Turnure, of the firm of Moses Taylor & Co., New York, who before the Committee of Ways and Means favored the partial use of the polariscope in the manner proposed by the gentleman from Ohio, admitted "the impracticability of working it fairly."

Mr. Candler, of Boston, also favoring the proposition, said:

If you propose to use the polariscope, it has got to be exactly and scientifically done. We importers of Boston do not propose to permit the importers of New York, or Philadelphia, or Baltimore to have sugar come into those ports, and to have a custom-house expert look at it and say, "I think that that is about so and so," and pass it in that way. We claim that if you are going to introduce the polariscope at all, it is not worth anything unless you are exact about it, and unless every parcel of sugar imported shall be tested by the polariscope, and by a scientific man who understands it. If you are going to use it you should have a system about it. If you are going to allow anything to the judgment of men, the same errors that are now complained of will creep in, and there will be the same talk about frauds.

Mr. John E. Searles, jr., of New York, in an argument against the introduction of the polariscope, presented to the committee a letter from Mr. Minturn, of the firm of Grinnell, Minturn & Co., one of the largest importers in New York, in which he writes as follows:

As to your questions about the use of the polariscope as a test of values in the London market, I would say that I find to my surprise that it seemed to be quite ignored, except as regards beet-root sugars, which form a comparatively small portion of the sugar supply. I frequently inquired the polariscope test of sugar offered for sale, and in only one instance was it known.

I may add that, in the experience of my firm, we have constantly found differences of two degrees or more between different samples of the same sugar drawn for ourselves in the effort to determine the true polarization for our own information; and there is a constant difference of one degree (and frequently more) between our polarization and that of refiners on the same sugars; frequently differences of one two to degrees on samples drawn by different refiners from the same sugars belonging to us.

It is the decided opinion of my firm that the polariscope is not a proper test to apply to the collection of duties. There would be no such checks on its indication as are found necessary in practice in buying and selling. A slight difference in sampling (say even turning the trier down instead of upward) will give a marked difference in the polariscope result of some kinds of sugar.

A petition numerously signed by sugar-refiners and merchants of the highest standing was also presented to the committee, which reads:

We the undersigned merchants, importers of sugars, in view of the statements made before your committee as to the use and reliability of the polariscope in determining the value of sugar, do hereby most respectfully submit the following statements, namely: that the polariscope is not universally, nor even generally, used in the purchase of sugars in the producing countries; on the contrary, that outside of portions of the island of Cuba it is comparatively unknown. That while it is generally used here, between buyer and seller, as one of the means of determining the value of sugar, the variations which occur in tests through differences in sampling, as well as in the use of the instrument itself, are frequently very important, and become necessarily a matter of compromise between the parties in interest; and for this, with other reasons, it is not suited to be a basis of duty, inasmuch as its use will unavoidably involve the merchant in great uncertainty and often subject him to serious loss.

Mr. W. T. Booth told the committee—

That, outside of the island of Cuba (and in that island perhaps outside of the cities of Matanzas and Havana) there was not a cargo of sugar sold in this wide,

wide world that depended upon the polariscope for the decision as to its price. You had a letter read yesterday in regard to the English market. I venture to assert that there is not in the city of New York an intelligent refiner to-day who, in making his purchases, rests on the polariscope alone.

The certificate of two of the largest sugar brokers in London was read to the committee, which stated that—

First. Originally qualities of sugar were defined by their color and grain. The color was measured on the basis of Dutch standard Java sugar samples.

Second. Later on, and about the time that beet-root sugars came forward for sale in England, the polarization test was introduced; this latter test (polarization) soon gave way, owing to its unreliability, to chemical analysis test, and polariscope is no longer used.

These statements, so material and condemnatory of the use of the polariscope, challenge attention and examination. I asked for the production of actual analyses and business tests made with the polariscope by reliable chemists, which disclosed the discrepancies charged. Quite a number were promptly forwarded to me, and I hold them here for inspection if desired. I will print with my remarks a comparative statement showing the differences in polariscopic tests of the same samples of sugar by the same or other chemists at different times and places. The tests do not exactly agree on a single sample, while the variation on one sample is 3.40. (See table at end of speech.)

The polariscope has been repeatedly recommended in other countries by scientists to their governments, but there is not a government in the world that applies the polariscope test to regulate its duty on the sugars imported from foreign countries. The French government use it in the collection of internal revenue in reference to beet sugars, in order to ascertain the amount of drawback; and France is the only place where it has been used at all in connection with a government. I have here statements taken from this book from which it appears that at that international convention the conclusion of those gentlemen was that the polariscope was being discouraged and the scientific world had less faith in it as a safe and reliable test.

In Germany the result has been the same, as will be seen from the following extract from reports on the sugar industry in foreign countries, 1876, presented to Parliament by command of Her Majesty. Mr. Nicholson writes from Berlin:

The polarization test has of late not been so highly considered as it formerly was. Doubts have been thrown on its efficacy and accuracy.

Now, the sensible method of making a tariff would be to classify the sugars according to their natural divisions; and for fifty years and more in the history of this Government we had one duty on raw sugar, another on clayed, and another on refined. On raw muscovado sugars there was one duty. Then when they were taken and having been drained in the way I speak of and put into a cone, clay was put on and the water percolated through, taking out some of the color or extractive matter, as it is called, and some of the gummy substance; then the sugar was called clayed sugar, and there was an increased duty upon it. If it was refined into a hard sugar or crystallized sugar, called granulated or loaf sugar, it paid another duty.

These were the distinctions up to 1861. In 1861 we adopted the Dutch standard for the purpose of more accurately defining these low grades of muscovado sugar and the higher grades on which we put a higher duty. We made all not above No. 12 a class of sugars that were only fit for refining purposes; and from 12 to 15, a class of sugars that might be called grocery sugars; and we put a higher tariff on those, just as we propose here, taking the division we have, not below 13, as one grade, and from 13 to 16 as another, including what are called grocery sugars, putting them at another rate. That is what I call the natural distinction.

The sugar tariffs of nearly every country of the civilized globe are based upon these natural distinctions between the classes of sugar or upon colors that correspond with them. I have here in the Canadian Year Book the sugar tariffs of the different European countries at the present time. The French tariff has on raw sugar under No. 13 a duty of 6.05 cents per pound; from No. 13 to 20, inclusive, 6.33 cents; and on refined sugar 6.66 cents per pound. Italy, Belgium, and Germany make two classes of sugars for dutiable purposes. Our sugar tariffs for more than half a century were based upon these natural distinctions. There were then under that tariff no difficulties and no complaints of frauds in sampling, and nowhere in the country was there any desire for change in the classification. The surplus revenues, however, in 1870 permitted a reduction of duty, and the propriety and duty of lowering the rates imposed upon this necessary article of universal consumption induced legislators to propose and effect a reduction in the interests of consumers.

Few of us now in this House were here as members when the present sugar tariff was adopted. I remember when sitting away over in the back corner of the Hall the distinguished leaders of our party, leaders of the House then as now, were devising and recommending tariff legislation and a change of rates but not of the classification of sugars. Here is the tariff bill then before the House, which retained a uniform rate of duty on sugars not above No. 12, Dutch standard.

The Committee of Ways and Means, of which the distinguished gentleman from Pennsylvania [Mr. KELLEY] was a member then as now, studied and sat on the tariff question for a year or a year and a half during that Congress. They traveled all over the country, I believe, in order to become familiar with the industries of this country. They came together in the committee-room under the lead of the distinguished gentleman from Ohio, Mr. Schenck, then the leader

of the House. After a while they reported a bill to this House. Did they have in that bill the present grades of sugar? No; they had the old rates and classification. The result of their investigation was to retain sugar not above No. 12, just as it was before, and substantially as we recommend it now. They recommended that to the House, and the House passed it as they recommended it. It went to the Senate, and there, in their superior enlightenment, it was concluded to change it and make several grades and classifications and higher rates of duty than in the House bill. Members here in this House were in favor of reduction and the old divisions.

The bill came back here and all, or nearly all, of us voted not to concur with the Senate. We stood together. The distinguished gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from Massachusetts [Mr. BANKS] and the gentleman from Ohio [Mr. GARFIELD] and the gentleman from New York, [Mr. WOOD.] All of them adhered to the No. 12 rate. But in some unexplained way in conference that was given up and the discriminating duty became the law as it is now.

The Secretary of the Treasury now says that we ought to go back to the old plan of a uniform duty on refining sugars. He was then a member of the Senate and chairman of the Committee on Finance, and agreed to the change that was made. But he now is compelled, in view of overwhelming evidence, to admit that the change does not work well, and says that the old one-rate classification as to sugars not above 13 is preferable. The present tariff has involved the Treasury and merchants and refiners in continued disputes growing out of an attempt to make an unnecessary and almost impossible classification between different grades of unrefined sugar. It demoralizes and will inevitably demoralize the employes of the custom-house, whose fidelity and experience can alone be relied upon to make the proper classification.

It has also been claimed that the ingenuity of man has discovered processes since the grading of sugars below and above No. 7 was established by which they bring high-testing sugars down to that. And it is claimed also that by this means these frauds on the Treasury, as they are called, have been perpetrated. But here I find in this scientific work to which I have referred containing the results of analyses in Amsterdam, that out of a thousand analyses of Java sugars (which have never been charged with artificial coloring) about one hundred of them were of sugars of the class below No. 10, and the proposition of the gentleman from Ohio to raise the classification of all sugars not above ten, but testing ninety-two, would carry half of them up into a higher grade.

That is what science shows in regard to the polariscope. But the remark may be made, You have a late work; these analyses were only made a few years ago; is not that something very late? This was printed in Berlin in 1875, and issued under the direction of the finance minister of the King of the Netherlands. It is a work by a distinguished chemist—Guning. But I have looked back to see what Congress had been doing about the matter. There is a great deal of truth in a remark made by my colleague [Mr. CANNON] yesterday that, going back, you will find that discussion on almost every question has been duplicated, and that we are making the same speeches over and over again on public questions that our fathers made before us in a former generation.

Mr. DENISON. But you make them a great deal better.

Mr. BURCHARD. In a report of the Secretary of the Treasury to the Senate, made in 1847, of a scientific investigation conducted by Professor R. S. McCulloh, under the direction of Professor Bache, to ascertain the crystallizable sugar in various quantities of muscovado sugar, the following results were obtained, the sugars being mainly from Cuba and Porto Rico:

Three samples of dark-brown sugar, (below our No. 10, Dutch standard,) tested respectively 90°, 92°-18, 93°-44.

Three samples of light-brown sugar, (No. 10 to 13, Dutch standard,) tested respectively 90°, 90°-03, 93°-48.

Two samples of dark-yellow sugar, (No. 10 to 13, Dutch standard,) tested respectively 90°-13, 92°-98.

Five samples of brown-yellow sugar, (No. 10 to 13, Dutch standard,) four samples are below 89° and one sample 92°-43.

Eleven samples of dull-yellow sugar, (No. 10 to 13, Dutch standard,) four samples from 85°-05 to 89°-75; two samples from 91° to 92°; five samples from 92°-09 to 93°-33.

Twenty-five samples of yellow and deep-yellow sugar, (No. 13 to 16, Dutch standard,) twelve samples from 85° to 89°; six samples from 89° to 92°; seven samples from 92° to 95°.

Seventy-five samples of light and gray-yellow and yellow-white sugar, (above No. 16, Dutch standard,) twenty-nine samples from 87° to 92°; forty-six samples from 92° to 96°.

Sixty-three out of one hundred and twenty-four samples of muscovado sugar tested above 92°, and a portion of these were of the darkest grades.

The question of drawbacks, a very troublesome question, which I desire to refer to before I am through, was then troubling the Department and Congress, and it was referred to the National Academy of Sciences or some other scientific body.

I have here the report that was made to Congress and here is the result of their analysis: it is, that out of one hundred and twenty-four analyses made of muscovado sugars, thirty-three years ago, before even the centrifugal process had been brought into use, over one-half of all these that were analyzed were then above 92°, and to-day under the application of the principle proposed here by the gentleman from

Ohio these sugars would have been carried up to a higher grade, although only muscovado raw sugars.

The trouble is that we adopted an unnatural and impossible classification, involving the sugar trade and the Treasury in interminable disputes. The law will be continually avoided, so that every kind of sugar will be brought in as only No. 7. As I understand it that is the effect.

When sugar is boiled either in the open pan or the vacuum pan, by boiling it a little longer or a little less you can have just the color you want.

That is the process, and sugars that test 96° or 98° by simply allowing the coloring matter to remain in, when it runs through the centrifugal process a stream of water washes it out and you have a higher grade sugar, but if you allow the coloring matter to remain in you have a dark-colored sugar.

That is what is done and it cannot be avoided. If we should then apply the polariscope, they say that would avoid this test, and it appears to me that new difficulties will be created and we ought to go back to these natural distinctions. No refined sugars in this country are below No. 16, as I understand it, and it is a matter of fact that no sugars below No. 13 would enter into consumption to more than a very slight degree if you put the duty at a uniform rate.

I will now answer some arguments for the continuance of the present rates and objections to a uniform duty on sugar not above No. 13.

THE SUGAR-REFINING INDUSTRY.

The uniform duty upon numbers below 13 will not affect the refining industries. That is evident because of the sugars of that grade imported none will go into direct consumption. They are all simply refining sugars. No refined sugar will be imported between Nos. 13 and 16, because we put the duty at 35 cents on the hundred additional. Is not that sufficient protection?

I made some remarks before the House sat down in the last Congress on the bill that had the polariscope in it, in which I announced as my motto, "A tariff for revenue, with reasonable, moderate, and sufficient protection." Whoever wants more than that can get no aid from me in accomplishing that object.

I am willing to give sufficient protection, but when gentlemen ask for protection for this industry I protest that they should not ask more than the refiners say they need, and I protest that the House shall not give any more protection than the refiners say is necessary.

These refiners have been before our committee and insist they can refine sugar in this country cheaper than anywhere in the world. They say under "free trade" we can defy the world. These statements were made to the committee by several gentlemen, as follows:

Mr. Candler said:

We can manufacture sugars from No. 10, Dutch standard, up at less than they can be made in any other country.

Mr. Spaulding said:

We refine cheaper than in any other country. The refiners of the United States do not ask protection. If you repeal all duties on sugar we can supply the world.

Mr. Havemeyer said:

Refineries can give a cheaper refined article than it can be imported at.

Mr. Wells said:

Refined sugars can be sold here cheaper than anywhere else.

Mr. Perot said:

The producer abroad cannot manufacture high-grade sugars as cheaply as they can be manufactured here.

If they are not competent to judge whether they need protection or not, how much ought their guardians to demand for them? How much should we give them? I answer, only a reasonable advance of the duty on refined sugars above the duty on raw or refining sugars to compensate them for the higher price of labor here than abroad. According to their testimony, in refining raw sugars below No. 13 up to the higher grades of yellows, hard, and refined sugars, it costs from 45 to 90 cents per 100 pounds. Their statement is that the cost averages 70 cents per 100 pounds.

Mr. Havemeyer's testimony before the committee was that No. 10 to 13 cost 70 cents per 100 pounds to refine; including interest on capital, No. 13 can be refined for from 45 to 50 cents; No. 7, 85 test, costs from 80 to 90 cents.

For the 70 cents additional labor, we give them on the lowest grade of refined sugars they can make 35 cents protection; that is, 50 per cent. protection on what they put in; and on the higher grades of sugar they manufacture over one cent a pound a protection of 50 per cent. on the added cost more than compensates for any difference in the price of labor or in the cost of manufacture.

Who desires for them, when confessedly not needed, anything beyond a reasonable and sufficient protection?

It is claimed that the present sugar tariff has had a wonderful effect to stimulate refining. It has been said that it has built up the business of refining in this country and encouraged that industry so that now we are not only producing enough refined sugar for the consumption of our own people, but are even exporting it to foreign countries. A glowing picture has been presented by gentlemen, not only in this House but outside of it, of the wonderful revivifying effect which this tariff has had upon commerce. It has been said that the raw sugar is packed on mules and transported in other ways in the distant islands of the seas and shipped and brought to this

country to be refined in our refineries, and then the refined sugar is sent back to those distant countries, and that we are able to compete in all the markets of the world.

Now, what are the facts? I have here the reports of commerce and navigation, and this appears to be a remarkable statement when we come to ascertain the facts as to where the raw sugar comes from and where the refined goes to. Last year we exported seventy-four million pounds of refined sugars, and the year before last thirty-three million pounds of raw sugar came from England right here to this country, were refined, and more than thirty-three million pounds of refined sugar were exported back to England. Nearly all this refined sugar exported is sent to England, Scotland, and Canada, instead of going back to the poor aborigines who did not know how to refine it. They eat readily the sugar made by themselves and do not import the refined sugars from this country.

How is it our refiners are able to do this? It is because these complicated distinctions enable them to import the raw sugar at discriminating rates by which the drawback gives them a bounty on every pound they export. The Secretary of the Treasury has stated to us that at one time they had a drawback that amounted to a bounty of nearly one half a cent a pound more than they now have; that he had the matter investigated and the drawback reduced, but he believes they now get a bounty of one-quarter of a cent per pound through the drawback.

He had a commission, called the Jay commission, which sat in New York and investigated this question of drawbacks and cut them down. I do not believe that with all their boasts and claims our refiners could defy the world in refining unless they had this drawback. I do not see how they can bring sugar here to this country and refine it and send it back to England, paying the freight on two ocean voyages, and compete with England in the production of sugar without the benefit of this bounty.

THE AD VALOREM PRINCIPLE.

It is urged that the present tariff rates on sugar are based upon an *ad valorem* principle that will be disturbed and be inequitable if raw refining sugars are put in one class. But the duties on ores and other raw products imported for manufacturing purposes are put at specific rates without regard to the varying prices of the different qualities. The foreign prices will be affected by the distance of the country of export, the cost of shipment, &c.; and hence the foreign invoice value of the same quantity of sugars would be less in the East Indies than in the islands adjacent to our own shores. Yet, applying the *ad valorem* principle, in some years the uniform tariff of 2.40 cents per pound on raw sugar for refining is nearer *ad valorem* than the present discriminating duties.

I submit a table, compiled from the figures of the Bureau of Statistics, showing the number of pounds, foreign value, rates of duty, and *ad valorem* rates, on the importations of the three grades of sugar up to No. 13 for the years 1877 and 1878, and what the *ad valorem* would have been on the same importations at a uniform tariff of 20.40 cents per pound. The proposition of the gentleman from Ohio [Mr. GARFIELD] is objectionable, as I have shown, because it introduces for a basis upon which to estimate duties a test obtained by the use of an instrument which is inconstant and inaccurate in the hands of the most experienced chemists and experts; which varies in its results with the time, temperature, and conditions under which the experiments are made; a test which does not give the saccharine strength of the sugar examined; a test whose findings do not determine or correspond with the commercial value; and a test which has not been approved or adopted by the commercial world as indicating with any certainty the real values of refining sugars. But a greater objection is that by charging sugars testing 92° at the rate charged on No. 13 sugars alone it carries up the duties on nearly one-half of raw unrefined sugars to a higher grade than they were required or intended to pay when the present law was passed, for it is not true that muscovado sugar then or previously only tested 92°.

The proposition to give the Treasury Department not only the polariscope, but any other device or means the Secretary may desire, is substantially a provision to make the tariff laws depend upon the will, caprice, or whim of the custom-house officials who administer the law. Certainty as to the means of assessing, as well as to the rates of duties, is of primary importance to those concerned in commercial transactions.

The Jay commission, in their fifth report to the Secretary of the Treasury, calling attention to the charges of frequent changes in the decisions of the officials of the Treasury, state one of the complaints to be that merchants who have contracted for large sales, the prices being based upon certain rates of duty, find themselves obliged to pay an increased rate of duty, owing to a sudden and unexpected change of decision. If changes of decisions on fixed rates of duty entail, as was complained, enormous losses on merchants, what disasters may fall upon refiners and importers whose sugars are to be assessed by the color standard and polariscope, or such other means as the Secretary of the Treasury may prescribe? The effect of such uncertainty in legislation was portrayed by the Judiciary Committee of the House in 1875 in a report upon the effect of frequent changes in the interpretation of the tariff. The committee well said:

We believe that importing merchants who pay into the Treasury so large a part of the money which constitutes the pecuniary resources of the nation are entitled to be clearly and distinctly told what rates of duty will be exacted from them, that

no undue disturbance of their business transactions should be made by unexpected Treasury exactions.

APPENDIX.

Statement of polariscope tests.

A.—A cargo of sugar, of which samples were carefully drawn, thoroughly mixed, and then sample of each lot evenly divided, one-half of each going to Boston and one-half to New York, (tests per chemists' certificates.)

Mark.	Quantity.	New York test.	Boston test.	Difference.
F/ice	50 hogsheads	90	89.20	.80
RB	100 hogsheads	87.70	87.50	.20
LH	59 hogsheads	86.30	85.30	1
B	161 barrels	86.10	83	3.10
BV	55 barrels	85.40	82	3.40
EV	37 hogsheads	82.70	82.50	.20
I	8 tierces	81.20	80.70	2.34
OF	17 tierces	81.20	78	2.34
CF	13 hogsheads	78.10	79.20	1.10
	500 packages	Average, 86.30	Average, 83.74	Av., 2.56

B.—A cargo sampled, mixed, and tested under same conditions.

Mark.	Quantity.	New York test.	Boston test.	Difference.
B	34 hogsheads	92.20	90.10	2.10
LS	35 hogsheads	90.70	89.90	.80
Consejo	24 hogsheads	89.70	89	.70
Consejo C	34 hogsheads	89.50	88.30	1.20
HML	18 hogsheads	86.60	85.40	1.20
M	91 hogsheads	86.40	84.50	1.90
PB	29 hogsheads	82.50	84.10	1.60
	265 hogsheads	Average, 88	Average, 86.84	Av., 1.16

C.—A cargo of Cuba sugar landed in New York; tests by two analytical chemists, experts. This cargo was very dry high-grade sugar.

Marks.	Quantity.	Test No. 1.	Test No. 2.	Difference.
Najareno	46 boxes	92.3	92.1	.20
Trinidad	576 boxes	94.8	94.1	.70
Bajaco	724 boxes	93.8	93.1	.70
Remedios	85 boxes	91.5	91	.50
Concordia	141 boxes	92.4	92.6	.20
Jesus Maria	32 boxes	93	92.5	.70

D.—A cargo in New York of Cuba sugar.

Mark.	Quantity.	New York test.	Boston test.	Difference.
No mark	211 hogsheads	90.8	89.3	1.50

E.—A cargo of Cuba sugar.

Mark.	Quantity.	New York test.	Boston test.	Difference.
Esperanza	500 hogsheads	95.9	95.2	.70

F.—A cargo of Cuba sugar.

Mark.	Quantity.	New York test.	Boston test.	Difference.
Matilda 2	233 hogsheads	89.6	90.9	1.30
Matilda 3	145 hogsheads	92.5	93.6	1.10

The following table gives the results of three different tests from the same cargo of sugar by three analytical chemists who make sugar-testing a business:

Mark.	Quantity.	By Sherer.	By Grund.	By Weichert.	Difference.
A	51	88.80	82.30	87	1.80
B	9	85.30	84.20	83.30	.20
C	42	81.20	82.70	80.60	2.10
D	16	83.50	84.50	82.90	1.60
NP	25	85.70	87.20	85.50	1.70

These two tests were from the same samples:

Mark.	Quantity.	By Sherer.	By Krackowizer.	By Weichert.	Difference.
A	286	85.50	83	85	2.50
B	109	82.80	81.6	83.40	1.80

The following gives the result of twelve tests of one hogshead muscovado sugar, samples drawn and tested by P. de Ricketts, E. M., Ph. D., New York:

No. 1, from head	91.1
No. 2, from foot	90.1
No. 3, from side No. 1	89.5

No. 4, from side No. 2	89
No. 5, from side No. 3	90.2
No. 6, from side No. 4	90
No. 7, from side No. 5	90.5
No. 8, from side No. 6	91
No. 9, mixed from all of above samples, by C. L. Constant	93.1
No. 10, mixed from all of above samples, by Sherer	92.2
No. 11, mixed from all of above samples, by Weichert	93.3
No. 12, mixed from all of above samples, by Weichert	93.6

Ad valorem principle applied to old and proposed tariffs.

Class of sugars.	Pounds.	Value.	Per cent. at present duty.	Duties.	Per cent. ad valorem.
1877.					
Not above No. 7	757,946,855	\$37,501,481	2 1875	\$16,580,087	44.21
Not above Nos. 7 to 10	604,317,151	29,748,890	2 5000	15,107,929	50.78
Not above Nos. 10 to 13	88,462,336	4,371,003	2 8125	2,488,003	56.94
1878.					
Not above No. 7	860,287,182	41,516,498	2 1875	18,818,782	45.33
Not above Nos. 7 to 10	618,019,876	33,232,883	2 5000	15,450,497	46.49
Not above Nos. 10 to 13	72,316,574	4,110,502	2 8125	2,033,904	49.98

Proposed tariff.

Class of sugars.	Pounds.	Value.	Proposed duty.	At proposed duty would be—	Per cent.
1877.					
Not above No. 7	757,946,855	\$37,501,481	2.40	\$18,190,725	48.50
Not above Nos. 7 to 10	604,317,151	29,748,890	2.40	14,503,611	48.80
Not above Nos. 10 to 13	88,462,336	4,371,003	2.40	2,123,096	48.60
1878.					
Not above No. 7	860,287,182	41,516,498	2.40	20,646,892	49.73
Not above Nos. 7 to 10	618,019,876	33,232,883	2.40	14,832,477	44.60
Not above Nos. 10 to 13	72,316,574	4,110,502	2.40	1,735,597	42.22

Résumé.

The percentage ad valorem in 1877, under rates as now existing, showed a variation of 12.73 per cent.

Under proposed rate, only 0.30 per cent.

In 1878, under old rates, variation 4.15 per cent.

Under proposed rates 7.51 per cent.

Taking two years together under proposed tariff variation only 3.90 per cent. from ad valorem.

Mr. KELLEY. I move to lay the bill on the table. I take the liberty of saying that if this motion be not adopted I will claim the floor to discuss the bill.

Mr. MILLS. I rise to a question of order. I submit that we are now considering the bill as in Committee of the Whole, and that a motion to lay on the table is not in order.

The SPEAKER *pro tempore*, [Mr. FINLEY, of Ohio.] The Chair will have read Rule 42.

The Clerk read as follows:

42. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged, and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

Mr. MILLS. That rule does not apply in this case, because the House is proceeding as in Committee of the Whole. It is impossible for the House to transact business at the same time under the rules of the House and the rules of the Committee of the Whole, for there is a positive collision between the two sets of rules. In Committee of the Whole no such motion is recognized as a motion to lay on the table. When we are proceeding in Committee of the Whole the bill is discussed under the five-minute rule and is subject to amendment; and that power of amendment cannot be restricted. If I had not understood that in considering this bill the same latitude of debate and amendment would be allowed as if it were actually in Committee of the Whole, I never would have consented to the order for considering it as in Committee of the Whole. I supposed that we would retain unimpaired the right to offer amendments and have them voted upon. The SPEAKER *pro tempore*. The motion to lay the bill on the table is in order.

Mr. KELLEY. I will modify my motion to meet the gentleman's views, and will move to strike out the enacting clause.

The SPEAKER *pro tempore*. The Chair would hold that motion not to be in order.

Mr. KELLEY. Then I insist upon my original motion.

Mr. MILLS. What was meant by the order that the bill should be considered in the House as in Committee of the Whole?

Mr. SAYLER. I hope the House will understand that it is not the intention to occupy further time in discussing this question. I trust that members who are disposed to lay the bill on the table simply because they dislike the consumption of time will understand that the previous question is at once to be demanded. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair holds that the motion of the gentleman from Pennsylvania [Mr. KELLEY] is in order; that the motion to lay the bill on the table when the House is proceeding as in Committee of the Whole is equivalent to the motion in Committee of the Whole to strike out the enacting clause.

Mr. BURCHARD. I appeal to the gentleman from Pennsylvania. I think it is hardly fair—

The SPEAKER *pro tempore*. Debate is not in order.

Mr. BURCHARD. I know it is not, but—

Mr. KELLEY. The gentleman from Illinois [Mr. BURCHARD] has had his full time. This motion is not debatable. [Cries of "Regular order!"]

Mr. BURCHARD. I desire to ask unanimous consent that the gentleman from North Carolina [Mr. ROBBINS] be allowed to withdraw the bill. There are gentlemen here who want to proceed to other business, although they are in favor of this bill; and the friends of this bill do not desire that it shall receive an adverse vote from those who are in favor of it.

Mr. KELLEY. If the gentleman from North Carolina will withdraw the bill I do not insist on my motion.

Mr. BURCHARD. The bill cannot pass both Houses at this session.

Mr. ROBBINS. If I may be permitted one moment, I will say that I am willing to waive the further consideration of this bill, because we are now so crippled by want of time; and I discover that the House is impatient and indisposed to allow sufficient time for the further debate which gentlemen wish. The chance of getting the bill through the Senate at this stage of the session is very small, and many friends of the bill would vote to table it, to save the time for other matters. I do not wish to see the bill receive an unfriendly vote, which would not express the true sentiments of the House on its merits; for previous incidental votes have indicated that the House would pass the bill. With the permission of the House, I therefore propose to withdraw the bill from further consideration at this session.

Mr. GARFIELD. Let that be done.

Mr. KELLEY. Let it be understood it is not to be presented again during this Congress.

The SPEAKER *pro tempore*. The bill can only be withdrawn by unanimous consent.

Mr. MILLS. I shall certainly object.

Mr. CLYMER. Is it understood that the bill is not to be renewed this session?

Mr. ROBBINS. Yes, sir.

Mr. BURCHARD. It cannot be necessary to make that condition. The gentleman can withdraw the bill or not, as he chooses, without making any condition. He has a right to withdraw the bill.

The SPEAKER *pro tempore*. Not except by unanimous consent. The House is now acting under a suspension of the rules.

Mr. BURCHARD. I do not understand there is any agreement.

Mr. GIBSON. I hope the gentleman from North Carolina will have unanimous consent to withdraw the bill.

Mr. BANKS. Not to be renewed during the session.

Mr. ROBBINS. I shall certainly not ask that the bill be again considered this session.

The SPEAKER *pro tempore*. Is there objection?

Mr. CLYMER. Not to be renewed by him nor by anybody else during the session.

The SPEAKER. The Chair hears no objection, and the bill is withdrawn. The Chair will now recognize gentlemen who have the right to move to suspend the rules by direction of their committees. He will first recognize the gentleman from Tennessee.

NAVAL INVESTIGATION.

Mr. WHITTHORNE. I move to suspend the rules and pass the following resolution.

The Clerk read as follows:

Resolved, That the rules of this House be suspended so as to fix the hour of twelve o'clock m. of Monday, March 3, for the consideration of the following resolution agreed upon by the Committee on Naval Affairs, to wit:

Resolved, That the acts and conduct of the late Secretary of the Navy, George M. Robeson, and of the late chiefs of Bureaus of Steam Engineering, Construction, and Repair, and Provisions and Clothing, and who were such since May, 1872, and referred to in their report, as well as others aiding and abetting therein in the sale and disposition of public property in their method of making contracts and in involving the Government in indebtedness over and beyond the appropriations made by Congress for the support of the Navy, deserve and should receive the severest censure and condemnation.

Resolved further, That it shall be the duty of the Clerk of the House of Representatives to deliver certified copies of the testimony taken before the Committee on Naval Affairs and Naval Expenditures of this House, together with the reports of said committees, and the views of the minority, to the President of the United States, the Attorney-General, and the Secretary of the Navy.

Resolved further, That at the end of one hour the vote on the same shall be taken.

Mr. WHITTHORNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 127, nays 113, not voting 50; as follows:

YEAS—127.

Aiken,	Beebe,	Bliss,	Bridges,
Atkins,	Bell,	Boone,	Bright,
Banning,	Bicknell,	Bonck,	Buckner,
Beale,	Blackburn,	Bragg,	Cabell,

Caldwell, John W.	Felton,	Kimmel,	Singleton,
Caldwell, W. P.	Finley, Ebenezer B.	Knapp,	Siemons,
Candler,	Finley, Jesse J.	Knott,	Southard,
Carlisle,	Fleming,	Ligon,	Spark,
Clarke of Kentucky,	Forney,	Lynde,	Springer,
Clark of Missouri,	Franklin,	Mackey,	Steele,
Clymer,	Fuller,	Manning,	Stenger,
Cobb,	Garth,	Martin,	Stephens,
Collins,	Gause,	McMahon,	Townsend, R. W.
Cook,	Giddings,	McKenzie,	Turner,
Covert,	Glover,	Mills,	Vance,
Cox, Samuel S.	Gunter,	Money,	Veeder,
Cravens,	Hamilton,	Morgan,	Waddell,
Crittenden,	Hardenbergh,	Morrison,	Warner,
Culberson,	Harris, Henry R.	Morse,	Whitthorne,
Cutler,	Harris, John T.	Muldrov,	Wigginton,
Davidson,	Harrison,	Patterson, T. M.	Williams, James
Davis, Joseph J.	Hart,	Phelps,	Williams, Jere N.
Dean,	Hartzell,	Pridemore,	Willis, Albert S.
Dibrell,	Hatcher,	Rea,	Willis, Benj. A.
Dickey,	Henkle,	Reagan,	Wilson,
Durham,	Henry,	Rice, Americus V.	Wood,
Eden,	Hewitt, Abram S.	Robbies,	Wright,
Eickhoff,	Hooker,	Roberts,	Yeates,
Elam,	House,	Ross,	Young, John S.
Ellis,	Jones, Frank	Scales,	Young, Casey.
Evins, John H.	Jones, James T.	Shelley,	
Ewing,	Kenna,		

NAYS—113.

Aldrich,	Cummings,	Jones, John S.	Robinson, G. D.
Bacon,	Danford,	Jorgensen,	Robinson, M. S.
Bagley,	Davis, Horace	Joyce,	Sampson,
Bailey,	Deering,	Keifer,	Sexton,
Baker, John H.	Denison,	Keightley,	Shallenberger,
Baker, William H.	Dunnell,	Kelley,	Sinnickson,
Ballou,	Dwight,	Ketcham,	Smalls,
Banks,	Eames,	Lapham,	Smith, A. Herr
Bayne,	Errott,	Lathrop,	Starin,
Blair,	Evans, I. Newton	Majors,	Stewart,
Boyd,	Evans, James L.	Marsh,	Stone, John W.
Brentano,	Fort,	McCook,	Stone, Joseph C.
Briggs,	Foster,	Mitchell,	Strait,
Brogden,	Frye,	Monroe,	Thompson,
Browne,	Gardner,	Neal,	Tipton,
Bundy,	Garfield,	Norcross,	Townsend, Amos
Burchard,	Hale,	Oliver,	Townsend, M. I.
Burdick,	Hanna,	O'Neill,	Van Vorhes,
Butler,	Harmer,	Overton,	Ward,
Cain,	Harris, Benj. W.	Page,	Watson,
Calkins,	Haskell,	Patterson, G. W.	White, Michael D.
Camp,	Hayes,	Peddie,	Williams, Andrew
Campbell,	Hazelton,	Phillips,	Williams, C. G.
Cannon,	Hendee,	Pollard,	Williams, Richard
Caswell,	Henderson,	Pound,	Willits,
Claffin,	Hubbell,	Price,	Wren.
Cole,	Hunter,	Pugh,	
Conger,	Ittner,	Rainey,	
Crapo,	James,	Rice, William W.	

NOT VOTING—50.

Acklen,	Goode,	Maish,	Sapp,
Benedict,	Herbert,	McGowan,	Saylor,
Blair,	Hewitt, G. W.	McKinley,	Smith, William E.
Blount,	Hiscock,	Metcalfe,	Swann,
Brewer,	Humphrey,	Muller,	Thornburgh,
Chalmers,	Hungerford,	Potter,	Throckmorton,
Crittenden,	Huntton,	Powers,	Tucker,
Clark, Alvah A.	Killinger,	Randolph,	Wait,
Clark, Rush	Landers,	Reed,	Walker,
Cox, Jacob D.	Lindsey,	Reilly,	Walsh,
Ellsworth,	Lockwood,	Riddle,	White, Harry.
Freeman,	Loring,	Robertson,	
Gibson,	Luttrell,	Ryan,	

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll the following announcements were made:

Mr. LOCKWOOD. I am paired with Mr. ELLSWORTH, of Michigan.

If he were present, I should vote "ay."

Mr. SMITH, of Georgia. I am paired with Mr. SAPP, of Iowa.

If he were present, I should vote "ay" and he would vote "no."

Mr. HUNGERFORD. I am paired with my colleague from New York, Mr. BENEDICT.

If he were present, he would vote "ay" and I should vote "no."

Mr. METCALFE. I am paired with my colleague from Missouri,

Mr. BLAND. If he were present, I should vote "no" and he would vote "ay."

Mr. GOODE. I am paired with the gentleman from Massachusetts,

Mr. LORING.

Mr. RYAN. I am paired with Mr. BLOUNT, of Georgia.

If he were present, he would vote "ay" and I should vote "no."

The result of the vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to Hon. R. C. McCormick, by American exhibitors at the Paris exhibition;

An act (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers;

An act (H. R. No. 550) granting a pension to Mary A. Allen;

An act (H. R. No. 585) for the relief of Daniel C. Putnam;
 An act (H. R. No. 698) granting a pension to Nathan Udell;
 An act (H. R. No. 830) granting a pension to Elizabeth Teagarden;
 An act (H. R. No. 846) for the relief of Thomas C. Young, late private of Company F, Thirty-ninth Iowa Infantry;
 An act (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple;
 An act (H. R. No. 1045) to place George W. Browning on the pension-roll;
 An act (H. R. No. 1055) granting a pension to Samuel B. Robertson;
 An act (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late a private of Company B, Fifty-eighth Illinois Volunteers;
 An act (H. R. No. 1842) granting a pension to Henry Grossmann, late a private in Company G of the One hundred and fifty-fourth Regiment of Illinois Infantry Volunteers;
 An act (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles Thomas, deceased;
 An act (H. R. No. 4691) granting a pension to Hannah Hallam;
 An act (H. R. No. 4694) granting a pension to James Riley, late a private in Company D, Fourth Regiment United States Infantry;
 An act (H. R. No. 4695) granting a pension to James Buchanan;
 An act (H. R. No. 4696) granting a pension to Cynthia Spradlin;
 An act (H. R. No. 4697) granting a pension to Philip Thon;
 An act (H. R. No. 4698) granting a pension to Helen Crabbe;
 An act (H. R. No. 4701) granting a pension to George W. Staplin;
 An act (H. R. No. 4702) granting a pension to Catharine Gemmill and children;
 An act (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers;
 An act (H. R. No. 4794) granting a pension to Peter Yarnell, late a private in Company D, Twelfth West Virginia Volunteers; and
 An act (H. R. No. 4953) granting a pension to Sarah H. Bradford.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes, disagreed to by the House of Representatives, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. DORSEY, and Mr. WALLACE to be conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, disagreed to by the House of Representatives; disagreed to the amendments of the House to the amendment of the Senate, number 20; agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. DORSEY, Mr. BLAINE, and Mr. WALLACE to be the conferees on the part of the Senate.

PATENTS.

Mr. VANCE. I am directed by the Committee on Patents to move to suspend the rules and pass the bill (S. No. 300) to amend the statutes in relation to patents and for other purposes, as amended by the House Committee on Patents.

The bill as proposed to be amended was read, as follows:

Be it enacted, &c. That from and after the passage of this act no profits or damages in any suit at law or in equity hereafter commenced for the infringement of a patent shall be recovered which shall have accrued more than four years next preceding the commencement of such suit: *Provided*, That where a party, in order to preserve his right of recovery, finds it necessary to institute a number of suits involving the same issues, and he is proceeding with good faith and with reasonable diligence to bring one of them to final judgment, any court in which any of them are pending may, in its discretion, grant a stay of proceedings from time to time in any such other cases pending before it: *Provided, however*, That if in any suit instituted in one circuit court of the United States the validity of a patent shall be determined upon final hearing, any other circuit court may recognize said decision, and, in its discretion, grant injunctions based thereon, to continue pending an appeal to the Supreme Court in the first suit. And if the validity of any such patent has been decreed against in a suit instituted in any one circuit court, any other circuit court may, in its discretion, grant a stay of proceedings in any other suit brought under said patent pending an appeal to the Supreme Court of the United States in said first suit: *Provided also*, That the limitation herein provided for shall not apply to rights of action existing at the passage of this act on which suits shall be brought within two years thereafter, if not previously barred by laws already existing; but nothing in this section contained shall revive any right of action already barred, nor prolong the right to sue on any cause of action already existing.

SEC. 2. In all suits for the infringement of a patent, in which at the date of the passage of this act no final verdict has been rendered, or no decree for an account or assessment of damages has been pronounced, as well as in all such suits hereafter instituted, the measure of the plaintiff's recovery shall be the same, both in law and equity. If a license fee has already been established by reasonable number of transactions applicable to the case at bar, such license fee, or a portion thereof, according to the extent and duration of the infringement proved, shall be the measure of the plaintiff's recovery in all cases, except in cases where the defendant has made an actual profit from making for sale, or selling the thing patented, or the product thereof; and in such cases the proportion of the actual profit of such making for sale or selling, due to said infringement, shall be determined, and that proportion of such actual profit shall be the measure of the plaintiff's recovery; and in an action at law the court may appoint an auditor to ascertain the same, and his report shall be *prima facie* evidence; but if such proportion shall not be equal to the amount of a license fee established, or to be determined in the manner herein-after provided, the plaintiff shall be entitled to recover such amount, or so much thereof as shall be in excess of the profits so awarded.

If a license fee has not already been established by a reasonable number of trans-

actions applicable to the case at bar, a license fee for the use actually made shall be determined from all the evidence in the case; and if the case shall not fall within the exception aforesaid, the same shall be adopted as the measure of the plaintiff's recovery.

And whenever the court shall be of opinion that the suit of the plaintiff, or the defense of the defendant, was vexatious or malicious, or the infringement was willful, the court may award against the party guilty of such vexatious or malicious conduct, or of such infringement, such sum, by way of counsel fees and expenses of suit, as it shall deem just and reasonable.

No account of savings shall in any case be allowed; and no evidence or account of the defendant's profits shall in any case be admitted, except as to actual profits resulting from making for sale or selling the thing patented, or the product thereof as aforesaid: *Provided*, That nothing herein contained shall exclude other evidence as to the utility and advantage of the invention as one element to aid in determining a license fee where none has been established. Nothing contained in this section shall affect the right of a plaintiff to an injunction.

SEC. 3. In any suit brought in any court now having jurisdiction in patent cases for an alleged infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant purchased the same in good faith from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use, and not for sale, nor for making a product for sale, if the plaintiff shall recover a judgment for merely nominal damages, the court shall adjudge that he pay all the costs of the suit; and if the plaintiff shall not recover the sum of \$20 or over, the court shall adjudge him to pay his own costs, unless it shall also appear that the defendant, at the time of such purchase, manufacture, or practical application, had knowledge or actual notice of the existence of such patent: *Provided*, That nothing contained in this section shall apply to articles manufactured outside the United States.

SEC. 4. In all patent causes, after a decree has been made upon the merits of the case, in favor of the complainant, establishing the validity of a patent, finding an infringement thereof by the defendant, and ordering an account or an assessment of damages, the court in which the cause is pending may, if it shall see fit, authorize the defendant to appeal forthwith from such decree; and thereupon, if such an appeal shall be taken and perfected within such time as the court shall prescribe, it shall be competent for the said court to stay proceedings in whole or in part during the pendency of such appeal, and to require from the defendant a bond, with sureties, to answer the final decree in the cause, or to dispense with such bond, as it shall see fit: *Provided, however*, Where an appeal is allowed from an interlocutory decree establishing the validity of a patent or its infringement, the complainant may be permitted, in the discretion of the court, to go on and take his account, subject to payment of costs and counsel fees if the decree is reversed, and on giving security therefor.

SEC. 5. The several courts vested with jurisdiction of cases arising under the patent laws may, at any time during the pendency of any patent cause, grant or suspend the issuing or operation of an injunction upon such terms as the court may impose, and, subject to such rules and regulations as the Supreme Court may establish, shall have like power after an appeal of said cause, and while the same is pending in the Supreme Court.

SEC. 6. Section 4916 of the Revised Statutes is hereby amended so as to read as follows: Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more or less than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or in the case of his death, or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented upon demand of the applicant, and upon payment of the required fee for a reissue for each of such reissued letters-patent. The specifications and claim in every such case shall be subject to revision, restriction, and rejection, in the same manner as original applications are. Every patent so reissued, together with the corrected specification, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form, except as otherwise provided in this act; but no new matter shall be introduced into the specification not shown, contained, or substantially indicated in the specification or drawings of the original application or its amendments, and which the patentee would have been entitled to include as a part of his invention in the patent originally granted. But no reissue shall be allowed, unless applied for within seven years from the date of the original patent, or within four years from the date of the passage of this act: *Provided*, That it shall not be lawful to grant any reissue of any patent for any invention, except the invention which was embraced in the original patent.

SEC. 7. No machine or other article made prior to the surrender of a patent, and the issue thereupon of a new patent, which, or the use of which, did not infringe such surrendered patent, shall be held to be an infringement of any of the claims of the new patent not existing when such machine or other article was made. All rights of action accruing to a patentee, his executors, administrators, or assigns, for profits and damages on account of any infringement of a patent, prior to its surrender for a reissue, shall remain unaffected by such surrender, and no suit shall be barred or abated by such surrender; and all suits at law or in equity may be maintained for the recovery of such damages or profits in the same manner as if said surrendered patent had expired by its own limitation: *Provided*, That nothing contained in this section shall apply to letters-patent reissued prior to the date of the passage of this act.

SEC. 8. Whenever a patent has been issued to one person as sole inventor for an invention actually made by him jointly with another or others, or a patent has been issued to several persons as joint inventors for an invention not made by all of said persons jointly, and such error has arisen through inadvertence, accident, or mistake, the Commissioner, upon the application and oath of the true inventor or inventors, and with the written consent of all the owners of said patent entered of record, may correct the mistake. No new patent shall be issued in such case, but the correction shall be entered upon the old patent, and the record thereof, and said patent shall thereafter, for all purposes, be regarded as having been properly issued, in its corrected form, at the date of its original issue. Upon such correction, a fee of \$20 shall be paid, under such regulations as the Commissioner of Patents may, from time to time, prescribe. And whenever a patent has been issued to two or more persons jointly, describing or representing matter which was of the invention of only one of them, and for which the inventor thereof might lawfully have taken a separate patent to himself, said invention may be secured to the first inventor thereof by reissue of the patent so jointly issued, upon proceedings had as in other cases of reissue, and with the consent in writing of the assignees, if any, of such original patent, such reissue to inure to the benefit of all persons claiming under the original patent as if their claim had arisen under the patent so reissued, except as provided in the seventh section.

SEC. 9. Any person who may wish to perpetuate testimony to be used in any patent suit then pending, or which may thereafter be brought, may do so subject to the following rules and conditions: He may file a bill or petition in the circuit court of any district in which the parties having a right to sue for infringement of said

patent, or against whom he shall desire to use testimony to be taken hereunder, or any of them, reside, setting forth the date, number, and subject of the patent, and the name of the patentee, the names and residences of the several parties interested in said patent, so far as known to him, the names and residences of witnesses proposed to be examined, the facts proposed to be proved by each, as the same would have to be stated in an answer in equity, and his desire to perpetuate testimony, as aforesaid.

On the said parties being brought into court in the usual way, the court, if it deems it just and reasonable so to do, may enter an order or orders in the case, directing before whom and when and where, either within or without the district, the evidence shall be taken. Both parties may attend at the time and place or times and places so designated by the court, or at such times and places as they may agree, and the petitioners may then and there introduce such legal testimony of such of said witnesses as they may see fit, relating to the facts set forth in the petition; and thereupon, in relation to or in rebuttal or avoidance of the matters put in evidence by the petitioners, the respondents may introduce the legal testimony of such witnesses as they, or any of them, may see fit to call, and as the court, upon application in the same proceeding, may permit. The examinations shall be by interrogatories; and all objections of mere form to such interrogatories shall be raised at the time, or deemed to have been waived. The evidence, when so taken, shall be certified by the person or persons taking the same, and by him or them, respectively, returned to the court and filed among the records of the court; and the same, or duly certified copies thereof, shall thereafter be received, so far as competent, in all suits on said patent to which the said petitioners or the said defendants, or any of them, or those claiming by, through, or under them, shall be parties; but the witnesses, if living, may be recalled in said suits, and re-examined or cross-examined, as the case may be, by any party. And the complainant or petitioner in any such proceeding shall, within twenty days after the filing in court of any such petition, file in the Patent Office a certificate of the clerk of the court, setting forth when and where such petition was filed, together with the date and number of the patent, and the name of the patentee, which certificate shall be entered of record by the Commissioner of Patents in the assignment records of the Patent Office. And within thirty days after said testimony is returned into said court, the clerk thereof shall make a copy of the petition and testimony, at the complainant's or petitioner's costs, and file the same in the Patent Office. Any number of persons, whether jointly interested or not, may join in said petition; and, if necessary, several petitions may be filed, at the election of the petitioners, in different districts where any other parties interested in said patent reside. Each party to said petition shall pay the costs of taking his own testimony, but all the costs of court shall be paid by the petitioners; but the court may, in its discretion, assess upon the complainant or petitioner any part or all of the legal costs, and also a reasonable allowance for travel and attendance: *Provided*, That no depositions taken under this section shall be used, except as against persons who were parties to such proceeding and actually served with personal notice, or those claiming under them by interest acquired subsequent to filing said certificate in the Patent Office: *And provided*, That no such depositions shall be used in any action at law when the witness is alive, competent to testify, and within the jurisdiction of the court during any time when his testimony could be regularly taken in the cause, except that if the party producing it in such case shows any sufficient cause then existing for using the same, it may be admitted; but whenever testimony taken hereunder by the petitioners shall be used, testimony taken in the same proceeding by the respondents, in relation to or in rebuttal or avoidance of the matters referred to by said evidence of the petitioners, may be used by the party against whom said evidence of the petitioners is used.

SEC. 10. Upon the petition of any person interested adversely to any original, issued, or extended patent, and upon proof that the owners thereof, or persons entitled to bring suits thereon against the petitioner where the owners are not so entitled, have knowledge of infringement thereof, and unreasonably delay or neglect to bring suit in which the validity of said patent may be tried, to the injury of the petitioner, any court of the United States having jurisdiction of patent causes, upon notice as hereinafter provided and due hearing, may authorize such petitioner to bring a bill in equity to declare void said patent, or any claim thereof, for any of the causes which by law may render the same invalid, whether relating to the original patent or any reissue or extension. And a decree rendered in said suit, declaring void said patent, or any claim thereof, shall be conclusive in favor of all persons against all the parties defendant in said suit who may have been duly served or appeared therein. It shall be the duty of the clerk of the court where such suit was pending, within twenty days from the rendition of a final decree therein, to make and send to the Commissioner of Patents a certified copy of the decree; which copy shall be recorded by the Commissioner of Patents with the records of assignments, and notice of such decree shall be given in connection with such publications and notices as the Commissioner may make of the expiration of patents; and the costs thereof shall be taxed as costs of the cause. Such petition and bill shall name as defendants all persons who appear by the records of the Patent Office to be owners of said patent, or to have an interest therein, except that licensees holding by licenses not exclusive in their character as to territory or purpose need not be made parties. Said petition and bill shall be brought in the district where a plurality in interest of the owners of the legal title to the patent reside; but if equal interests are held by owners in different districts, each of which is greater than the interests of owners in any other district, then said petition and bill may be brought in either of said districts. Upon the filing of the petition, an order of notice shall issue to those defendants who are found within the said district, and also to those not to be found therein, directing them, on a day therein to be designated, to appear and show cause, if any they have, why the prayer of said petition should not be granted, and to appear, plead, answer, or demur to such bill as the court shall permit to be filed thereupon. And if the court shall allow such petition and such bill to be filed, no additional service shall be necessary upon those defendants who were served under the petition. Such order shall be served in the same manner that subpoenas in equity are now served, or in such other manner as the court may order. If any defendant does not appear, show cause, plead, answer, or demur within such time as the court, by special order or general rules, may prescribe, it shall be lawful for the court, upon proof of said notice and of the performance of the directions contained therein, to entertain jurisdiction, and to proceed upon said petition and bill in the same manner as if such defendant had been served with process within the district, and had made default.

From a final decree in such suit an appeal may be taken to the Supreme Court in the same manner provided by law for appeals in other patent causes in equity.

SEC. 11. Whenever any person shall be injured by a claim by the owners of any patent, or the parties entitled to sue thereon, or their agents, that he is infringing the same, made publicly or by notice to customers or consumers, and no suit shall, within a reasonable time, be brought and prosecuted to enforce such claim, he may file a petition in equity, in any court of the United States having jurisdiction, to compel the person making such claim, or on whose behalf it is made, to bring, or cause to be brought, a suit on said patent, to test its validity and the question of its infringement by those acts which are so claimed to constitute an infringement. The petitioner shall file affidavits in support of the allegations of his petition, and the court, upon sufficient cause shown, shall order the defendant to appear at a day named, to show cause why the prayer of the petition should not be granted. On the return day of said order of notice, the defendant shall file his answer, with affidavits in defense; and the petitioner may file affidavits in reply within such time as the court may fix. If, upon a hearing on the petition, answer, and affidavits, the court shall deem it just and reasonable, it shall pass an order requiring the

respondent to bring, or cause to be brought, a suit as aforesaid, within a time named, and in default thereof to be enjoined from thereafter making or prosecuting in any manner, against the petitioner, or those claiming under him as purchasers of any specific article, machine, or composition of matter, the claim which is found and adjudged by the court to be the basis of the petition; and upon such default, the court may issue an injunction accordingly.

SEC. 12. On each and every patent for an invention issued after the passage of this act, there shall be paid to the Commissioner a fee, as follows, namely: \$20, to be paid on or before the 1st day of January occurring next after the expiration of four years from the date of the original patent, and \$50 on or before the 1st day of January occurring next after the expiration of nine years from the date of the original patent; and in default of any such payment, the patent shall expire on the 1st day of April next thereafter. But the Commissioner, for good cause shown, may allow the payment to be made at any time before such 1st day of April, in which case the patent shall not become void. The Commissioner shall annually, in the month of April, publish a list of the patents which have expired for non-payment of fees. Patents issued under this law shall contain a notification of the fees to be paid, and the time of such payments. It shall be the duty of the Commissioner to keep a record of said payments; and a receipt therefor, or a certificate that the payment has been made, sealed, and executed in the manner provided by law for certified copies, shall be conclusive evidence of the payment; and, upon request, it shall be the duty of the Commissioner to cause such a certificate to be indorsed upon or annexed to the letters-patent.

SEC. 13. Section 4908 of the Revised Statutes shall be, and hereby is, amended to read as follows: Every patent, or any interest therein, shall be assignable in law by an instrument in writing; and the patentee, or his assigns or legal representatives, may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance, or a license exclusive as to purpose or territory, shall be void as against any subsequent purchaser or mortgagee of said patent or license thereunder for a valuable consideration, without notice, unless it is recorded in the Patent Office within two months from the execution thereof, or before the execution of such subsequent grant, conveyance, or license. And all licenses and all powers of attorney and agreements made under or relating to any letters-patent, may, if desired, be recorded in the Patent Office, and any duly certified copy of the record of the same may be used in evidence in all cases where the copy of the record of any assignment so certified may now by law be used.

SEC. 14. When there are two or more joint owners or owners in common of any patent, a license from any one of said owners shall be good and valid in law, and shall vest in the licensee a right to use the said invention, but not exclusively, according to the terms of said license, unless the conveyance or other instrument creating such joint ownership, or ownership in common, recorded at the Patent Office before the execution of said license, shall provide that no license shall be valid unless executed by all of such owners, or a specified portion thereof in number or interest, or unless an agreement to that effect shall be made by said owners and filed for record before the execution of said license.

SEC. 15. Whoever, with intent to defraud, conveys any interest in any patent or grants any license thereunder, knowing that the interest or right so purporting to be granted or conveyed has been previously granted in whole or in part to another, without, before the payment, either by note or otherwise, of the consideration, or any part thereof, informing the grantee or grantees of the existence and nature of such incumbrance or prior right, so far as he has actual knowledge thereof, shall, for every such offense, be punished by imprisonment not exceeding one year, or by fine not exceeding \$1,000.

SEC. 16. Section 479 of the Revised Statutes shall be, and hereby is, amended, so as to read as follows: The Commissioner of Patents, assistant commissioner, and the chief clerk, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the first two in the sum of \$10,000 each, and the last in the sum of \$5,000, conditioned for the faithful discharge of their respective duties, and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

SEC. 17. Section 493 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents, within the limits of actual cost as the minimum, and fifty cents as the maximum price, and for uncertified manuscript copies the reasonable cost of making the same; and the price to be charged for certified copies shall be the same as for uncertified copies, with the addition of twenty-five cents for the certificate and seal.

SEC. 18. Section 892 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: Copies of any records, books, papers, drawings, or models, belonging to the Patent Office, and of letters-patent authenticated by the seal and certified by the Commissioner, assistant commissioner, or acting commissioner of Patents, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor, and paying the fee required by law, shall have certified copies thereof.

SEC. 19. Section 4885 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: The final fee due upon the allowance of a patent shall be paid within six months after the sending of the notice of such allowance to the applicant or his agent, and if the fee be not paid within such time the patent shall not be issued. Every patent shall issue, bear date, and take effect as of a day certain, to be fixed by the Commissioner of Patents, not later than the second calendar week after the payment of the final fee; and until the day of issue the application shall be within the jurisdiction of the Commissioner: *Provided*, That no application on which the final fee has been paid, after notice of allowance, shall be withheld from issue because of interference with any application filed subsequent to the payment of the final fee as aforesaid.

SEC. 20. Section 4887 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent issued subsequent to March 2, 1861, be declared invalid, by reason of its having been first patented in a foreign country upon the invention of the same person, unless the same has been introduced into public use in the United States for more than two years prior to the application; but all applications hereafter to be made for patents for inventions which shall have been patented in a foreign country upon the invention of the same person shall be made within two years after the date of such foreign patent; but this section shall not apply to any patent which has heretofore expired by operation of existing law.

SEC. 21. Section 4895 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: Patents may be granted and issued to the assignee of the inventor or discoverer, and they may be reissued to the owner or owners of the entire interest in the patent; but the assignment must first be entered of record in the Patent Office. And in all cases of an application by an assignee for the issue of a patent, the specification shall be signed and sworn to by the inventor or discoverer; and in all cases of an application for a reissue of any patent, the application may be made and the corrected specification sworn to and signed by the owner or owners, or in case of death or disability, his or her legal representative, of the entire interest in the patent.

SEC. 22. Any person who has an interest in an invention or discovery, whether as inventor, discoverer, or assignee, for which a patent was ordered to issue upon the payment of the final fee, but who fails to make payment thereof within six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent, shall have a right to make an application for a patent for such invention or discovery the same as in the case of an original appli

cation. But such second application, in order to be a continuation of the original application, must be made within two years after the allowance thereof. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent was ordered to issue under such renewed application prior to the issue of the patent. And upon the hearing of renewed applications preferred under this section, abandonment shall be considered as a question of fact.

SEC. 23. Section 4900 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: It shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented, either by fixing thereon the word "patented," together with the year the patent was granted, and number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no profits or damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented: *Provided*, That profits or damages shall not be forfeited for failure to mark the number of the patent on a patented article or its label, unless such failure shall occur at a period later than six months after the passage of this act: *And provided further*, That this section shall only be applicable to patents hereafter granted.

SEC. 24. Section 4904 of the Revised Statutes shall be, and hereby is, amended so as to read as follows: Whenever an application is made for a patent, or for the reissue of a patent, which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice to the parties in interest, and shall direct the examiner of interferences to proceed to determine the question of priority of invention; and the Commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the examiner of interferences, or of the board of examiners-in-chief, within such time, not less than twenty days, as the Commissioner shall prescribe: *Provided*, That after the final decision between the parties to an interference, the application of the successful party shall not be put into interference with any application filed subsequent to the closing of the testimony taken on behalf of the successful party in the interference so decided; but the patent shall issue to the successful contestant, and then, if desired by the subsequent applicant or applicants, an interference may be had with said patent: *And provided further*, That in the case of reissues no interference shall be declared with any patent of later date than that sought to be reissued, except when the original application for such subsequent patent is shown by the office records to have been of prior date to the patent sought to be reissued, nor with any application for a patent filed subsequent to the date of the patent sought to be reissued; but, if desired by such subsequent applicant or patentee, on an application for a reissue, an interference may be had with the reissued patent after the same shall have been issued.

SEC. 25. All laws and parts of laws inconsistent with the foregoing provisions are hereby repealed.

Mr. GARFIELD. Is it proposed to pass the whole of this bill without the House having any opportunity to debate and consider it?

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. WHITE, of Pennsylvania. Does the bill not change our whole patent system?

The SPEAKER. That is not a parliamentary question.

Mr. RICE, of Ohio. I desire to ask whether this is the report of the Committee on Patents, and whether the bill as it has been read has the sanction of the committee?

Mr. VANCE. It has.

The SPEAKER. The Chair is only recognizing gentlemen who have the authority of their committees to move to suspend the rules.

Mr. KEIFER. Will the gentleman from North Carolina not allow me to offer a single amendment to provide that the bill shall not be applicable to pending causes of action?

Mr. VANCE. I have not that authority.

The question being taken on the motion to suspend the rules and pass the bill, there were—ayes 67, noes 79.

Mr. VANCE. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 26; not a sufficient number.

Mr. TOWNSHEND, of Illinois. I call for tellers on the yeas and nays.

Tellers were not ordered, only twenty-six members voting therefor. So the yeas and nays were not ordered, and two-thirds not voting in favor thereof, the rules were not suspended.

NORTHERN PACIFIC RAILROAD.

Mr. RICE, of Massachusetts. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That Senate bill No. 238, entitled "A bill extending the time for the construction and completion of the Northern Pacific Railroad," be taken from the Speaker's table for consideration and amendments by the House as in Committee of the Whole on the state of the Union, and that all debate on said bill and amendments be limited to ten minutes.

Mr. EDEN. I desire to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. EDEN. This same bill has been voted on once by the House and defeated, and I make the point of order that it is not therefore in order to take it up and act on it again. I understand that this is the same bill that the House defeated at the last session.

Mr. BANKS. The motion of my colleague is to suspend the rules of the House.

Mr. RICE, of Massachusetts. I desire to add that the gentleman is mistaken as to the matter of fact that this is the same bill that was defeated at the last session.

The SPEAKER. The Chair is not fully informed of the facts as to that, but if the rules be as the gentleman from Illinois [Mr. EDEN] suggests, this is a proposition to suspend all the rules, that rule as well as all others.

Mr. BANKS. I hope the gentleman who makes this motion will have leave to state the facts.

The SPEAKER. The Chair will hear him.

Mr. EDEN. I understand that under general parliamentary rules

after a bill has had final action in the House during a Congress it is not in order to bring the same bill up during that Congress, and that we have no right to suspend the rules so as to go back and take up again a measure that has already been defeated by the House. It occurs to me that that would be a very strange proceeding.

The SPEAKER. The House is governed by certain rules which provide for a certain order of business. This proposition is a motion to suspend all the rules and consequently the Chair is unable to see how, even if the rule existed as the gentleman from Illinois states it, it would prevent the entertainment of this motion or give the opportunity to the House to suspend, even if such a rule existed.

Mr. EDEN. If the rules are suspended for the purpose of considering this bill I would ask if it can then be passed by a majority vote?

The SPEAKER. It can.

Mr. EDEN. Would it be in order to offer this amendment?

Provided, That nothing in this act shall be construed to revive any grant of land to said company which has lapsed, nor to extend the time within which any grant of land to said company would lapse under existing law.

The SPEAKER. It is not in order now, for the bill is not now before the House. The Chair will not say whether that amendment would be in order or not until the bill comes up for consideration.

The question was taken on suspending the rules; and on a division there were—ayes 99, noes 57.

Mr. CONGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. FRANKLIN. Is the motion to suspend the rules so as to consider the bill in the House?

The SPEAKER. To consider it in the House.

Mr. BANNING. For the space of one hour?

The SPEAKER. For ten minutes.

The question was taken; and there were—yeas 133, nays 104, not voting 53; as follows:

YEAS—133.

Aldrich,	Deering,	Keifer,	Robinson, G. D.
Bacon,	Denison,	Keightley,	Robinson, M. S.
Bagley,	Dunnell,	Kelley,	Ryan,
Bailey,	Dwight,	Killingier,	Sampson,
Baker, William H.	Eames,	Lapham,	Saylor,
Ballou,	Eickhoff,	Lindey,	Sexton,
Banks,	Elam,	Lynde,	Shallenberger,
Banning,	Ellis,	Majors,	Sinnickson,
Bayne,	Errett,	McCook,	Smith, A. Herr
Blair,	Evans, I. Newton	McGowan,	Starin,
Bliss,	Foster,	McKinley,	Stewart,
Boyd,	Frye,	Metcalfe,	Stone, John W.
Brentano,	Garfield,	Mitchell,	Stone, Joseph C.
Brewer,	Gause,	Money,	Strait,
Briggs,	Hanna,	Monroe,	Tipton,
Browne,	Hardenbergh,	Morgan,	Townsend, Amos
Bundy,	Harris, Benj. W.	Morse,	Townsend, M. I.
Burchard,	Harrison,	Muller,	Van Vorhes,
Burdick,	Hart,	Neal,	Wait,
Butler,	Hayes,	Norcross,	Ward,
Cain,	Hazleton,	Oliver,	Warner,
Camp,	Hendee,	O'Neill,	Watson,
Campbell,	Hewitt, Abram S.	Overton,	White, Harry
Caswell,	Hiscock,	Patterson, G. W.	Williams, Andrew
Chalmers,	House,	Peddle,	Williams, C. G.
Chittenden,	Hubbell,	Pollard,	Williams, Richard
Clafin,	Humphrey,	Pound,	Willis, Benj. A.
Clark, Rush	Hungerford,	Price,	Willits,
Cole,	Itnner,	Pugh,	Wren,
Conger,	James,	Rainey,	Wright,
Covert,	Jones, Frank	Randolph,	Yeates.
Cox, Jacob D.	Jones, John S.	Reilly,	
Cummings,	Jorgensen,	Rice, William W.	
Danford,	Joyce,	Roberts,	

NAYS—104.

Aiken,	Cutler,	Herbert,	Robbins,
Atkins,	Davidson,	Hunter,	Ross,
Baker, John H.	Davis, Joseph J.	Jones, James T.	Scalia,
Beale,	Dibrell,	Kenna,	Shelley,
Bell,	Dickey,	Kimmel,	Singleton,
Bicknell,	Durham,	Knapp,	Slemmons,
Blackburn,	Eden,	Knott,	Smith, William E.
Blount,	Evans, James L.	Lathrop,	Southard,
Boone,	Evins, John H.	Ligon,	Steele,
Bonck,	Ewing,	Luttrell,	Stenger,
Bragg,	Felton,	Mackey,	Swann,
Brogden,	Finley, Ebenezer B.	Manning,	Thompson,
Buckner,	Finley, Jesse J.,	Martin,	Townsend, R. W.
Cabell,	Fleming,	Mayhew,	Tucker,
Caldwell, John W.	Forney,	McKenzie,	Turney,
Caldwell, W. P.	Fort,	McMahon,	Vance,
Candler,	Fuller,	Mills,	Veeder,
Cannon,	Gardner,	Morrison,	White, Michael D.
Carlisle,	Garth,	Muldrow,	Whitthorne,
Clarke of Kentucky,	Giddings,	Patterson, T. M.	Williams, James
Clymer,	Gunter,	Phelps,	Williams, Jero N.
Cobb,	Hamilton,	Phillips,	Willis, Albert S.
Collins,	Harris, Henry R.	Pridemore,	Wilson,
Cook,	Harris, John T.	Rea,	Wood,
Cox, Samuel S.	Hartzell,	Reagan,	Young, Casey,
Cravens,	Henry,	Rice, Americus V.	Young, John S.

NOT VOTING—53.

Acklen,	Clark of Missouri,	Freeman,	Henderson,
Beebe,	Crapo,	Gibson,	Henkle,
Benedict,	Crittenden,	Glover,	Hewitt, G. W.
Bland,	Culbertson,	Goode,	Hooker,
Bridges,	Davis, Horace	Hale,	Hunter,
Bright,	Dean,	Harmer,	Ketcham,
Calkins,	Ellsworth,	Haskell,	Landers,
Clark, Alvah A.	Franklin,	Hatcher,	Lockwood,

Loring,	Reed,	Springer,	Walker,
Maish,	Riddle,	Stephens,	Walsh,
Marsh,	Robertson,	Thornburgh,	Wigginton,
Page,	Sapp,	Throckmorton,	
Potter,	Smalls,	Turner,	
Powers,	Sparks,	Waddell,	

So (two-thirds not voting in favor thereof) the motion of Mr. RICE, of Massachusetts, was not agreed to.

During the roll-call the following announcements were made:

Mr. GOODE. I am paired with the gentleman from Massachusetts, Mr. LORING.

Mr. BEEBE. I am paired with the gentleman from Missouri, Mr. FRANKLIN.

Mr. CALKINS. On this question I am paired with the gentleman from Louisiana, Mr. ACKLEN.

Mr. POWERS. I am paired with the gentleman from Alabama, Mr. HEWITT.

Mr. DAVIS, of California. I am paired with my colleague, Mr. WIGGINTON.

Mr. HASKELL. On this question I am paired with the gentleman from California, Mr. PAGE.

Mr. SPARKS. I am paired with the gentleman from Maine, Mr. HALE. If he were present, he would vote "ay" and I should vote "no."

Mr. CANNON, of Illinois. I am requested by the gentleman from Pennsylvania, Mr. FREEMAN, to announce that he is paired with the gentleman from Tennessee, Mr. RIDDLE.

The result of the vote was announced as above stated.

LEAVE TO PRINT.

Mr. POLLARD, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill for the revision of the patent laws; Mr. THROCKMORTON on the subject of the Texas Pacific Railroad, and Mr. WOOD on the bill regulating the duties on sugar. [See Appendix.]

CONTAGIOUS OR INFECTIOUS DISEASES.

Mr. YOUNG, of Tennessee. I move to suspend the rules so that the bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States and to establish a bureau of public health be brought before the House for consideration, and that twenty minutes be allowed for debate.

The motion was agreed to; there being ayes 105, noes not counted.

The bill was read as follows:

Be it enacted, etc., That there shall be established in the Treasury Department a bureau of health, with a chief executive officer to be called the director-general of health, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive a salary of \$4,500 per annum. And there shall be appointed by the Secretary of the Treasury in said bureau of health, in addition to the clerks and assistants necessary to perform duties in connection with the Marine Hospital Service, and whose salaries are payable out of the marine-hospital fund, one chief clerk at a salary of \$2,200, and such other clerks in number and grade as may be found necessary, not to exceed three.

SEC. 2. That in connection with said bureau of health there shall be established a board of health, to consist of seven members to be appointed by the President by and with the advice and consent of the Senate, whose compensation during the time when actually engaged in the performance of their duties under this act shall be \$10 per diem and reasonable expenses. The Surgeon-General of the Army and the Surgeon-General of the Navy shall be *ex officio* additional members of said board, but without additional pay. Said board shall meet in Washington in thirty days after the passage of this act, and in Washington or elsewhere from time to time, upon notice from the director-general of health, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made by members of their own body such special examinations and investigations at any place or places within the United States as they may order to aid in the execution of this act and the promotion of its objects, subject to the approval of the Secretary of the Treasury. The director-general of health shall be *ex officio* a member and president of said board of health. All rules and regulations framed under this act by said board of health shall be uniform and subject to the approval of the President, and shall be enforced by the director-general of health.

SEC. 3. That the bureau of health shall be charged with the supervision of all matters connected with the Marine Hospital Service, and the director-general of health shall perform all the duties and exercise all the powers now devolving upon the supervising surgeon of the Marine Hospital Service, which office is hereby abolished, and all the records, papers, and other matters belonging thereto transferred to the bureau of health. And said bureau is charged with the execution of the provisions of this and all other laws to prevent the introduction of contagious or infectious diseases into the United States and the enforcement of all quarantine regulations established by law under the authority of the United States in respect to all vessels and vehicles engaged in commerce with foreign nations and among the States, whether by land or water. The bureau of health shall also be charged with the duty of obtaining information of the sanitary condition of foreign ports and places from which contagious or infectious diseases are or may be imported into the United States; and to this end the consular officers of the United States at all ports and places who may be required to do so, shall make to the director-general of health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as he may prescribe. And the bureau of health shall also obtain through the medical officers of the Marine Hospital Service, collectors of customs, and such other sources as are accessible, including State and municipal health officers and authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and the director-general of health shall prepare and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of consular sanitary reports and other pertinent information received by him; and said bureau of health shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information in relation to the climatic and other conditions affecting the public health. And the director-general of health shall make an annual report to the Secretary of the Treasury of the operations of the bureau of health for transmission to Congress, with such recommendation as he may deem important to the public interest.

SEC. 4. That it shall be unlawful for any vessel engaged in the transportation of

goods or persons from any foreign port where any contagious or infectious disease exists epidemically to and into the United States, to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations made in pursuance thereof. And any such vessel which shall enter or attempt to enter a port of the United States in violation thereof, shall forfeit to the United States a sum to be awarded in the discretion of the court not exceeding \$5,000, which shall be a lien upon said vessel, to be recovered by proceedings in admiralty in the proper district court of the United States.

SEC. 5. All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure a certificate in duplicate setting forth that said vessel has in all respects complied with the rules and regulations in such cases prescribed and herein authorized for the disinfection of the said vessel, its cargo, passengers, and crew. And said consular officer is required, before granting such certificate, to be satisfied that the matters and things therein stated are true; and for his services in this behalf shall be entitled to demand and receive such fees as shall by lawful regulations be allowed to be accounted for as required in other cases.

And all vessels sailing from the port of Havana, in the island of Cuba, and bound for any port in the United States, shall be required to obtain from a medical officer serving in the office of the consul of the United States at that port, to be appointed by the President, by and with the advice and consent of the Senate, for that purpose, and who shall receive a salary of \$3,500 per annum, his certificate setting forth that he has personally inspected said vessel, her cargo, crew, and passengers; that the rules and regulations prescribed by the bureau of health in respect thereto have been fully complied with, and that in his opinion the said vessel may be allowed to enter any port of the United States and land its cargo and passengers without injury to the health thereof on account of any contagious or infectious disease. And any vessel sailing from said port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of \$500, which shall be a lien on the same, to be recovered by proceedings in admiralty in the proper district court of the United States.

SEC. 6. The director-general of health shall, from time to time, issue to the consular officers of the United States, and to the medical officer serving at the port of Havana, and otherwise make publicly known, in such manner as shall be therein prescribed, the rules and regulations framed by the board of health and approved by the President, to be used and complied with by vessels in foreign ports, for disinfecting such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and also such other rules and regulations which shall be observed in the inspection of the same, on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the spread of cholera, yellow fever, or other contagious or infectious disease; and it shall not be lawful for any vessel to enter said port, to discharge its cargo, or land its passengers, except upon a permit from the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same, and to its cargo, passengers, and crew. And the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the permit and certificate herein required to be obtained from the health officer at the port of entry. In case the health officer at any such port appointed by local authority shall refuse to adopt and observe the rules and regulations prescribed by the bureau of health for the inspection, disinfection, and treatment of vessels, their cargoes, passengers, and crews, or, in the opinion of the board of health, shall neglect or fail so to do, it shall be the duty of the Secretary of the Treasury to appoint a health officer of the United States for said port, who shall perform the duties thereof, as prescribed by said bureau of health, according to the rules and regulations as prescribed by the board of health, as provided by the second section of this act; and to provide for the salary of such health officer and the necessary expenses of his office, the collector of customs at said port shall demand and collect from every such vessel a fee of \$6.50.

But it shall be the duty of the medical officers of the Marine Hospital Service and of customs officers to aid in the enforcement of the rules and regulations authorized by this act without additional compensation, except for actual and necessary traveling expenses incurred in the performance of such duties.

SEC. 7. The rules and regulations framed and approved as hereinbefore authorized shall be promulgated, so that when cholera, yellow fever, or other similar contagious or infectious disease shall be ascertained by the director-general of health to exist in any port or place within any one of the United States, in such form as threatens its spread, as to prevent, as far as practicable, the communication of the same to other ports and places within other States, by means of vessels and vehicles engaged in the transportation of goods or passengers between two or more States, whether by land or water; and in that case the director-general of health shall select suitable localities for establishing stations on the rivers and other lines of interstate commerce and travel by railroads, and may cause to be erected necessary temporary buildings for the disinfection of passengers, baggage, cargoes, vessels, and vehicles, and may enforce such rules and regulations relating thereto as may have been prescribed therefor.

SEC. 8. That it shall be the duty of the director-general of health of the board of health, so far as they lawfully may in the execution of their powers conferred upon them by law, to correspond and co-operate with similar local officers, boards, and authorities, acting under laws of the States in sanitary measures to prevent the introduction and spread of contagious and infectious diseases from foreign countries into the United States, and from one State into any other State by means of commercial intercourse, or upon and along the lines of interstate trade and travel. And to that end it shall be lawful for said board of health and director-general of health to confer upon any such local officer or board within or near the locality where his or its authority is exercised power also to enforce the provisions of this act and any rules and regulations made in pursuance thereof: *Provided*, That nothing in this act shall be so construed as to supersede or impair any sanitary or quarantine law of any State.

SEC. 9. This act shall continue in force no longer than the period of four years from and after its approval.

Mr. YOUNG, of Tennessee. On behalf of the House committee on this subject, I move to amend the Senate bill by striking out all after the enacting clause and inserting what I send to the Clerk.

The Clerk read as follows:

That there shall be established in the Treasury Department a board of health, to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate, not more than one of whom shall be appointed from any one State, whose compensation, during the time when actually engaged in the performance of their duties under this act, shall be \$10 per diem and reasonable expenses. The Surgeon-General of the Army and the Surgeon-General of the Navy shall be *ex officio* additional members of said board, but without additional pay. Said board shall meet in Washington within thirty days after the passage of this act, and in Washington or elsewhere from time to time upon notice from the president of the board, who is to be chosen by the members thereof, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made by members of their own body such special examinations and investigations at any place or places within the

United States as they may order, to aid in the execution of this act and the promotion of its objects, subject to the approval of the Secretary of the Treasury. All rules and regulations framed under this act by said board of health shall be uniform: *Provided, however*, That nothing herein contained shall be construed to supersede or to interfere with any State or municipal quarantines, or precautionary measures of the States or municipalities now in operation, or which may hereafter be inaugurated, to prevent the introduction or spread of infectious or epidemic diseases.

SEC. 2. The board of health shall be charged with the execution of all laws and orders, rules and regulations, made in pursuance of law for the improvement of the sanitary condition of the District of Columbia. It shall also be charged with the duty of obtaining information of the sanitary condition of foreign ports and places from which contagious or infectious diseases are or may be imported into the United States; and to this end the consular officers of the United States at all ports and places, who may be required to do so, shall make to the board of health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such form as may be prescribed. The board of health shall also obtain through the medical officers of the Marine Hospital Service, collectors of customs, and such other sources as are accessible, including State and municipal health officers and authorities throughout the United States, weekly reports of the sanitary condition of the ports and places within the United States; and the board of health shall prepare and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by them; and said board of health shall also, as far as it may be able, by means of voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to the climatic and other conditions affecting the public health; and the board of health shall make an annual report to the Secretary of the Treasury of its operations for transmission to Congress, with such recommendations as they may deem important to the public interests.

SEC. 3. That it shall be unlawful for any vessel engaged in the transportation of goods or persons from any foreign port where any contagious or infectious disease exists, to and into the United States, to enter any port of the United States, except in accordance with the provisions of this act, and all rules and regulations made in pursuance and applicable thereto; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding \$5,000, which shall be a lien upon said vessel, to be recovered by proceedings in admiralty in the proper district court of the United States.

SEC. 4. All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, a certificate in duplicate, setting forth that said vessel has in all respects complied with the rules and regulations in such cases prescribed, and herein authorized, for the disinfection of said vessel, its cargo, passengers, and crew; and said consular officer is required, before granting such certificate, to be satisfied that the matters and things therein stated are true, and for his services in that behalf shall be entitled to demand and receive such fees as shall by lawful regulations be allowed, to be accounted for as is required in other cases.

And all vessels sailing from the port of Havana, in the island of Cuba, and bound for any port in the United States, shall be required to obtain from the medical officer serving in the office of consul of the United States at the port, to be appointed by the President, by and with the advice and consent of the Senate, for that purpose, and who shall receive a salary of \$3,500 per annum, his certificate, setting forth that he has personally inspected said vessel, her cargo, crew, and passengers; that the rules and regulations prescribed by the board of health in respect thereto have been fully complied with; and that in his opinion the said vessel may be allowed to enter any port in the United States, and land its cargo and passengers, without danger to the health thereof on account of any contagious or infectious disease; and any vessel sailing from said port without such certificate of said medical officer entering any port of the United States shall forfeit to the United States the sum of \$500, which shall be a lien on the same, to be recovered by proceedings in admiralty in the proper district court of the United States. And any vessel sailing from any other infected port, and bound for any port in the United States, shall be required to obtain a like certificate from the consular officer of the United States at said port. And the Secretary of State is hereby directed to give information to the consular officers of the United States of the duties imposed upon them by this act.

SEC. 5. The board of health shall from time to time issue to the consular officers of the United States and to the medical officer serving at the port of Havana, and otherwise make publicly known in such manner as shall be therein prescribed, the rules and regulations framed by the said board of health and approved by the President, to be used and complied with by vessels in foreign ports for disinfecting such vessels, their cargo, passengers, and crew, before their departure for any port in the United States and in the course of the voyage; and also such other rules and regulations which shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same and the treatment of cargo and persons on board, so as to prevent the spread of cholera and yellow fever or other contagious and infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo or land its passengers except upon a permit of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs of said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the permit and certificate herein required to be obtained from the health officer at the port of entry. It shall be the duty of the medical officer of the Marine Hospital Service and of customs officers to aid in the enforcement of the rules and regulations authorized by this act, without additional compensation except for actual and necessary traveling expenses incurred in the performance of such duties.

SEC. 6. That rules and regulations framed and approved as hereinbefore authorized shall be promulgated so that when cholera, yellow fever, or other similar contagious or infectious disease shall be ascertained by the board of health to exist in any port or place within any one of the United States, in such form as threatens its spread, as to prevent, as far as practicable, the communication of the same to other ports and places within other States, by means of vessels and vehicles engaged in the transportation of goods or passengers between two or more States, whether by land or water; and when the executive of any State in which any infectious disease may exist, or whether they are likely to spread, shall inform the board of health that the State or municipal authorities are unable to control said disease, or prevent the spread of the same, then, in that case, the board of health shall select suitable localities for establishing quarantine stations on the rivers and other lines of interstate commerce, and may enforce such rules and regulations relating thereto as may have been prescribed therefor.

SEC. 7. That it shall be the duty of the board of health, so far as they lawfully may in the execution of the powers conferred upon them by law, to correspond and co-operate with similar local officers, boards, and authorities acting under laws of the States in sanitary measures, to prevent the introduction and spread of contagious and infectious diseases from foreign countries into the United States, and from one State into any other State, by means of commercial intercourse, or upon and along the lines of interstate trade and travel; and to that end it shall be law-

ful for said board of health to confer upon any such local officer or board within or near the locality where his or its authority is exercised, power also to enforce the provisions of this act, and any rules and regulations made in pursuance thereof.

SEC. 8. That the board of health, with the assistance of the Academy of Science, which is hereby requested and directed to co-operate with them for that purpose, shall report to Congress at its next session a plan for a national public health organization, which plan shall be prepared after consultation with the principal sanitary organizations and the sanitarians of the several States of the United States, special attention being given to the subject of quarantine, both maritime and inland, and especially as to regulations which should be established between State or local systems of quarantine and a national quarantine system.

Mr. BUTLER. I want to reserve all points of order on this bill. It is now brought up for consideration and is subject to points of order like any other bill.

Mr. YOUNG, of Tennessee. What is the gentleman's point of order?

Mr. BUTLER. That it takes money out of the Treasury.

Mr. YOUNG, of Tennessee. It takes no money out of the Treasury directly.

Mr. BUTLER. The motion was, Mr. Speaker, to suspend the rules, not for the purpose of passing the bill, but for the purpose of considering it.

The SPEAKER. That waives of course any point of order, for if any point of order was sustained against the bill it could not be considered.

Mr. YOUNG, of Tennessee. Mr. Speaker, of course in the little time allowed under the order of the House it will not be possible to discuss this bill in all its features. There is, I apprehend, but little difference of opinion among members of this body in regard to the importance and necessity of the measure. The only difference that is likely to arise relates to the details—the mode and manner of executing the law. The committees of the Senate and of the House, after a very careful examination of all the facts connected with the subject, have agreed substantially upon the same bill. They have endeavored to obviate as far as possible all objections that have been suggested from any quarter. There was doubt in the minds of many members of the committee—probably that doubt is now entertained by many members of the House—in respect to the power of the Federal Government to legislate upon the subject of the public health. We have endeavored in all the provisions of this bill to preserve intact all State regulations upon this subject. We have been very careful not to invade any just and legitimate powers of the States; and I believe it will be conceded by most lawyers when they examine the details of the measure that but little if any objection can be urged to the bill upon that ground. One of the provisions of the bill is that none of its requirements shall in any way interfere with existing State regulations upon the subject. It even goes further than I should have been willing to go myself: it not only declares that existing laws and regulations of States and cities shall not be disturbed, but that any regulations which may be hereafter enacted by them upon this subject shall have full effect.

There is very much I should be glad to say upon this bill; but the time is so brief that I must conclude. I yield seven minutes to my colleague on the committee, the gentleman from Virginia, [Mr. GOODE.]

Mr. GOODE. Mr. Speaker, I hope the substitute offered by the gentleman from Tennessee [Mr. YOUNG] on behalf of the House committee will be adopted. There are, in my judgment, grave objections to the bill as passed by the Senate. It provides for establishing a bureau of health in the Treasury Department, with an executive officer to be called the director-general of health. This director-general of health is to be paid a large salary, and be provided with a considerable corps of clerks and other employés. He is to be made *ex officio* president of the board of health and clothed with power to enforce their rules and regulations. It is true there is a provision in the bill to the effect that State quarantine rules and regulations shall not be impaired or interfered with. But if gentlemen will examine the bill carefully they will find a provision to this effect: that whenever the quarantine officer appointed by the local authority shall refuse to observe or to adopt the regulations provided for by the central authority, or who, in the opinion of the central authority, shall fail or omit so to do, then and in that case it shall be lawful for the Secretary of the Treasury to appoint a quarantine officer of the United States at that port with power to enforce the rules and regulations prescribed by the central board here at Washington.

Now, I am opposed to the creation of any such office; there is no necessity for it. We need no director-general of health, with such large and extraordinary powers. Surely a man intrusted with such powers ought to be a man of almost infinite wisdom as well as of infinite purity and patriotism. If he should chance to be one of the wrong-headed sort, ill-tempered and tyrannical, it is easy for gentlemen to foresee what trouble and difficulty and complication might arise from his unwise administration of affairs.

It is safer and wiser, in the opinion of the House committee, to follow the example of the States which have adopted State boards of health, and to provide that the executive officer of the board shall be chosen by the members of the boards themselves, and be subject to their direction and control. Our bill proceeds upon that theory.

No man upon this floor is more anxious than I am to do whatever we can properly do to prevent a recurrence of yellow fever and to save our people from its ravages. Representing a people who have to-day a lively recollection of the manifold and accumulated horrors that we suffered in 1855, I should feel that I was recreant to my duty

if I failed to advocate any measure that would be calculated to afford relief.

But, Mr. Speaker, the public mind in certain sections is feverish and deeply agitated with regard to this matter. My fear is that in our great anxiety to do something to afford relief we do mischief by completely upsetting that equilibrium of powers which has been heretofore recognized as existing between our Federal and State systems of Government. There are some powers which belong to the National Government. There are certain other powers which belong to the State governments. The power to regulate commerce is Federal, international, and interstate. The power to guard and protect the lives and health of its citizens belongs to the States. This doctrine was clearly enunciated by Chief-Justice Marshall in the leading case of *Gibbon vs. Ogden*, and has been uniformly followed in the decisions of the Supreme Court from that day to this.

Mr. Webster, the great expounder of the Constitution, who was never suspected of any sympathy with strict constructionists, in the argument of the case of *Gibbon vs. Ogden* declared that quarantine and health laws belong to the States. The great Chief-Justice himself speaks of quarantine laws and health laws of every description as component parts of that immense mass of legislation not surrendered to the General Government, all of which can be most advantageously exercised by the States themselves.

In the case of *The Steamboat Company vs. Port Wardens*, 6 Wallace, 33, Chief-Justice Chase says:

The power to enact inspection laws is expressly recognized as not affected by the grant of power to regulate commerce. And some other powers the exercise of which may in various degrees affect commerce have always been held not to be within the grant to Congress. To this class, it is settled, belong quarantine and other health laws, laws concerning the domestic police, and laws regulating the internal trade of a State.

The question very naturally arises in considering this subject, what power has the Federal Government in the premises? In the opinion of a majority of the House committee, Congress can adapt its legislation to that of the States and constitutionally enact provisions in aid of those of the States. In the case of *Gibbons vs. Ogden*, already referred to, Chief-Justice Marshall, in delivering the opinion of the court, uses the following language:

The acts of Congress passed in 1796 and 1799, empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea, and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States; for they do not imply that such laws are an exercise of that power, or enacted with a view to it. On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But, as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has in some measure adapted its own legislation to this object by making provisions in aid of those of the States. But in making these provisions the opinion is unequivocally manifested that Congress may control the State laws, so far as it may be necessary to control them, for the regulation of commerce.

Our bill proceeds on the theory, in accordance with that opinion, that it is competent for the Federal Government to supplement the legislation of the States, to afford auxiliary legislation to aid the State governments in enacting provisions to take care of the health of their people, but not to supersede and set aside State legislation. Now, sir, that is briefly the difference between these two bills. I do not myself like altogether the House bill. I think it might be improved in many respects.

The SPEAKER. The gentleman's time has expired.

Mr. GOODE. A word further: this is an experiment to last until the next session of Congress. We call to our aid the National Academy of Sciences and ask them to confer with local and State quarantine officers and report at the next session of Congress a detailed plan for a health organization in this country. I hope the substitute will be adopted.

Mr. TUCKER. Let me ask my colleague a question.

Mr. GOODE. Yes, if there be no objection.

Mr. TUCKER. Is there any provision in the bill by which this health board is to have control over the quarantine regulations of the States?

Mr. GOODE. On the contrary, the regulations adopted here are subordinated to the State regulations throughout.

Mr. YOUNG, of Tennessee. I now yield for five minutes to the gentleman from Ohio.

Mr. GARFIELD. Mr. Speaker, nobody can surpass me in anxiety to give all possible aid to those who may suffer from yellow fever, and to prevent the coming again of that terrible scourge upon our country. I am willing to go to the utmost of our powers to meet its dangers; but I will not consent that the United States Government shall be degraded in its proper functions while endeavoring to serve a distressed people.

Now, the Senate bill creates a board of health with a head to be known as the director-general of health. It abolishes the Supervising Surgeon of the Marine-Hospital Service in its present form and transfers the duties of that service to the director-general of health.

The gentleman from Virginia [Mr. GOODE] seems to be alarmed at that name as though there were danger in a word. I have no doubt at all that the United States is empowered by the Constitution to make general quarantine regulations for all the ports of the nation, and to declare that one inch outside of the boundary line of the State proper is a line of national control, and that no ship shall cross it to enter any port. When we say no more than fifteen Chinese shall come to our shores in any ship, I think we may say no more than fifteen yellow-fever germs or fifteen yellow-fever cases shall come.

The Senate bill, without disturbing any of the local quarantine regulations of the States, (for it expressly says it shall not interfere with any of them,) gives the power to the national board to establish national quarantine regulations wherever none exist, and to apply the outer circle, the quarantine power of the United States superimposed upon or rather outside of the quarantine regulations of the States. When a vessel passes our line of pickets, if the State authorities wish to keep it out, very well; we do not interfere with them; we only say we will establish a skirmish line a little farther out toward the enemy's camp. On the contrary, in the House bill everything is made "By your leave, sovereign State." The nation is allowed to co-operate with the States if they graciously permit it to do so. If the government of a State informs us there is a yellow-fever invasion too great in extent for the State to resist, and calls upon the General Government, then we may meekly and humbly go and assist and spend the money of the United States under the direction and at the call of the States. But it shall not be by my consent. When the United States proposes to protect our coasts against infectious vessels from abroad, I propose it shall do it in its own name and by its own authority and at its own expense. But while I would not have it interfere with the States, I do not propose it shall be subordinated to the will and authority and direction of the States.

I believe we ought to pass substantially the Senate bill. And that bill I may say was drawn by a gentleman from one of the Southern States as deeply interested in the subject as we are, and I think as properly jealous of the true, genuine rights of the States as anybody ought to be.

A MEMBER. Who was it?

Mr. GARFIELD. Senator HARRIS, of Tennessee. I have said in general all I want to say on the bill. I think it will be a great calamity if we do not pass the Senate bill substantially as it lies upon our table. It is carefully drawn. It was considered in joint committee. It had almost if not the unanimous consent of the Senate wing of the committee and a large minority of our committee, but their views of State sovereignty and State authority and State superiority finally prevailed in the House committee, and we have this modified, emasculated, and almost powerless bill except to spend the money in the States when they ask it.

Mr. YOUNG, of Tennessee. I yield three minutes to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. I think the substitute which has just been read in the hearing of the House, offered by the majority of the House committee for the Senate bill, is not obnoxious to the criticism passed on it by the gentleman from Ohio. There is in this substitute no conflict between the authority of the United States and the powers to be exercised under it and the authority of the State. When we were taking this testimony in New Orleans, of the medical experts who spoke advisedly and intelligently on the origin and cause of the fever the great bulk of them concurred in the opinion that this disease whenever it visited our country was imported. And when we took the testimony of commercial men on the question as to how the absolute shutting up of ports like New Orleans would affect their commerce, those engaged in the trade that would be especially affected by it, with South America, all concurred in the opinion that the question of interference with commerce was not to be considered, even in a money point of view, in comparison with the terrible losses which the prevalence of the epidemic always caused.

This evidence went to show that we could establish a national quarantine running all along the Atlantic coast against the ports from which this disease is usually brought; that we could establish a national quarantine, to be maintained by the Navy of the United States in a great degree, that should guard the outer lines of approach of these infectious diseases, while we would not interfere with the State or city regulations which were designed to protect the States or cities on the Atlantic coast. Would you establish a national quarantine, in the language of the gentleman from Ohio, which would do away with the local quarantine? Would you establish under the bill as it comes from the Senate a national quarantine that would destroy the quarantine of New York and Boston and Charleston and Savannah and New Orleans? The very office and function of the House bill is that while we guard the national quarantine, at the same time we preserve the quarantine which the States and cities on the Atlantic coast have provided for themselves.

[Here the hammer fell.]

Mr. MCGOWAN. I ask leave to have printed in the RECORD some remarks on this bill.

There was no objection, and leave was granted. [See Appendix.]

Mr. YOUNG, of Tennessee. I yield two minutes to the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. I do not know that I ought to oppose the present bill; but I think we ought to oppose all measures that look

toward the aggrandizement and increase of our Federal power here over matters which belong peculiarly to the States and to local authorities. Two years ago, when our lamented friend, Mr. Hartridge, brought in his measure here, similar to this, I drew as an amendment the proviso which is now on this bill that there should be no superseding or interfering with any State or municipal quarantine. I want to guard that at all times.

But I tell you, although that language may be in the bill, these bills are entering-wedges, and they grow by what they feed on. Power aggrandizes itself from year to year until from a few seeds we have a great agricultural bureau; from a few statistics about education we have thirty or forty or fifty thousand dollars a year for education expended by the bureau here. I do not want this health bureau here.

I tell this House that there is only one way to stop the yellow fever, and it is one requiring the courage and the sacrifice of the southern people. They must cut off intercourse with the tropical islands and the tropical countries; they must cut off their commerce; and until they do that all these regulations are in vain. In Mobile, in Boston, in New York, quarantine has been all-sufficient to prevent the spread of these infectious diseases. And I do trust before the House passes any bill, especially a bill so ill-advised as this, they will hesitate—as the Speaker now does with his gavel. [Laughter.]

[Here the hammer fell.]

Mr. YOUNG, of Tennessee. I yield three minutes to the gentleman from Kansas, [Mr. PHILLIPS.]

The SPEAKER. The gentleman has no time remaining.

Mr. YOUNG, of Tennessee. Then I cannot yield it.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Thirty-fourth Regiment Indiana Volunteers;

An act (H. R. No. 529) granting a pension to Daniel Middough;

An act (H. R. No. 1959) granting a pension to John Haley;

An act (H. R. No. 2172) granting a pension to De Forest Doty, of Timmouth, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry;

An act (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;

An act (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee;

An act (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry;

An act (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general, United States Army;

An act (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment;

An act (H. R. No. 2769) granting an increase of pension to Catharine H. Gallagher, widow of Captain John Gallagher, late United States Navy;

An act (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl;

An act (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio;

An act (H. R. No. 2975) granting a pension to William Reynolds, late a private in Company G, Thirteenth Regiment Indiana Volunteers;

An act (H. R. No. 3108) granting a pension to Hugh B. Makin, late private of Company A, Eighth Regiment United States Volunteers;

An act (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear-Admiral Silas H. Stringham, deceased;

An act (H. R. No. 3150) granting a pension to Joseph Ward;

An act (H. R. No. 3196) granting a pension to William H. Garrett, late private in Company B, in the Fifty-sixth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 3362) granting a pension to Nathan A. Winters;

An act (H. R. No. 3408) granting a pension to Samuel V. Adams;

An act (H. R. No. 3676) for the relief of Benjamin Sanders;

An act (H. R. No. 3816) granting a pension to Mrs. Mary G. Harris;

An act (H. R. No. 4368) granting a pension to Johanna Kuhlman;

An act (H. R. No. 4371) granting a pension to Ludwig Ueber;

An act (H. R. No. 4379) granting a pension to Mary Bradley Cross;

An act (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet-Major Alexander S. Hooe, Fifth Infantry, United States Army;

An act (H. R. No. 4391) granting a pension to Susan Humes; and

An act (H. R. No. 4494) granting a pension to John Grubbins.

THOMAS P. CHENEY.

Mr. CALDWELL, of Tennessee, from the Committee on the Post-Office and Post-Roads, asked leave to present, and have printed and recommitment, the report of the majority of said committee in the matter of certain charges against Thomas P. Cheney, superintendent of first division of railway mail service; and also that the report of the minority be printed whenever presented.

There was no objection, and it was so ordered; not to be brought back by a motion to reconsider.

FRANKING PRIVILEGE.

The SPEAKER also laid before the House the following communication from the Postmaster-General:

SIR: I have the honor to inform you that the Attorney-General has advised this Department that members of Congress are entitled to exercise the franking privilege from the commencement of the term for which they are elected, although no session of Congress has actually been called, and they have therefore not been able to take the oath of office.

Very respectfully,

D. M. KEY,
Postmaster-General.

HON. SAMUEL J. RANDALL,
Speaker House of Representatives.

INFECTIOUS OR CONTAGIOUS DISEASES.

Mr. YOUNG, of Tennessee. This is a very important question, and I dislike to trespass longer upon the time and patience of the House, but I trust they will bear with me for a few minutes.

The SPEAKER. That may be done by unanimous consent.

Mr. BUTLER. I would like a minute or two myself.

Mr. FINLEY, of Ohio. I object.

Mr. YOUNG, of Tennessee. I hope the gentleman will withdraw the objection.

Mr. BUTLER. If we can have ten minutes upon each side I will have no objection.

Mr. FINLEY, of Ohio. I withdraw my objection.

The SPEAKER. The Chair will then submit the question again, whether the gentleman from Tennessee [Mr. YOUNG] shall have ten minutes and the gentleman from Massachusetts [Mr. BUTLER] ten minutes.

There was no objection, and it was so ordered.

Mr. STONE, of Iowa. I would like to occupy a little time of the House myself.

Mr. CALDWELL, of Tennessee. I ask unanimous consent to print some remarks upon this question.

There was no objection.

Mr. CALDWELL's remarks are as follows:

Mr. Speaker, the interest I feel in this subject prompts me to ask the indulgence of the House a few moments while I say a few words. I am pleased to see the House manifest a decided disposition to pass some measure upon the subject and hope that no differences of opinion arising upon the merits of the two rival propositions will imperil legislation so much needed. While my preference is very decided for the Senate bill I shall accept the House bill, but do not believe it will prove as efficient in operation as the Senate proposition. The adoption of measures calculated to prevent a recurrence of the horrors of the last summer will be hailed with satisfaction by the people I represent, who were the victims of the scourge and suffered all its horrors. Anxiety is felt among them even now, to a painful degree, lest the coming summer may bring a repetition of the scenes of the last, and legislation like that proposed will tend to relieve that anxiety and give them some comforting assurance for the future. I trust that one or the other of the propositions will be adopted and become the law without delay.

Mr. YOUNG, of Tennessee. I do not concur in many of the views expressed by my colleague of the committee from Virginia, [Mr. GOODE.] I spent four years of my life in an effort to make the States greater than the Federal Government. During that time the people of the South fought more than a thousand battles to maintain that doctrine, and in the effort more than a million of lives were sacrificed. I am very much afraid that the effort made here to-day to establish the superiority of the States to the Federal Government may result in the loss of a million more lives in this Quixotic effort to maintain some imaginary right of the States that is threatened with no danger. Arguments of this character are only calculated to defeat the measure by bringing into the discussion questions that it is in no way important to investigate or determine. It is not proposed by either the substitute or the Senate bill to disturb any right or power that can be rightfully claimed either by States or municipalities, and I regret that my friend from Virginia [Mr. GOODE] has excited any such apprehension.

I am aware of the fact that the gentleman from Virginia entertains some extreme ideas about the rights of the States, for we discussed those questions while considering this bill in committee, and I dissented from them then as widely as I do now. I am prepared to go as far as any gentleman on this floor in the protection of all the powers that ought to belong to any State of this Union, but these powers should not extend beyond the protection and welfare of our whole people. It is true that the Constitution does not declare that we may legislate specially upon the subject of yellow fever, and that the resolutions of '98 omitted to mention that subject. But the world moves; this country grows; accumulated evils have come upon us in the last few years which, as well as this one, require new and perhaps extraordinary legislation.

I am aware that this question has been discussed to some extent heretofore in the courts of the country, and that Chief-Justice Marshall delivered an opinion more than fifty years ago in which he held that States had the exclusive right to legislate upon the subject of public health within their own borders, but he never pretended to

hold that the Federal Government did not have equal power outside of State jurisdiction.

The Supreme Court of the United States in the celebrated Missouri cattle case, decided in 1857, held expressly that the Federal Government had the right to legislate upon this important subject without regard to State regulations, and if Chief-Justice Marshall ever held the doctrine stated by the gentleman from Virginia, he was entirely overruled by this later decision.

If any principle was ever established by judicial decision and upheld by inexorable necessity it is the power of Congress to legislate upon all subjects which affect the welfare of the people of every part of the country. I wish I had time to read the decision to which I have referred and many others of similar character, but I have not.

Now, sir, I say to gentlemen who adhere to these extreme ideas of the rights of the States that it is sheer folly to tell me that the States will ever adopt such regulation as will protect the public health of the country. The experience of the past has taught us that no sea-port town having any commerce will ever adopt and adhere to any quarantine regulation which will interfere to any great extent with their commercial interest, and especially is this so of southern ports of entry, for the reason that the people of southern sea-port towns are not so liable to the fever as those who live farther north and are therefore not driven by their fears to exclude it.

Why, sir, look at the cities of New Orleans, Mobile, Pensacola, and every southern sea-port. For more than a quarter of a century we of the Mississippi Valley living above the Gulf, who have been the unfortunate victims of this pestilence, have been endeavoring to get those cities to adopt some precautionary measures to keep it from us. The commercial interests of those cities bring to bear a power upon the municipal authorities that will break down any State or municipal laws on the subject, and, as the gentleman from Ohio remarked, we might as well hold up a bullrush between us and the plague as to declare that the Government has no power on the subject and rely alone upon State legislation to protect us.

If we do not adopt this law, or something similar to it, you open up the whole Mississippi Valley to the plague during the coming season. The indications now are that in less than four months from to-day the yellow fever will ravage every town in the southwestern portion of the country as it did last summer.

I wish I could bring before this House the scenes that fell under my observation only a short time ago. If I could bring before you the fifty thousand graves, the twenty thousand sorrowing, desolated households, the hundred thousand widows and orphans that were produced by the ravages of this fell disease during the last season, they would speak to this House in more eloquent terms than I can; and I think there would be but few gentlemen who would not yield a ready assent to the passage of this measure.

I think a careful examination of all its provisions will convince any gentleman, however jealous he may be of the rights of the States, however confident he may be of their willingness and power to legislate upon this subject, that this bill ought to pass, and pass at once, and that no harm can result to any State, city, or locality by its passage; but that, on the contrary, it will furnish us the only protection which we can have against another visitation of the plague; and should it again make its appearance in this country, and especially in the locality of gentlemen who think it unconstitutional to undertake to keep it off, they will only be too glad to invoke the aid of the Government to stay its ravages, without stopping to inquire whether or not it was mentioned in the resolutions of '95 or embraced in any of the delegated powers of the General Government.

It is true that heretofore our friends residing in the Northern and Eastern States have been spared the ravages of the plagues that have desolated the South. How long will you remain so? Can you tell how long it will be before the black-death, now desolating large portions of the Empire of Russia, and to stamp out which eighty thousand men have been kept busy and the government itself has destroyed whole towns and villages, will reach our shores. Can you tell me how long it will be before some ship navigating the waters between the northern sea-ports and the infected regions of Russia will bring in that fell disease? I have here a letter upon that subject from a most intelligent merchant of Saint Louis which I will print with my remarks.*

We of the South are not alone interested in this measure. Every section and locality in the country is subjected to the same danger that menaces us. The next visitation of this fever may not stop at Cincinnati and Gallipolis, in Ohio, or at Saint Louis. It reached those places during the last season, and the history of the disease is that on every return it proceeds farther and farther toward the lakes of

the North. Its next visitation may not only destroy all the cities in the Mississippi Valley, but it may reach even the Atlantic seaboard cities, including the great commercial marts of New York, Boston, and Philadelphia. I tell you, gentlemen, that in view of the great calamity that overwhelmed the people of my section of the country only a short time ago, in view of the great danger that menaces you in the future, this is no time for gentlemen to discuss abstract propositions of constitutional law. If this Government has not now the power to take measures to protect the lives of its people, it is time that we understood it and that we take the necessary steps to invest it with power not only to protect the rights, liberty, and property of its citizens, but, more than all, to protect their lives.

Without some measure of this sort there, an uneasy apprehension in the public mind of the South that the fever will come again will tend to destroy all its industries, and every interest will suffer an almost fatal shock. I wish I had time to discuss the measure at greater length, for I deem it one of greater importance than usually engages the labors of this House, and especially would I be glad to say something of the grateful appreciation which the stricken people of the South have of the generous sympathy and kindness shown them by those of the North in the hour of their affliction, but I must forego the discharge of this grateful duty until some future time.

I beg members of this House not to stickle about these nice distinctions which have been discussed here. We have been assured by gentlemen who entertain much more extreme ideas on this subject than I do, that there is nothing in this bill which invades the rights and the sovereignty of the State. But if perchance it should be discovered that we have gone beyond the legitimate powers of Congress we can easily correct the evil at a future session. We must not stand still while the plague on the one hand and yellow fever on the other may be every hour approaching our shores. It is a duty we owe to the people of this country to act promptly in this matter and discuss abstract questions of State rights and State sovereignty when we can do so more at leisure and when there is no such pressing demand as the present one for the exercise of a little practical judgment and every-day common sense.

If I have any time left, I will yield it to the gentleman from Iowa, [Mr. STONE.]

The SPEAKER. The gentleman has two minutes left.

Mr. HOOKER. I desire to ask the gentleman one question.

Mr. YOUNG, of Tennessee. I will hear it.

Mr. HOOKER. Does this substitute of the House committee give the remedy which is demanded?

Mr. YOUNG, of Tennessee. I doubt it; I prefer myself the Senate bill.

Mr. GOODE. Since the gentleman from Tennessee has made that declaration, the House ought to know that he is not the organ of the committee unless he represents the bill which the committee have prepared. The House committee have determined on the substitute.

Mr. YOUNG, of Tennessee. And I have moved the adoption of the substitute.

Mr. GOODE. Are you for the substitute now?

Mr. YOUNG, of Tennessee. Certainly; I was instructed by the committee to report it, and I shall vote for it, though certain of its provisions do not meet my approval and I notified you in committee of my purpose to oppose them in the House. I give this bill my support, not that I approve it, but because I think it the best we can do.

Mr. STONE, of Iowa. Mr. Speaker, in my judgment the adoption of this substitute would be fatal to the object aimed at by the passage of this bill. In the first place, the substitute provides for the organization of a board; a shot-gun arrangement that in my judgment can never effect anything. In the organization of a great enterprise such as this it is absolutely necessary to have a head who shall be an able and responsible man, one whom God created a man before some institution dubbed him a doctor. Without such a provision it would be utterly useless to go before the country and attempt to stay the plague, the yellow fever and the cholera.

The ordinary laws established by States for this purpose are not uniform, as is well known in this House. New Orleans might establish regulations which would restrict commerce entirely in property and in passengers, while New York might refuse to do so. Then if infected ships should come to the port of New York, its passengers might, by State authority, be sent out all over the country introducing a disease which might destroy thousands in the other States. So it might be through ports of Charleston, Savannah, and Mobile.

Sir, let me tell you that unless the strong arm of the Government

This is a subject worthy the attention of the congressional committee on epidemic diseases.

SAINT LOUIS, MISSOURI, February 24, 1879.

MY DEAR FRIEND: On reading the inclosed slip to-day I thought I would at once send it to you, as it might have escaped your notice. It shows the terrible risk this country runs in permitting rags to be brought in from the countries named. The French government has already acted promptly in forbidding the import of rags from any of the ports in Turkey or Russia. It is certainly to be hoped that after the awful visitation of last summer Congress will pass a stringent quarantine law and prohibit the importation of any article that may contain the germs of disease. I am sorry Congress passed the pension bill, as the people had a good right to hope that the public debt would not be increased for "buncombe" purposes. Wishing you Heaven's choicest blessings, health, and contentment,

Your old friend,

JAS. REILLEY.

HOB. NATHAN COLE, Member of Congress, Washington City, D. C.

* The following is the letter referred to:

The New York Herald prints an interesting statement showing the somewhat remarkable fact that ten million dollars' worth of foreign rags are brought into his country every year. The most startling suggestion connected with this statement, however, is that Russia and Asia Minor send us the bulk of this enormous supply of worn-out undergarments. The fact is recalled that rags once carried the plague into Marseilles, and it thereupon became at once evident that this country is in danger from the same source of contamination. The Cossack who took the handsome shawl from the dead Turk and presented it to his lady love killed her and twenty-five of her friends in two hours. The shawl carried the plague. It may be that the dilapidated shirt of a Russian beggar, when the beggar himself had died of the plague, is packed in a bale, sent down to Odessa, shipped through the Black Sea and the Mediterranean to Smyrna or Trieste, and thence out of the straits, and so across the Atlantic to become an article of commerce in this country.

seizes this question and stays the spread of disease, there can be no safety to this people. In the first clause of the substitute is a provision which renders this bill inoperative and powerless. That provision declares that the national authority shall not interfere with State regulations. In my judgment that provision alone will render this whole bill entirely inoperative so far as the control of contagious diseases is concerned.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. STONE, of Iowa. I would like to have a minute or two more.

Mr. THOMPSON. I ask unanimous consent that the gentleman be allowed to proceed.

The SPEAKER. The Chair hears no objection.

Mr. STONE, of Iowa. Mr. Speaker, the causes of disease know no State lines; they are not stayed by the voice of a city council; they are not stopped on the border of individual States. Nothing can stay them save the national power exercised by a single will and a single head. All boards are fatal because they engender disagreement; and in this view more than any other the provision of a board would render the bill ineffective and inoperative. The gentleman from Virginia [Mr. GOODE] says that this board will have authority to request the aid of scientific societies. Sir, you may request it; but you cannot command it. Scientific societies have not been idle during all these long years. They have been devoting themselves to the investigation of sanitary laws, developing plan after plan; and they finally come and ask Congress to enact a law that may be effective, that will not be stopped by any gentleman on the border of Virginia holding up in his hand the Constitution, while commerce is stayed, while death is in every household, and the people of the land lie prostrate with fear.

Mr. CHITTENDEN. As a member of the committee on this subject, I ask unanimous consent to be allowed five minutes to answer the gentleman from Iowa.

The SPEAKER. Is there objection? The Chair hears none.

Mr. CHITTENDEN. Mr. Speaker, admitting the power of the National Government to legislate upon this subject, I tell the gentleman from Iowa, whether he be a doctor or no doctor, that New York does not intend to be interfered with in respect to this matter.

Mr. STONE, of Iowa. Mr. Speaker, that demonstrates my proposition.

Mr. CHITTENDEN. Mr. Speaker, the provision of the House bill to which the gentleman objects is the only saving clause in this hasty legislation. Sir, I belong to a class of business men who succeed in this world, if they succeed at all, without consulting the written Constitution daily when they have to decide great questions; and I say in reference to this question that for the Congress of the United States to meddle with State or municipal authority, to overrule organized quarantine regulations, which are the result of a hundred years of experience, more or less, is not only vicious, but it is outrageous, and it will not be tolerated by the American people.

Why, sir, what is it we propose to do here? If you owned a hundred warehouses in New York City, would you establish a fire brigade in Washington to protect them? If you had in Utah a family of a hundred children, [laughter,] would you undertake to provide a board of health in Washington for their protection? Substantially that is what it is proposed to do here.

Now, I have the greatest respect for Congress. I do not belong to that class of men who denounce Congressmen as ignorant, stupid, and vicious; but I say that the legislation of this Forty-fifth Congress is a dishonor to the intelligence of the American people. What is our position at this moment. With nearly every important bill which has been before Congress for three months pressing upon us, members are compelled to do that which human endurance cannot do. We must work night and day from this time till next Tuesday noon, or we cannot complete the legislation which might have been completed before Christmas. If we had gone on as we did for the first week after this Congress assembled, every appropriation bill now lagging in either House might have been passed before Christmas; and the people of this country would have shouted "Glory to God!" if we had passed them and gone home for the remainder of the session. [Laughter.]

Any man who, like the gentleman from Iowa, [Mr. STONE,] prefers the Senate bill fails to realize its drift if he does not know that the Senate bill would be a usurpation disgraceful to Congress. I do not care for the bill, any way. [Laughter.] I do not believe there is much good in it. My sympathies with southern gentlemen on this question are earnest and deep. I am willing the National Government should spend money for their benefit freely; but New York asks no protection from a national board of health, and more especially none from a director of health in Washington.

[Here the hammer fell.]

Mr. BUTLER. I desire to say a word on this bill, and then I propose to yield the remainder of my time to my friend from Kansas.

I am glad this bill has come before the House as a matter of enlightenment. There are many of the provisions of the Senate bill that I do not favor, nor do I think it ought to pass, although I agree with the theory that the National Government, not the State governments, must deal with this question. I am utterly opposed to any idea of an efficient quarantine by State regulation. While I would agree to any bill rather than that the awful calamity of last year should be reinflicted upon any portion of our people, yet I do not believe that either of these bills will accomplish the end designed. We have sent a com-

mission to examine into the yellow fever. They have returned and reported that they know nothing about it. Suppose you get three more men who do not know anything about it, and make them a board or directory, how much will the country be benefited? I say this with great respect for the gentleman at the head of the Marine-Hospital Service, and I do not mean to refer to him unkindly.

Nothing but the strong arm of military power can make a quarantine which will be effective. It has done it once—twice—in the cases of New Orleans and Norfolk; and no yellow fever crept up the Mississippi in the year 1862, although ships were fever-stricken and crews were decimated at the quarantine station at the mouth of the Mississippi. But it required the strongest possible military arm to do it. Therefore I say that if anything effectual is to be done, we must do it through the Federal power.

I said I was glad this bill had come to Congress for its enlightenment, because it shows, my friends, there are some things protecting the life, the liberty, the rights, the privileges of the citizen which must come from the Federal power, the Federal Government, and that we must depend more upon that for protection. You cannot bound wrong by State lines; you cannot bind disease by State lines; for all the country is interested whenever any portion of it is struck. We are all interested, because when the yellow fever strikes the South or any portion of the country we are called upon, and how well we respond you all appreciate with gratitude. We all respond and are glad to respond in aiding to alleviate the sorrows. If we are to respond in that way with aid year by year, for Heaven's sake, will you not let us take a hand in preventing it? If you limit us to the State line and will not ask us out of the State to help you, then you must take care of the disease in your own way. But you ought not to do it and expect we are to help you. Let us understand, in other words, that this whole expanse, from Maine to Texas, from Florida to Alaska, is our country, in which our Government, paternal at the same time that it is disciplinary where necessary, ought to protect every citizen in all his rights, personal, political, and religious, and protect him in his health from all contagious diseases; for that stands upon the same principle of constitutional law.

Mr. PHILLIPS. Mr. Speaker, I think the country expects, and it has a right to expect, that this Congress will pass some such measure as that which is now pending before it adjourns. During the past season a large portion of our country was scourged by yellow fever more virulent in its visitation than ever before in our experience, and it is not too much to say that to prevent the spread of the disorder we possessed no safeguard and to check its approaches no adequate remedy was provided by this intelligent nation with all its boasted acquisitions in science or knowledge of disease and its remedies. To-day, while we are speaking on this subject, the cholera which came to us on two or three former occasions and swept over our country is slowly approaching from those great regions of Central Asia at once the cradle of the race and the source of the most terrible of human diseases. Still more, the plague, the most dreadful disease ever known to the world, is at this very moment creeping up the Danube, entering Europe from Asia, and will before the season closes in all probability visit our country. I ask you here to-day whether you will not before you close the labors of this session provide all the means that science, experience, and the wisdom of the civilized world can give us, in this enlightened nineteenth century, to try at least to check these terrible diseases. It may be, sir, that medical science, and philosophy, and all human experience, are impotent before these terrible calamities, but, sir, such is not the general impression of other nations, and we will not stand justified until we adopt the best remedy we can agree upon and make an honest unpartisan effort to protect our people.

In this connection I wish to say that if we desire to pass any bill this session we must pass the Senate bill now before us. We have not time to send a bill back from the House to the Senate. We have no time to wrangle over conflicting bills or different schemes. If you pass the Senate bill to-day it is the only chance this House has by any possibility of making any bill a law. Those at all familiar with the legislation of this House know what I stated to be true. I desire to say, before I close, that the disposition to wrangle over this measure, to drag partisan politics into the debate, to discuss the constitutional question as to whether States or the General Government shall manage quarantine, are puerile and can reflect but little credit upon us. They must be far gone in constitutional law who take the ground that we have no constitutional right to check yellow fever, cholera, or the plague. The General Government has certainly entire control of our relations with foreign nations, and that power includes much involved in this subject; and if we erect weather signals along our coasts to warn our people of approaching storms, surely it is not beneath the dignity nor outside of the duties of the General Government to protect the people of the States against these more fearful storms of disease which so insidiously approach us.

Mr. YOUNG, of Tennessee, rose.

Mr. GOODE. Mr. Speaker, I demand the previous question.

Mr. YOUNG, of Tennessee. I have charge of this bill.

Mr. GOODE. The chairman does not represent the committee. He has made a speech in opposition to the report of the committee.

Mr. YOUNG, of Tennessee. In opposition to yours, not to the bill. I have charge of the bill, and I decline to let the gentleman take it from me.

The SPEAKER. The gentleman demands the previous question.

Mr. YOUNG, of Tennessee. There is an amendment.
The SPEAKER. The previous question does not cut off a vote on the gentleman's amendment.

Mr. TUCKER. I wish to offer an amendment to the substitute.
Mr. GOODE. There is no objection, so far as I am concerned, to an amendment being offered.

The SPEAKER. Amendments are not in order if the previous question is seconded.

Mr. TUCKER. I wish to offer an amendment.

Mr. YOUNG, of Tennessee. There was an amendment offered.

The SPEAKER. The Chair will come to that; that is pending.

Mr. GARFIELD. Is that an amendment to the substitute?

Mr. GARFIELD. There is an amendment and a substitute as well.

Mr. GARFIELD. I suggest that some amendment ought to be offered as applying to the text of the Senate bill, so that whichever passes the clause in reference to the District of Columbia shall be stricken out.

Mr. YOUNG, of Tennessee. I decline to admit any further amendment.

The previous question was seconded and the main question ordered.

The SPEAKER. The question is first on the amendment offered by the gentleman from Tennessee [Mr. YOUNG] to the substitute.

Mr. CHALMERS. I desire to make a parliamentary inquiry. Would it be in order to move to lay the bill on the table?

The SPEAKER. It would.

Mr. CHALMERS. Then, with a view of testing the sense of the House, I move to lay the substitute on the table.

The SPEAKER. That would take the bill with it.

Mr. CHALMERS. I do not wish to do that.

The SPEAKER. The gentleman wants to get at the Senate bill?

Mr. CHALMERS. Yes, sir.

The SPEAKER. The way to do that would be to vote down the substitute. If the substitute should be voted down then the question would be on the Senate bill. The amendment of the gentleman from Tennessee will be read.

The Clerk read as follows:

Add as sections 9 and 10 the following:

SEC. 9. That the Senate and House committees appointed to investigate and report upon the best means to prevent the introduction and spread of epidemic diseases into the United States are hereby continued, with power to sit in vacation and retain the services of three experts and such clerks and stenographers as may be necessary for the purpose of completing the investigation in reference to the introduction and spread of epidemic diseases in the United States; one of said experts shall be learned in medical science, one a microscopist, and one a sanitary engineer; and they shall visit the port of Havana, and there investigate the nature and history of yellow fever, and the conditions of its origin and spread at that place and vicinity; and they shall visit such other points and make such further investigations and examinations as may be directed by the two said committees of Congress, receiving for such service the sum of \$10 per day and actual necessary traveling expenses.

SEC. 10. That the President of the United States be requested to invite the concurrence and co-operation of the Spanish government in the examination and experiments of this commission in furtherance of international commerce and the sanitary interests of mankind; and the said committee shall make their report to the next session of Congress, recommending such additional legislation as they may deem necessary for the protection of the public health, and especially to prevent the introduction and spread of epidemic diseases; and that the money heretofore appropriated to meet the expenses of this inquiry remains available for this purpose, to be expended one-half by the Sergeant-at-Arms of the House and one-half by the Sergeant-at-Arms of the Senate, under direction of the respective committees of the House and Senate.

Mr. GARFIELD. There will be no House, and no members of the House after the 4th of March. This amendment perpetuates a House committee after the term of this House has expired.

Mr. YOUNG, of Tennessee. The amendment has been adopted by both the Senate and the House committees. It is the most important part of the bill.

The question being taken on agreeing to the amendment of Mr. YOUNG, of Tennessee, there were—ayes 68, noes 101.

Mr. YOUNG, of Tennessee. I ask for tellers.

On the question of ordering tellers, there were ayes 13 not one-fifth of a quorum.

So tellers were not ordered and the amendment was not agreed to.

Mr. MANNING. I desire to offer an amendment to the substitute.

The SPEAKER. That is not in order as the main question has been ordered. The question is on agreeing to the substitute.

The question being put, there were—ayes 82, noes 94.

Mr. GOODE. I ask for the yeas and nays.

The yeas and nays were ordered; 45 members voting therefor.

The question was taken; and there were—yeas 125, nays 113, not voting 52; as follows:

YEAS—125.

Atkins,	Cabell,	Davis, Joseph J.	Hamilton,
Bailey,	Candler,	Dean,	Hardenbergh,
Banning,	Carlisle,	Durham,	Harmer,
Beale,	Chittenden,	Eden,	Harris, Henry R.
Beebe,	Clark, Alvah A.	Eickhoff,	Harris, John T.
Bell,	Clark of Kentucky,	Elam,	Hart,
Benedict,	Clark of Missouri,	Ellis,	Hartzell,
Bicknell,	Clymer,	Evans, I. Newton	Henkle,
Blackburn,	Cobb,	Evins, John H.	Henry,
Bliss,	Collins,	Felton,	Herbert,
Boone,	Cook,	Finley, Ebenezer B.	Hewitt, Abram S.
Bouck,	Covert,	Forney,	Hooker,
Boyd,	Cox, Samuel S.	Fort,	House,
Bragg,	Cravens,	Franklin,	Hunton,
Bridges,	Crittenden,	Gibson,	Jones, Frank
Bright,	Culbertson,	Giddings,	Jones, James T.
Buckner,	Davidson,	Goode,	Kelley,

Kenna,	Morrison,
Kimmel,	Morse,
Knott,	Muldrow,
Landers,	Muller,
Ligon,	Patterson, T. M.
Luttrell,	Phelps,
Mackey,	Pridemore,
Maish,	Rea,
Manning,	Reagan,
Martin,	Reilly,
Mayham,	Rice, Americus V.
McKenzie,	Robbins,
McMahon,	Roberts,
Money,	Robertson,
Morgan,	Ross,

Saylor,	Vance,
Scates,	Veeder,
Shelley,	Warner,
Singleton,	Whitthorne,
Slemmons,	Williams, James
Smith, William E.	Williams, Jere N.
Southard,	Willis, Albert S.
Sparks,	Wilson,
Springer,	Wright,
Starin,	Yeates,
Steele,	Young, Casey
Townsend, R. W.	Young, John S.
Tacker,	
Turner,	
Turney,	

NAYS—113.

Aldrich,	Cummings,	Hungerford,	Price,
Bacon,	Cutler,	Hunter,	Pugh,
Bagley,	Danford,	Ittner,	Robinson, G. D.
Baker, John H.	Davis, Horace	James,	Robinson, M. S.
Baker, William H.	Deering,	Jones, John S.	Ryan,
Ballou,	Denison,	Jorgensen,	Sampson,
Bayne,	Dibrell,	Joyce,	Sapp,
Blair,	Dunnell,	Keifer,	Shallenberger,
Brentano,	Dwight,	Keightley,	Smalls,
Brewer,	Eames,	Killingier,	Smith, A. Herr
Briggs,	Errett,	Lapham,	Stewart,
Brogden,	Evans, James L.	Lathrop,	Stone, John W.
Browne,	Finley, Jesse J.	Lindsey,	Stone, Joseph C.
Bundy,	Foster,	Majors,	Strait,
Burchard,	Gardner,	Marsh,	Thompson,
Burdick,	Garfield,	McCook,	Tipton,
Cain,	Garth,	Metcalfe,	Townsend, Amos
Caldwell, John W.	Gause,	Mitchell,	Townsend, M. I.
Caldwell, W. P.	Hale,	Monroe,	Van Vorhes,
Camp,	Hanna,	Neal,	Wait,
Campbell,	Harris, Benj. W.	Norcross,	Watson,
Cannon,	Harrison,	Oliver,	White, Harry
Caswell,	Haskell,	O'Neill,	White, Michael D.
Chalmers,	Hayes,	Overton,	Williams, Andrew
Clafin,	Hazelton,	Page,	Williams, C. G.
Clark, Rush	Hendee,	Patterson, G. W.	Williams, Richard.
Cole,	Henderson,	Phillips,	
Conger,	Hiscock,	Pollard,	
Crapo,	Humphrey,	Pound,	

NOT VOTING—52.

Acklen,	Frye,	McKinley,	Stephens,
Aiken,	Fuller,	Milla,	Swann,
Banks,	Glover,	Peddle,	Thornburgh,
Bland,	Gunter,	Potter,	Throckmorton,
Blount,	Hatcher,	Powers,	Waddell,
Butler,	Hewitt, G. W.	Rainey,	Walker,
Calkins,	Hubbell,	Randolph,	Walsh,
Cox, Jacob D.	Ketcham,	Reed,	Ward,
Dickey,	Knapp,	Rice, William W.	Wigginton,
Ellsworth,	Lockwood,	Riddle,	Willis, Benj. A.
Ewing,	Loring,	Sexton,	Willits,
Fleming,	Lynde,	Sinnickson,	Wood,
Freeman,	McGowan,	Stenger,	Wren.

So the substitute was agreed to.

During the roll-call the following announcements were made:

Mr. HUNTON. I am paired for the day and night with the gentleman from Maine, Mr. REED, Mr. FRYE being the umpire; and that umpire has agreed that I may vote against the Senate bill, that being also the position of Mr. REED. I therefore vote "ay."

Mr. GUNTER. I am paired upon this question with Mr. MCGOWAN. If he were here, he would vote "ay" and I should vote "no."

Mr. FULLER. I am paired with my colleague, Mr. SEXTON. If he were here, I should vote "ay."

Mr. WARD. I am paired with Mr. AIKEN, of South Carolina. If he were here, I should vote "ay."

Mr. CANNON, of Illinois. I desire to announce that Mr. FREEMAN is paired with Mr. RIDDLE, of Tennessee.

Mr. TOWNSEND, of Ohio. I desire to announce that Mr. HENDEE is paired with Mr. KNOTT. If Mr. HENDEE were present, he would vote "no."

Mr. TIPTON. My colleague, Mr. KNAPP, is absent by reason of sickness.

Mr. EWING. I am paired with the gentleman from Massachusetts, Mr. BUTLER.

Mr. EDEN. My colleague, Mr. KNAPP, is absent on account of illness.

Mr. TOWNSEND, of Ohio. Mr. MCKINLEY is paired with Mr. MORSE, of Massachusetts.

The result of the vote was announced as above recorded.

The question recurred on ordering the bill, as amended, to a third reading.

The question was put; and on a division there were—ayes 87, noes 94.

Mr. GARFIELD. I call for tellers.

Tellers were ordered; and Mr. YOUNG, of Tennessee, and Mr. GARFIELD were appointed.

The House again divided; and the tellers reported—ayes 71, noes 117.

Mr. GOODE. I call for the yeas and nays.

The yeas and nays were ordered; 49 members voting therefor.

Mr. YOUNG, of Tennessee. I rise to a privileged question. I move to reconsider the vote by which the bill reported by the committee of the House was substituted for the Senate bill.

Mr. KILLINGER. I move to lay that motion on the table.

Mr. YOUNG, of Tennessee. On that motion I call for the yeas and nays.

Mr. HOOKER. I rise to a point of order.

Mr. STONE, of Iowa. I would like to be heard just one instant. I desire to say that we would accept the Senate bill with a slight amendment. [Cries of "Regular order!"]

Mr. YOUNG, of Tennessee. I believe my proposition is before the House to reconsider the vote by which the bill reported by the House committee was agreed to as a substitute for the Senate bill.

Mr. HOOKER. My point of order is this: I desire to understand the position of the question. The House was voting upon the substitute for the Senate bill, and the Chair having announced that it had been adopted, tellers were called for; the Chair announced the vote by tellers, and then a call for the yeas and nays on the passage of the bill was made, and the yeas and nays were ordered upon that, and I submit that the yeas and nays ought to be taken upon that question before the motion of the gentleman from Tennessee [Mr. YOUNG] is voted on, in order to test the sense of the House on that question.

Mr. POLLARD. I call for the regular order.

Mr. YOUNG, of Tennessee. The regular order is the motion I have made.

Mr. WHITE, of Pennsylvania. I rise to a point of order. I want to know what is the question before the House?

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Pennsylvania to lay upon the table the motion of the gentleman from Tennessee, [Mr. YOUNG.]

Mr. YOUNG, of Tennessee. Let the House understand how they are voting. Let me inquire whether if the motion to lay upon the table my motion to reconsider prevails we can then vote on the Senate bill?

The SPEAKER *pro tempore*. You cannot.

Mr. YOUNG, of Tennessee. If, on the contrary, my proposition is sustained, then we can have a vote on the Senate bill?

The SPEAKER *pro tempore*. That proposition will then come up again.

Mr. HOOKER. I have not yet stated my point of order. As I understand it, the House having already voted by tellers on the question of the adoption of the House bill as a substitute for the Senate bill, and the yeas and nays having been called for upon that motion, the gentleman from Tennessee cannot make his motion now.

Mr. YOUNG, of Tennessee. The yeas and nays were not ordered. Mr. HOOKER. The gentleman has no right to interrupt the action of the House in this way.

The SPEAKER *pro tempore*. The vote was taken by tellers upon the adoption of the substitute, and then the question came up upon ordering the bill as amended to be read a third time, and the vote was taken upon that question by tellers.

Mr. GOODE. And upon that question the yeas and nays were ordered.

The SPEAKER *pro tempore*. The yeas and nays having been ordered upon the question of ordering the bill as amended to be read a third time, it is not competent at this stage to move to reconsider the vote by which the substitute was adopted.

Mr. YOUNG, of Tennessee. I understand that the yeas and nays were not called; no one had answered to his name.

The SPEAKER *pro tempore*. The yeas and nays were ordered.

Mr. HOOKER. The Chair announced that there were forty-five voting for the yeas and nays, more than one-fifth of the last vote.

Mr. COOK. I insist that gentlemen take their seats, and that the regular order shall proceed.

Mr. YOUNG, of Tennessee. Then you can congratulate yourself upon having defeated the bill.

The SPEAKER *pro tempore*. The question is upon ordering the bill, as amended, to be read a third time; upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 112, nays 128, not voting 50; as follows:

YEAS—112.

Atkins,	Davis, Joseph J.	Herbert,
Banning,	Dibrell,	Hooker,
Beale,	Durham,	House,
Bell,	Eden,	Jones, Frank
Blackburn,	Elam,	Jones, James T.
Bliss,	Ellis,	Kenna,
Boone,	Evans, I. Newton	Landers,
Bouck,	Evins, John H.	Ligon,
Bragg,	Felton,	Luttrell,
Bridges,	Finley, Ebenezer B.	Mackey,
Bright,	Finley, Jesse J.	Maish,
Buckner,	Fleming,	Manning,
Cabell,	Forney,	McMahon,
Caldwell, John W.	Franklin,	Mills,
Candler,	Garth,	Money,
Chalmers,	Gibson,	Morgan,
Chittenden,	Goode,	Morrison,
Clark, Alvah A.	Gunter,	Morse,
Clarke of Kentucky,	Hamilton,	Muldrow,
Clark of Missouri,	Hardenbergh,	Patterson, T. M.
Clymer,	Harmer,	Phelps,
Collins,	Harris, Henry R.	Phillips,
Cook,	Hart,	Reagan,
Cox, Samuel S.	Hartzell,	Reilly,
Cravens,	Hatcher,	Rice, Americus V.
Crittenden,	Henkle,	Robbins,
Cutler,	Henry,	Roberts,
Davidson,	Hewitt, Abarn S.	Robertson,

Ross,
Saylor,
Scales,
Shelley,
Singleton,
Smith, William E.
Southard,
Sparks,
Steele,
Stenger,
Townsend, R. W.
Tucker,
Turney,
Vance,
Veeder,
Waddell,
Warner,
Whitthorne,
Wigginton,
Williams, James
Williams, Jere N.
Willis, Albert S.
Willis, Benj. A.
Wilson,
Wood,
Wright,
Yeates,
Young, John S.

NAYS—128.

Aldrich,	Culberson,	James,
Bacon,	Cummings,	Jones, John S.
Bagley,	Danford,	Jorgensen,
Baker, John H.	Davis, Herace	Keifer,
Baker, William H.	Deering,	Keightley
Ballou,	Denison,	Kelley,
Banks,	Dunnell,	Ketcham,
Bayne,	Dwight,	Killinger,
Beebe,	Eames,	Knott,
Benedict,	Errett,	Lapham,
Bicknell,	Evans, James L.	Lathrop,
Blair,	Fort,	Lindsay,
Boyd,	Foster,	Majors,
Brentano,	Frye,	Marsh,
Brewer,	Gardner,	Martin,
Briggs,	Garfield,	Mayham,
Brogden,	Gause,	McCook,
Browne,	Giddings,	McKenzie,
Burchard,	Hanna,	Mitchell,
Burdick,	Harris, Benj. W.	Monroe,
Calkins,	Harris, John T.	Muller,
Camp,	Harrison,	Neal,
Campbell,	Haskell,	Norcross,
Carlisle,	Hayes,	Oliver,
Caswell,	Hazelton,	Overton,
Claffin,	Hendee,	Page,
Clark, Rush	Henderson,	Patterson, G. W.
Cobb,	Hiscock,	Peddie,
Cole,	Hunter,	Pollard,
Conger,	Humphrey,	Pound,
Covert,	Hungerford,	Prico,
Crapo,	Ittner,	Pridemore,

NOT VOTING—50.

Acklen,	Eickhoff,	Lockwood,
Aiken,	Ellsworth,	Loring,
Bailey,	Ewing,	Lynde,
Bland,	Freeman,	McGowan,
Blount,	Fuller,	McKinley,
Bundy,	Glover,	Metcalfe,
Butler,	Hale,	O'Neill,
Cain,	Hewitt, G. W.	Potter,
Caldwell, W. P.	Hubbell,	Powers,
Cannon,	Hunton,	Rainey,
Cox, Jacob D.	Joyce,	Randolph,
Dean,	Kimmel,	Rea,
Dickey,	Knapp,	Reed,

So the House refused to order the third reading of the bill. During the roll-call the following announcements were made: Mr. YOUNG, of Tennessee. I vote "no," Mr. Speaker, for the purpose of moving to reconsider.

Mr. CALDWELL, of Tennessee. I am paired with Mr. MCGOWAN. Mr. EWING. I am paired with Mr. BUTLER.

Mr. COBB. My colleagues, Mr. FULLER and Mr. SEXTON, are paired. I have been requested also to announce that Mr. REA is paired with Mr. STRAIT.

Mr. POLLARD. My colleagues, Mr. BLAND and Mr. METCALFE, are paired.

Mr. WARD. I am paired with Mr. AIKEN. If he were present, I would vote "no."

Mr. POWERS. I am paired with Mr. HEWITT, of Alabama. If he were present, I would vote "no."

Mr. TIPTON. My colleague, Mr. KNAPP, is absent on account of sickness.

Mr. STRAIT. I am paired with Mr. REA. Mr. ROBINSON, of Louisiana. My colleague, Mr. ACKLEN, is detained from the House by illness.

Mr. LOCKWOOD. I am paired with Mr. ELLSWORTH. Mr. HUNTON. I am paired with Mr. REED.

Mr. YOUNG, of Tennessee. I move to dispense with the reading of the names.

Mr. GOODE. I object, as there was so great confusion. I want to see if the votes were recorded correctly.

The reading of the roll-call was completed. The vote was then announced as above recorded.

Mr. YOUNG, of Tennessee. I move to reconsider the vote by which the House refused to order the bill as amended to a third reading; and on that I demand the yeas and nays.

Mr. EDEN. And pending that motion I move the House take a recess until eight o'clock this evening.

Mr. WADDELL. And pending that motion I move the House adjourn.

Mr. ATKINS. I hope the House will not adjourn. The House refused to adjourn.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. HARRIS, of Virginia. I ask the gentleman from Illinois to yield to me for the purpose of moving to suspend the rules so as to take up the business upon the Speaker's table this evening.

Mr. EDEN. I have no objection to withdraw my motion for a recess until the gentleman can submit that proposition to the House.

Mr. HARRIS, of Virginia. I ask, Mr. Speaker, to submit the following resolution.

The Clerk read as follows:

Resolved, That at eight o'clock this evening the House will first proceed to consider business on the Speaker's table under the order of procedure as regulated by Rule 54.

Mr. THOMPSON. I object.

Mr. HARRIS, of Virginia. I will say, then, "subject to the appropriation bills."

Mr. WHITE, of Pennsylvania. I object.

Mr. HARRIS, of Virginia. I move to suspend the rules and pass the resolution.

The SPEAKER. Pending the motion to reconsider, it is hardly possible to entertain a motion to suspend the rules and adopt a resolution.

Mr. HARRIS, of Virginia. How, then, is the proposition to be reached?

The SPEAKER. When we meet at eight o'clock this evening the sense of the House can be tested on the proposition of the gentleman from Virginia.

Mr. HARRIS, of Virginia. Very well.

Mr. EDEN. I now renew my motion that the House take a recess until eight o'clock this evening.

The motion was agreed to; and the House accordingly (at five o'clock and twenty minutes p. m.) took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at eight o'clock p. m.

CONTAGIOUS AND INFECTIOUS DISEASES.

The House resumed the consideration of the bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States and to establish a bureau of public health.

The SPEAKER. When the House took its recess the question was upon the motion of the gentleman from Tennessee [Mr. YOUNG] to reconsider the vote by which the House refused to order the bill to be read a third time.

Mr. CONGER. There was also a motion to lay the motion to reconsider on the table.

Mr. GOODE. No such motion was made.

Mr. CONGER. Such a motion was made; I do not know whether the Chair entertained it.

The SPEAKER. The Journal shows no such motion.

Mr. PAGE. Would it not be in order to make that motion now?

Mr. YOUNG, of Tennessee. There is a misunderstanding in the House in reference to the attitude of this bill. If the House will bear with me a moment or two I think we can come to an understanding by which we can agree upon the passage of some bill. This is a very important measure. I think gentlemen misunderstand the posture of the question, or we would have had no difficulty in the passage of the bill.

According to the view entertained by some of my colleagues on the committee I am put in the attitude of opposing the bill which I reported as a substitute. That is not true. There were some features in the House bill that did not meet with my approval in committee, but I was entirely willing—

Mr. WOOD. I rise to a question of order. Is this question debatable?

The SPEAKER. Undoubtedly.

Mr. DUNNELL. I hope the gentleman from Tennessee will be allowed to go on.

The SPEAKER. The motion is to reconsider the vote by which the House refused to order the bill to a third reading. That question is debatable.

Mr. YOUNG, of Tennessee. If gentlemen will allow me to go on it will expedite business very much. I was entirely willing that either of these bills should be passed. I believe that the Senate bill would accomplish all that we desire. I believe that the House bill would in all probability do the same thing. There are some features in both bills that do not commend themselves entirely to my judgment. My hope was that we would pass the House bill as a substitute for the Senate bill, and that in the committee of conference we would adjust these differences to the entire satisfaction of both sides of the House. I still think that if the House will pass the bill I have offered as a substitute for the Senate bill, and let the question go to a committee of conference, there will be no sort of difficulty. I am exceedingly anxious that a bill of some sort should be passed. This is too important a measure to be passed over without action until this session adjourns.

Now, I am advised by gentlemen on the other side that they will resort to filibustering, perhaps, to defeat one of these measures. I trust that no gentleman on either side will resort to any such method to defeat any bill that may be agreed upon by a fair majority of this House.

A MEMBER. To which side are you addressing yourself?

Mr. YOUNG, of Tennessee. To both sides. I should be glad to have both this side and the other agree.

Mr. CONGER. I hope the gentleman does not consider himself authorized to speak for this side.

Mr. COX, of New York. Nor for this side.

Mr. YOUNG, of Tennessee. Then, Mr. Speaker, as gentlemen on both sides of the House say that I have no right to represent either party, I will speak for myself. My judgment is that we had better pass the House substitute and let a conference committee adjust the differences that have arisen upon the two bills.

Mr. GOODE. Will the gentleman allow me to ask him a question? Mr. YOUNG, of Tennessee. Certainly.

Mr. GOODE. I ask the gentleman whether at the last joint session of the Senate and the House committees it was not agreed between them that the best course to be pursued when we could not agree among ourselves was that the Senate should pass its bill and the House pass the substitute reported by the House committee in order that the question might go to a committee of conference?

Mr. YOUNG, of Tennessee. That was the agreement.

Mr. GOODE. That I have no doubt would result in the passage of a measure which would be agreeable all round.

Mr. STONE, of Iowa. Will the gentleman from Tennessee yield to me for a minute or two?

Mr. YOUNG, of Tennessee. Yes, sir.

Mr. STONE, of Iowa. I desire to say, speaking for myself and for neither side of the House, that I would be satisfied—indeed I am anxious—to have some bill passed. I believe that it is not only the privilege but the duty of this House to establish a department of health. It is for this reason that the House and the Senate have appointed committees on this subject. I do not wish to be misunderstood. I have no desire for one moment to antagonize any bill which I believe can be made effective. My opposition this afternoon was to a bill which I feel confident can never be enforced. On that ground I shall stand. Now I want to be candid and fair. I want my position to be understood on both sides—that I am opposed to the amendment, but am willing to accept the Senate bill. This is all I have to say.

Mr. TOWNSEND, of New York. May I have a few minutes?

Mr. YOUNG, of Tennessee. I yield to the gentleman.

Mr. TOWNSEND, of New York. Mr. Speaker, I believe it is the right and the duty of this Government, as far as in its power, exercising the power of the Government, to keep foreign enemies when they come armed from coming into this country to its destruction. I believe it is the duty of this Government, so far as it possesses power—and I have no doubt about the power—exercising all power, to keep foreign diseases out of this country. I believe there is just as much right on the part of this Government to fight the cholera, the plague, and the yellow fever as there is to fight a foreign soldier when he comes armed for the destruction of our citizens. And I am as ready to give power and effect to my views in the case of disease as I am in the case of a foreign enemy coming armed. Now, sir, I come here to the consideration of this question ready to vote for a bill designed to effectuate that result. I come here in accord with the chairman of the committee upon this subject; and when he announced this afternoon in this House that he himself was in favor of the Senate bill, I concurred with him. But I was sorry to hear the doctrine advocated here in this House that, notwithstanding the power and the interest of this Government, there was a right in every State to have the yellow fever if they had a mind to; a right to have the plague if they had a mind to; a right to have the cholera if they had a mind to. The great doctrine of Virginia State rights was rung out here on this floor. Right to do what? Right to die of foreign diseases. Sir, under that doctrine it would be just as hard for us at New York, at Troy, at Philadelphia, to die of diseases that come in at Norfolk—

Mr. BRAGG. Will the gentleman yield to me for a question?

Mr. TOWNSEND, of New York. Oh, they do not have any diseases up in Wisconsin. At all events, they have no contagious diseases up there. [Laughter.]

Mr. BRAGG. Did not the gentleman from New York this afternoon upon this floor advocate the State-rights doctrine?

Mr. TOWNSEND, of New York. The gentleman from New York said nothing this afternoon.

Mr. BRAGG. I refer to the gentleman from New York representing the Brooklyn district.

Mr. TOWNSEND, of New York. The gentleman from the Brooklyn district must answer for himself. If he goes over to the State-rights camp it is natural that he should advocate their doctrine; he is new to it. [Laughter.]

Now, when this was proposed, I saw that your national quarantine system would be utterly nugatory, and I voted against it. My side of the House, I believe, with the exception of my temporarily State-rights friend from Brooklyn, voted in the same way. I hope my friends on this side of the House will do themselves the justice to continue to vote in the same way. And if a majority of those living in the neighborhood of the yellow fever want to die of the yellow fever, certainly we have no right to coerce the States. Let them have the yellow fever over there as much as they have a mind to. We will try, so far as our votes will do it, to exclude the yellow fever from the country.

Mr. YOUNG, of Tennessee. I yield five minutes to the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. CHALMERS. I voted to-day with the gentlemen upon the other side of the House because I favor the Senate bill. In my judgment the Senate bill is the only one which should pass. The right that the gentleman from New York [Mr. TOWNSEND] speaks of, the State's right to have the yellow fever if gentlemen want it in their own States, I have no objection to. But I have a great objection to the gentlemen in Louisiana having the yellow fever and casting it over into Mississippi; and so far as the preservation of the health of the country by State rights, by State organization, and State quaran-

time is concerned, we have had that for a hundred years, and we have had the yellow fever almost continually in the country. We are tired of that sort of State rights.

I think there is no power under the Government more clear than this. It is in the nature of a regulation of commerce, and every gentleman admits that the General Government has the right to make commercial regulations with reference to interstate commerce. Commerce brings to the country not only goods, wares, and merchandise, but it brings infected people with it; it brings the germs of disease in the goods-boxes. It brings the disease to New Orleans, and there it is put upon the steamboats and railroads and carried into Mississippi and Tennessee and far up the Mississippi River.

I put it upon the ground of regulation of interstate commerce and of foreign commerce, and no man who can put two ideas together, it seems to me, should hesitate a moment to admit that the General Government has unlimited control over this question. More than that, I say it is an absurdity for us to come here and ask the General Government to take charge of the matter, to vote money and pass laws, and then turn around and say the General Government has no right to have a word to say in the matter when you come to spend that money.

It was said to me this evening: Why, there is a clause in the Senate bill which provides that if the State authorities do not carry out the quarantine regulations the United States Government may send an officer down to carry it out. I answered: that is exactly what we want to see done. I want the port of New Orleans to be closed, if necessary, by the United States authority. Louisiana will not do it. We have tried her, and she will not keep the fever from us. We appeal to the General Government, then, to come in and take charge of this matter, to prevent collisions between the States. The Union itself was a compromise, because there was a collision between the interests of the States so far as their commerce was concerned.

The same interest comes up here now. The merchants of New Orleans, in order to keep open their trade, will take the risk of keeping open their port, and in order to make a few dollars, perhaps, they will keep open their port until the disease appears among them. Then their people will commence to scatter; they will run, as mankind always will run, before the advancing plague. They will carry the disease in their persons and in their clothing into Mississippi and Tennessee and Kentucky and Missouri. They will infect the whole of the country with the seeds of the disease which may be hanging about them.

I maintain, then, that the Senate bill is not only the only one that can be passed, but it is the only one that should be passed by this House.

Mr. YOUNG, of Tennessee. I now yield five minutes to the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. I shall hardly occupy that length of time. I do not think that we should draw any very fine sight when we are dealing with this question. I have no disposition to speak here as if I were prepared to lecture members of this Congress for the levity that has been exhibited in relation to this most important question.

I have felt this afternoon and this evening as though this country, the people of the North as well as of the South, would not excuse this House if we went home without passing some thoroughly efficient law looking to a prevention, as far as possible, of this dread disease in our country.

Some men talk here as though we were legislating only for Louisiana or Mississippi, or some of the extreme Southern States, where this disease was at its worst. I remember that the disease invaded my own State, and the most healthful portion of it. My colleague [Mr. EWING] will remember that in portions of his district the yellow fever appeared and swept off the citizens without regard to their station in life. It was not confined to those who live in hovels; but it attacked the very best of our citizens.

There is another consideration. If this disease is not likely to reach the North at all, if it is never to invade Ohio, Pennsylvania, New York, or any of the Northern States, we should remember that when last year it was spreading through the Southern States and depopulating towns and cities almost, we in the North heard the cry for relief, and there was hardly a village, city, or hamlet that did not pour out from its means what could be spared for the purpose of alleviating the suffering people of the South. Should that time again come, we in the North will feel that we are interested in our fellow-citizens of the South, and will again assist so far as is in our power.

We have already had to-day a vote upon the question whether we shall inject into this most important national measure the question of State rights. I wish there were not so many patents on our Constitution. We get out one every few days. This House has spoken on that question and said that we will not legislate or attempt to carry this principle of State rights into so important a question as this. Now let us go back upon our steps, and if possible get at the Senate bill and pass it. If there are any amendments needed to it, as suggested by the committee, let us make those amendments and then pass the bill, so that when your gavel falls, Mr. Speaker, at twelve o'clock on Tuesday next we can say that we have passed at least one law looking to the prevention of the plague in our country.

Mr. YOUNG, of Tennessee. I yield five minutes to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. I represent a constituency that has shown, by its

very liberal contributions to the suffering people on account of the yellow fever, we are not unmindful of the calamities following the spread of this disease. And I desire to say that I deeply sympathize with the lately affected districts of this country in consequence of the great injury and prostration they suffered from the yellow fever.

I think, however, there is an unnecessary alarm on this question. I fear that there are men who desire to take advantage of that alarm in order to ingraft on this Government a permanent institution which in my judgment is inconsistent with the theory of our Constitution.

There is no city of the United States so exposed to yellow fever as is the city of New York. We have more intercourse with tropical climates, with Cuba and those portions of the world where the yellow fever is constant, than has New Orleans or any other city in the South. We have had no Federal institution to protect us from the introduction of this disease. It is fifty-seven years since we had the yellow fever in the city of New York. We have had our own quarantine under our own State laws; we have our own institutions to prevent the introduction of disease, and we maintain them at our own expense. We do not want in the city of New York any establishment holding allegiance to the Federal Government to protect us from pestilence of any character.

I am opposed to both these bills. I am opposed to them because either of them will cost this Government at least \$1,000,000 a year. I care not whether the appointments be under the direction of the State or of the President of the United States, the project is wrong in theory; it is an attempt to create permanently a new department of the Government—the department of public health. I believe that it is no part of the duty of the Federal Government to supervise the health of the people of the whole United States. The States, when they created the National Government, reserved to themselves all rights over questions of a purely State, domestic, or municipal character.

While I accord to gentlemen who are so fervent and industrious in their desire to enact this legislation the credit of great sincerity, great integrity of motive, great patriotism, if you please, they are, in my judgment, in error not only with reference to the power of the General Government to establish institutions of this character, but they will find that they are in error as to the practical effect. In the adoption of preventive measures against the introduction of disease they cannot accomplish through national agencies as much as the States themselves can accomplish in their own municipalities, for it is well settled that only by quarantine can the people in any city of the United States be protected against the introduction of this disease. While this innovation will cost at least a million of dollars annually, it will fail to prevent the introduction of disease unless the cities themselves provide such sanitary measures as properly belong to their province.

MESSAGE FROM THE PRESIDENT.

A message in writing, from the President of the United States, was presented by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the bill (H. R. No. 4414) to amend the laws in relation to internal revenue.

CONTAGIOUS AND INFECTIOUS DISEASES.

The House resumed the consideration of the bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States, and to establish a bureau of public health.

Mr. YOUNG, of Tennessee. I now yield five minutes to the gentleman from Maine, [Mr. HALE.]

Mr. HALE. Mr. Speaker, I know that this is a very important matter and of great interest to a large section of this country. But I want to suggest to the gentleman from Tennessee who has it in charge that there are a great many other matters of importance which must be acted upon very soon in these waning hours. This matter has been before the House, has been debated, has been voted on; and now it has come up again this evening when almost everybody here expects that the House will go to the Speaker's table and consider business of much interest to all sections of the country.

Just what the gentleman ought to do he knows better than I do; but I suggest to him that he bring this matter to an issue at once. If he wants another vote of the House, let it be taken as soon as possible. If the House has reconsidered its decision, and is ready to take the amendment offered by him, let us know it. If not, let me suggest to him in all kindness that if he can get the Senate bill and nothing else, he had better take it as an expression that there is a disposition here to do something on this subject. But I hope we are not to let this thing go on, and consume the whole night in a general debate, which I do not believe anybody wants.

Mr. YOUNG, of Tennessee. I yield the remainder of my time to the gentleman from Ohio, [Mr. GARFIELD.] When he concludes I will call for the vote.

Mr. GARFIELD. I do not desire to delay the House, and I ask that we may consider the time we are now occupying in debate as applying to all the stages of this question, and that when the previous question is called—and I will call it, as requested by the gentleman from Tennessee, [Mr. YOUNG]—it may be considered as relating to the whole series of votes until the bill is passed.

I call the attention of gentlemen to the fact that several States have recently tried to prevent the spread of infectious or contagious diseases among cattle by laws regulating their transportation from

State to State. A recent decision of the Supreme Court of the United States has declared that these laws of the States are unconstitutional, on the ground that the power of regulating not only foreign commerce but commerce among the States resides in Congress and not in the States. The attempt of a State so to regulate transportation from State to State as to prevent the spread of disease among cattle has been declared unconstitutional. Now, after the Supreme Court of the United States has decided that a State cannot do this thing, if it be said that Congress cannot enact a law to prevent the spread of diseases among cattle, or even among our people, we had better so change our Constitution as to have a government that is not powerless to save its own citizens from imported destruction.

The argument of the gentleman from Mississippi [Mr. CHALMERS] was luminous with sense and statesmanship in every sentence. Look at that great Mississippi Valley. At the expense of the United States we have created light-house districts which extend from the Gulf to Pittsburgh. We have established lights and buoys all along the navigable waters of that valley to direct our shipping, yet when the steamer Porter started from New Orleans last summer, bearing death on her deck, her planks reeking with pestilence, there was not a city in the length of her long voyage that had the power to stop her or prevent her from landing. It was only by the usurpation of authority the city of Cincinnati kept her from landing at the wharves and infecting a third of a million of people. When she had gone far up on her way toward Pittsburgh she did stop at the little town of Gallopis, whose municipal authorities had no power to prevent her from communicating the pestilence to that community. The States have not made and have no power to make any effective law to meet such a case.

If Congress can provide light-houses and buoys for that river; if we can remove the snags, "sawyers," and bars that obstruct the navigation of a mighty river, can we do nothing to prevent the transportation of pestilence? Are we to fold our arms and sit helpless because the States cannot or will not take the steps necessary to prevent its spread? Shall we say that Congress cannot or will not do it? Now, Mr. Speaker, I do not believe in such impotence, in such idiocy of impotence in this Government of ours in this last quarter of the nineteenth century.

In view of the fact that the Senate bill was drafted by a Senator of the strictest State-rights opinions and concurred in by members of the committee of both parties, that it was passed almost unanimously by a Senate in which the political parties are nearly equal in strength, that it is approved here by eminent lawyers on both sides of the House, it requires not a little courage for gentlemen here to assume to know so much more than the Senate and the Supreme Court and claim to be such purists in constitutional law that their consciences will not allow them to pass the bill.

Mr. WOOD. I would ask the gentleman from Ohio whether the Supreme Court of the United States has decided that the question of the public health is one in which the United States Government is concerned?

Mr. GARFIELD. I do not say, nor does this bill provide, that the United States shall take charge of the health of all the people in localities wholly within a State. No one has submitted a proposition of that kind.

But I take it that there is no man on this floor so daft as to deny that one league from the shore, at least, the United States has unquestioned jurisdiction. Whatever State may lie within that line, we can enforce our laws upon that line against the universe.

We once had an embargo for years which provided that no ships from Great Britain should touch our shores at all. We have now probably lying upon our table under an Executive veto an act passed by an overwhelming vote in this House that no ship bearing more than fifteen Chinese from any part of the globe should come to our shores. I think that if we can keep out a ship bringing more than fifteen Chinese, we can keep out a ship bearing fifteen demons in the form of the germs of pestilence and fever, or can prevent fifteen fever patients in an infected vessel from landing in any port. By a decisive vote the House has refused to pass the House substitute because it is a weak and ineffective measure, and because it degrades and dishonors the National Government by making it subordinate to that of the States. We are anxious to pass the Senate bill, and in order to reach it, and aid our southern countrymen who may again suffer from the pestilence, we will join in retracing all the legislative steps that have been taken till we can vote for the Senate bill without amendment. As a first step, I demand the previous question.

Mr. GOODE. Mr. Speaker, I understand I am recognized and entitled to the floor.

Mr. GARFIELD. I have been recognized by the Speaker, and I insist on my motion for the previous question.

The SPEAKER. The Chair is advised by the gentleman from Tennessee [Mr. YOUNG] that the gentleman from Virginia [Mr. GOODE] was to have five minutes and conclude the debate.

Mr. YOUNG, of Tennessee. I am willing that he shall have five minutes, and that five minutes shall be yielded to the gentleman from Ohio; then I will move the previous question.

Mr. GOODE. Mr. Speaker, I take up the gauntlet thrown down here to-night by the gentleman from Ohio. I state this proposition, and I challenge contradiction from him or any other lawyer in the House, that from the foundation of the Government down to this

time the doctrine has been recognized universally by the Supreme Court of the United States that quarantine and health laws belong to the States exclusively. The court says there are some powers which belong exclusively to the States and there are some powers which belong exclusively to the National Government, and that among the powers reserved to the States has been embraced the power over quarantine and health laws.

The gentleman undertakes to twit members of this House for daring to entertain an opinion for themselves. He tells us that under the power to regulate commerce the Government here at Washington may supervise the health laws of the States.

Now, sir, what is the power to regulate commerce? The regulation of commerce is interstate, international, and Federal. The power to protect and preserve the lives and health of the people is domestic, local, internal in its nature, and belongs to the State governments.

Now, sir, that doctrine is as old as the case of Gibbon and Ogden, and notwithstanding the learning of the gentleman I challenge him here and now to point to a case in the Supreme Court of the United States from Gibbon and Ogden in 9 Wheaton down to this time which disputes the doctrine laid down by Chief-Justice Marshall and Mr. Webster, "the great expounder," that quarantine and health laws belong to the States.

But has the Government no power? Certainly it has power to enact provisions in aid of the States. It has power to say to its officers, "You may aid the State in the execution of its laws." The Government has power to enact auxiliary and supplemental legislation. That is what our bill provides for.

One other thing. The gentleman argues this as if it involved nothing but State-rights doctrine. It involves more; it involves the question of dictatorship; it involves the question whether we are to have an autocrat of health in the United States. And, sir, I stand here, if I stand alone, to combat the monstrous proposition contained in the Senate bill that any man in this land shall be clothed with the autocratic and wide-reaching powers conferred upon the director-general of health in that bill. I will never consent to it, and I believe it to be one of the most dangerous propositions ever introduced into the American Congress.

Mr. YOUNG, of Tennessee. I wish to ask the gentleman from Virginia whether he knows of any case where the doctrine of Federal quarantine has been passed upon at any time by the Supreme Court of the United States?

Mr. GOODE. The case of Gibbon and Ogden came from the State of New York.

Mr. YOUNG, of Tennessee. Answer the question.

Mr. GOODE. I will answer it in my own way.

Now, Mr. Speaker, the case of Gibbon and Ogden was from the State of New York. The State of New York undertook to confer upon a single individual the exclusive right to navigate the water courses of the State of New York. It came here on appeal, and in the discussion of that question both the counsel and the court laid down the doctrine, so far as health and quarantine laws are concerned, that they belong to the States except in so far as the Government could aid in executing their provisions.

Mr. GARFIELD. We have seen an array of gauntlets, challenges, and defiance—

Mr. GOODE. The gentleman began it. You undertook to twit members on this side for presuming to have opinions of their own.

Mr. GARFIELD. When the gentleman from Virginia is completely done I will begin.

Mr. GOODE. Very well; go on.

Mr. GARFIELD. I say we have seen an array of gauntlets, defiance, and challenges, the substance of which is this: I am defied, and every lawyer here is defied, to produce any decision of the Supreme Court that authorizes the United States to establish quarantine regulations.

Now, as the United States has never passed a law for that purpose until the last session—

Mr. GOODE. No, sir; it was done as far back as 1796.

Mr. TOWNSEND, of New York. The State of Ohio has just as much right to be heard as the State of Virginia.

Mr. YEATES. But the State of New York seems to have the right to be heard all the time.

Mr. GARFIELD. Since no case involving directly that principle has ever been before the Supreme Court the gentleman's challenge can be made safely. We are standing upon a piece of original legislation. I have, however, referred to a decision of the Supreme Court relating to a State law to prohibit the transmission of cattle disease from State to State, and to the fact that the court said that could not be done by a State, because the whole business of interstate commerce belongs exclusively to Congress.

I wish to call the attention of gentlemen to a clause in the Constitution that has been but little noticed. Let me read it:

No State shall, without the consent of Congress, lay any impost or duties on imports or exports except what may be absolutely necessary for executing its inspection laws, and the net profits of the imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of Congress.

Mr. GOODE. Those are inspection laws.

Mr. GARFIELD. Now, it is true Congress hitherto has allowed the States to manage the matter of inspection and to levy a small tax

upon vessels coming into their ports. But here is a plain declaration that Congress may alter or revise all such laws. The fact that the States have hitherto been allowed to do this thing is no proof that Congress has not the power to legislate on the subject. But this is all aside from this question, for this bill from the Senate does not interfere with the State quarantine regulations in New York or any other city, nor with the health laws of any State.

Mr. REAGAN. If the gentleman will allow me, I will call his attention to an authority, having it before me. In article 1075, Story on the Constitution, is this statement:

It [the power of Congress] extends to quarantine laws, and pilotage laws, and wrecks of the sea.

This statement of the text is supported by 9 Wheaton; Tucker's Blackstone; Cooley vs. Board of Wardens, 12 Howard; and Gray vs. Frazer, 21 Howard. And the note adds:

But upon these subjects the power is not exclusive.

Mr. GARFIELD. On this clause of the Constitution which I have just read Judge Story says, very distinctly, in his Commentaries, that the United States can pass quarantine laws.

I now demand the previous question on the pending motion.

Mr. BEEBE. Does the demand for the previous question cut off the motion to lay on the table?

The SPEAKER. It does not.

Mr. BEEBE. I make that motion.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] demands the previous question on the motion to reconsider the vote by which the House refused to order the bill to a third reading. Pending that the gentleman from New York [Mr. BEEBE] moves to lay the bill on the table.

Mr. GARFIELD. The motion to lay the bill on the table cannot be in order.

The SPEAKER. Why not?

Mr. GARFIELD. Until the motion to reconsider is carried the bill is defeated. It can only be reached again by a motion to reconsider.

The SPEAKER. The House can go on and take the further step, which effectually kills the bill. The Chair decides that the motion is in order.

Mr. BEEBE. Is the motion to lay on the table the motion to reconsider in order?

The SPEAKER. Yes; and the other too.

Mr. BEEBE. I make both motions.

The SPEAKER. The gentleman cannot make two motions at once. He had better confine himself to one at a time.

Mr. CHITTENDEN. May I ask unanimous consent to be permitted to ask the gentleman from Ohio a question?

Objection was made.

Mr. BEEBE. The motion I submit is to lay on the table the motion to reconsider the vote by which the House refused to read the bill a third time.

Mr. HOUSE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. I wish to ask the Chair what will be the effect of laying the motion to reconsider on the table? Does it not prevent the reaching of the House substitute or the Senate bill?

The SPEAKER. The effect is to make final the vote by which the House refused to read this bill the third time. In other words, it finally defeats the measure.

Mr. COX, of New York. It kills the whole thing, and that is what we are after.

The SPEAKER. The Chair will state to the gentleman from Tennessee [Mr. HOUSE] that this is a Senate bill, and there is a statement in the Manual exactly in point, which the Chair will read.

Mr. HOOKER. I hope the House will be brought to order before the Manual is read.

The SPEAKER. The Sergeant-at-Arms will proceed around the Hall without his mace and request members to be silent and seated. [After a pause.] This is a Senate bill; and the Manual says:

In the case of a Senate bill, the engrossment having already been made before it came to the House, the question which arises is, "Shall the bill be read a third time?" which, being decided negatively, the bill is rejected.

Now, the House decided by a yea-and-nay vote that this bill should not be read a third time. A motion to reconsider that vote was entered and a motion to lay on the table that motion to reconsider has been made, which makes final the vote by which the House refused to read the bill a third time. The effect of the motion to lay on the table if carried will be to kill the bill.

The question being taken on the motion to lay on the table the motion to reconsider, there were—ayes 84, noes 95.

Mr. CHITTENDEN. I call for tellers.

Mr. BEEBE. I call for the yeas and nays.

The yeas and nays were not ordered, only 34 members voting therefor.

The SPEAKER. The Chair will now submit the motion for tellers.

Tellers were ordered, 32 members voting therefor, more than one-fifth of a quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Ohio, Mr. GARFIELD, and the gentleman from Virginia, Mr. GOODE. The House again divided; and the tellers reported—ayes 80, noes 90.

So the House refused to lay on the table the motion to reconsider.

The SPEAKER. The question recurs on the motion to reconsider.

Mr. ATKINS. I rise to make a parliamentary inquiry. If the action of the House is reconsidered, would it be in order then to amend the Senate bill so that it might go to a committee of conference?

The SPEAKER. If the House agrees to reconsider, then the question will come up again on the third reading.

Mr. ATKINS. Of which bill: the House bill or the Senate bill?

The SPEAKER. The Senate bill as amended by the House.

Mr. CHALMERS. Is it in order to move to reconsider the vote whereby the amendment of the House was put upon the Senate bill?

The SPEAKER. The first step is to reconsider the vote by which the House refused to read this bill a third time. What the gentleman from Mississippi suggests would be the next in order. The House must go back step by step.

Mr. HANNA. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HANNA. Suppose now that the vote shall prevail to reconsider the action of the House refusing to order this bill to a third reading; is that a vote which will tend to carry through the amendment to the Senate bill?

The SPEAKER. That is a vote traversing the action of the House heretofore had. The Chair is unable to say what the effect will be, because that will depend upon the future action of a majority of this House.

Mr. HANNA. I want to know whether or not by so voting I will be enabled, as a member of the House, to come to a vote directly on the Senate bill?

The SPEAKER. Not by that motion; but it is one of the motions by which the Senate bill can be reached.

Mr. HANNA. If we must take the House bill after all, then I am opposed to the motion to reconsider.

The SPEAKER. After this motion shall have been carried, if it be carried, it will be competent to reconsider the vote by which the House adopted the substitute for the Senate bill.

Mr. ELAM. I desire to make a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. ELAM. As I understand it, the House now stands precisely as if there had been no vote taken upon ordering the bill to a third reading.

The SPEAKER. The House stands in this attitude: it said by its vote this afternoon that this Senate bill, as amended, should not be read a third time. The motion now is to reconsider the vote by which the House so declared.

Mr. ELAM. Then what comes?

The SPEAKER. If the motion to reconsider shall prevail, then the motion will probably be made to reconsider the vote by which the House adopted the substitute for the Senate bill; but if this motion to reconsider does not prevail, then the bill falls.

Mr. BURCHARD. I ask permission for the gentleman from Tennessee [Mr. YOUNG] in charge of this bill to state what action he contemplates.

Mr. HARRIS, of Virginia, and others. Regular order!

The SPEAKER. The gentleman from Tennessee, [Mr. HOUSE,] as the Chair understands, desires to know what will be the next vote to be taken should the motion to reconsider, now pending, prevail. The next vote will be upon ordering the bill, as amended, to a third reading, that amended bill being the substitute adopted by the House. The Chair understands that the amendment which was proposed to the substitute was rejected.

Mr. HOUSE. I understand that the Senate bill was amended by adopting the House bill as a substitute; and that the House then refused to order the Senate bill so amended to a third reading.

The SPEAKER. The gentleman is correct.

Mr. HOUSE. Then, if the motion to reconsider prevails, the question will again come up on ordering the Senate bill, as amended, to be read a third time.

The SPEAKER. That is correct.

The question was then taken upon the motion to reconsider; and it was agreed to, upon a division—ayes 106, noes 50.

The SPEAKER. The question now recurs upon ordering the bill, as amended, to be read a third time.

Mr. WILSON. Is it competent at this time to move to lay the whole bill on the table?

Mr. HOOKER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. The House having now, by its vote, reconsidered its action refusing to order the bill, as amended, to be read a third time, is not the House now brought to a vote again upon the Senate bill as amended?

The SPEAKER. The House is now brought to a vote upon the question of ordering the bill, as amended, to be read a third time.

Mr. BEEBE. Is it in order now to move to reconsider the vote by which the substitute was adopted?

The SPEAKER. That is not the question before the House.

Mr. BURCHARD. This bill has not been ordered to be read a third time.

The SPEAKER. The vote of the House upon ordering the bill to be read a third time having been reconsidered, the question immediately recurs upon that which was reconsidered.

Mr. BURCHARD. And pending that question, cannot a motion

now be made to reconsider the vote by which the substitute was adopted? That is a prior question.

Mr. GARFIELD. At this stage I move to reconsider the vote by which the House substitute for the Senate bill was adopted; and on that motion I demand the previous question.

Mr. COX, of New York. And I move to lay the motion to reconsider on the table.

Mr. CARLISLE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CARLISLE. My point of order is that the gentleman from Ohio [Mr. GARFIELD] is not entitled to make the motion to reconsider, for the reason that he voted against the adoption of that amendment.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] having voted with the minority on the question of agreeing to the substitute, is not entitled to move to reconsider.

Mr. PHILLIPS. I move, then, to reconsider the vote by which the House substitute was adopted for the Senate bill, and on that I call the previous question.

Mr. COX, of New York. And I move to lay the motion to reconsider on the table.

The SPEAKER. The gentleman from Kansas [Mr. PHILLIPS] having voted with the prevailing side is entitled to move to reconsider; and the gentleman from New York [Mr. COX] moves to lay the motion to reconsider on the table.

Mr. CONGER. Would not that motion if carried take the bill with it?

The SPEAKER. It would not. Should the motion to lay on the table be agreed to, then the question would recur upon the question to order the bill as amended to be read the third time. [After a pause.] The Chair is informed by the Clerk that the gentleman from Kansas [Mr. PHILLIPS] is recorded in the negative on the adoption of the substitute.

Mr. PHILLIPS. I voted in the affirmative.

Mr. GARFIELD. I heard the gentleman vote in the affirmative.

The SPEAKER. It being a yea-and-nay vote, the record must prevail.

Mr. HARRIS, of Virginia. I will move to reconsider. I voted in the affirmative on the prevailing side.

The SPEAKER. The gentleman from Virginia moves to reconsider the vote by which the House substitute was adopted for the Senate bill.

Mr. COX, of New York. And I move to lay that motion on the table.

Mr. HARRIS, of Virginia. I feel it my duty to permit the friends of the House bill to manage this matter, and I therefore withdraw the motion to reconsider.

Mr. PHILLIPS. I rise to a question of privilege. I voted in my place for the House amendment to the Senate bill, and if I am not so recorded then the record is incorrect and I ask that it be corrected.

Mr. HOOKER. I call for the regular order.

The SPEAKER. The Chair in reply to the gentleman from Kansas [Mr. PHILLIPS] would state that there were three roll-calls kept of that vote, one by the Reporters of the CONGRESSIONAL RECORD and two at the Clerk's desk, and they all correspond.

Mr. PHILLIPS. Several gentlemen about me here heard me vote, and know that I voted "ay."

The SPEAKER. There were two roll-calls taken this afternoon, and the gentleman voted in the affirmative on ordering the bill to a third reading.

Mr. PHILLIPS. No, sir; I voted for the adoption of the House substitute for the Senate bill.

Mr. HOOKER. I call for the regular order.

Mr. BURCHARD. The gentleman has a right to have his vote recorded correctly as a personal privilege.

The SPEAKER. That is a right that attaches when the Journal is up for correction.

Mr. BURCHARD. I think he has it at any time when he has a chance.

Mr. PUGH. I recollect distinctly that the gentleman from Kansas voted on that side.

The SPEAKER. The Chair knows of no other way except to be governed by the record?

Mr. PHILLIPS. Are there no means by which an error of this kind can be corrected? Have I not the right to correct the record?

Mr. CONGER. This is an important question, and in such a question, if there be a suspicion of the record, and the gentleman asserts with the testimony of those around him that he voted in a particular way, the correction should be made immediately, else we may find ourselves passing a bill by a false record.

Mr. COX, of New York. Are we to have two hundred and ninety-three members correcting the record, and are we to stop the proceedings that two hundred and ninety-three gentlemen may state whether their names are properly recorded or not?

The SPEAKER. The question recurs upon the third reading of the bill.

Mr. GARFIELD. We can pass and desire to pass the bill, but the gentlemen with whom I am trying to co-operate do not seem to be willing to let us reach that Senate bill, but insist on forcing the defeated House substitute upon us. This we will not permit, and I can-

not in good faith to those friends who have followed me on this side of the House allow that to be done. The only mode left me to protect them and myself is to move, as I now do, to lay the bill upon the table.

Mr. HOOKER. I rise to a parliamentary inquiry. [Loud cries of "Vote!" "Vote!" and "Question!"]

Mr. YOUNG, of Tennessee. I made that motion originally.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. It is this: as I understand it, by a vote of the House the House has ordered a reconsideration of the vote by which the House passed upon the bill as it now stands before the House with the House amendment to the Senate bill, and my point of order is that the House having ordered the previous question no other motion is in order except a motion to reconsider.

The SPEAKER. The Chair desires to state exactly what the question is. The question is on reconsidering the vote by which the House refused to read the bill a third time. That vote has been reconsidered, and of course the question recurs immediately upon the vote that the bill be ordered to a third reading, pending which the gentleman from Mississippi moves to reconsider the vote by which the House adopted the substitute.

Mr. BEEBE. And the gentleman from Ohio [Mr. GARFIELD] moves to lay the whole bill upon the table.

Mr. GARFIELD. In view of the fact that all the efforts we have made to reach the Senate bill have failed I move to lay the bill upon the table.

The question was put upon Mr. GARFIELD'S motion; and on a division there were—ayes 119, noes 75.

Mr. EWING. I call for the yeas and nays.

The yeas and nays were ordered; 50 members voting therefor.

The Clerk commenced the call of the roll, and called the name of Mr. AIKEN.

Mr. EWING. I rise to make a parliamentary inquiry. [Loud cries of "Regular order!"] It is a parliamentary inquiry.

The SPEAKER. The gentleman from Ohio rises to a parliamentary inquiry, and he has a right to make it.

Mr. EWING. I rise to inquire whether the motion of the gentleman from Mississippi to reconsider the vote by which the House adopted the House amendment was entered prior to the motion of the gentleman from Ohio [Mr. GARFIELD] to lay the subject on the table?

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] made the motion first, but the Chair asked that the gentleman withdraw it so that the Chair might recognize the gentleman from Mississippi to make the motion, as he was entitled to do.

Mr. MANNING. I make it now. [Loud cries of "Too late!"]

Mr. EWING. The purpose is to defeat the Senate bill, and I declare it here and now. [Loud cries of "Question!" and "Order!"]

Mr. SPARKS. There are men on this side of the House who are going to help to do it.

Mr. BEEBE. I rise to a question of order. The roll-call has been commenced, and it is not in order to interrupt the roll-call. Two names have been called, and one name has been answered.

The SPEAKER. There is such confusion and so many members who were unable to hear what was going on that the Chair was compelled to go back.

Mr. BEEBE. I make the further point of order that the yeas and nays were ordered, and debate is not in order.

The SPEAKER. But the gentleman did not ask to debate. He rose to a parliamentary inquiry.

Mr. YOUNG, of Tennessee. If the gentleman is quiet for a little while he will better understand me than he does now. I made the motion before the recess this afternoon that the vote by which the substitute was rejected should be reconsidered.

The SPEAKER. Then it would appear on the Journal.

Mr. YOUNG, of Tennessee. It must appear on the Journal. I made that motion. It is first pending, and I insist upon it now.

The SPEAKER. The Chair thinks that before the recess the motion was not in order.

Mr. YOUNG, of Tennessee. But I endeavored to get the ear of the Speaker several times while other gentlemen were on the floor to make that motion.

The SPEAKER. The question is upon the motion to reconsider the vote by which the House refused to order the bill to a third reading.

Mr. YOUNG, of Tennessee. I also entered a motion to reconsider the vote on agreeing to the substitute.

Mr. CARLISLE. Did the gentleman from Tennessee vote to adopt the substitute?

Mr. YOUNG, of Tennessee. I did.

The SPEAKER. If the gentleman from Tennessee asserts that he made that motion, the Chair is bound to recognize his statement.

Mr. YOUNG, of Tennessee. The record shows it.

The SPEAKER. The yeas and nays have been ordered on the motion to lay on the table.

Mr. YOUNG, of Tennessee. The record shows that I made that motion.

Mr. HOOKER. Did the gentleman vote in favor of adopting the substitute?

Mr. YOUNG, of Tennessee. I did.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted a resolution for printing additional copies of the report of observations of the transit of Venus; in which the concurrence of the House was requested.

The message also announced that the Senate had concurred in the resolution of the House for printing the memorial addresses delivered in the Senate and House upon the life and character of Terrence J. Quinn, late a Representative from the State of New York.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 6523) providing for the engraving and printing of portraits to accompany memorial addresses on the late Representatives Leonard, Quinn, Welsh, Williams, Douglas, Hart-ridge, and Schleicher.

CONTAGIOUS AND INFECTIOUS DISEASES.

The House resumed the consideration of the Senate bill for preventing the introduction of contagious and infectious diseases.

Mr. BEEBE. I desire to know what is the regular order?

The SPEAKER. The regular order is the call of the roll on the motion to lay the bill upon the table. The gentleman from Tennessee [Mr. YOUNG] states on his responsibility as a member that he entered this afternoon a motion to reconsider the vote by which the House adopted the substitute. Now, if that be correct—

Mr. BEEBE. Would that take precedence of the motion of the gentleman from Ohio [Mr. GARFIELD] to lay the bill on the table?

Mr. FORT. I wish to state that I stood by the gentleman from Tennessee and heard him make the motion.

Mr. STONE, of Iowa. The gentleman from Kansas [Mr. PHILLIPS] rose in his place and stated on his honor as a member that he had voted upon the prevailing side on adopting the substitute, and the Chair declined to receive his statement.

The SPEAKER. The record did not so show.

Mr. STONE, of Iowa. I would like to know on what ground the Speaker receives the statement of the gentleman from Tennessee when he did not receive the statement made by the gentleman from Kansas.

The SPEAKER. The Chair on a question of this kind takes nobody's statement; he takes the record.

Mr. CONGER. Now, Mr. Speaker, I make the point that even if the gentleman from Tennessee did make the motion that he states, he could not multiply motions in that way. He did attempt to make two motions: first, to reconsider the vote by which the House refused to order the bill to a third reading, and then he attempted also to make a motion (and it is probably so recorded) to reconsider the vote on agreeing to the substitute. Now, I make the point that it was not competent to make both motions at the same time; that the second motion to reconsider, even if he did make it, was not in order; and I think the Speaker intimated to him that but one motion to reconsider could be entertained at a time.

Mr. SINGLETON. I would be very glad to have the attention of the House for one moment.

Mr. BEEBE. I object to debate. The gentleman from Mississippi [Mr. SINGLETON] cannot proceed without unanimous consent, and we object.

The SPEAKER. There is objection to the gentleman from Mississippi speaking.

Mr. YOUNG, of Tennessee. I would like the Chair to rule on the question which I presented.

The SPEAKER. The Chair is advised that the Journal does not show that the gentleman's motion is recorded.

Mr. YOUNG, of Tennessee. Mr. Smith, the journal clerk, showed me the record of the Journal this evening.

The SPEAKER. The Chair is always bound to listen to the statements of gentlemen, but in a matter of this kind the record controls him; and the record does not show that the gentleman's motion, which he states he made, is recorded.

Mr. YOUNG, of Tennessee. The clerk read it to me from the record this evening. I conversed with him upon that subject.

Mr. BEEBE. Even if the gentleman had made that motion it does not take precedence of the motion to lay on the table.

The SPEAKER. The motion of the gentleman from Ohio [Mr. GARFIELD] is in order, and the Clerk will call the roll.

Mr. GARFIELD. If the House will give unanimous consent in order that we take a vote on the Senate bill—[Cries of "Regular order!"]

The SPEAKER. The gentleman from Ohio, as the Chair understands, rises to make a parliamentary inquiry. The Chair thinks he had better be heard.

Mr. BEEBE. I object to debate.

Mr. GARFIELD. I ask that by unanimous consent we may take a vote upon the passage of the Senate bill. [Cries of "Object!" "Object!"] Then I insist on my motion.

The question was taken on the motion of Mr. GARFIELD to lay the bill on the table; and there were—yeas 134, nays 100, not voting 56; as follows:

YEAS—134.

Aldrich,	Ballou,	Blackburn,	Brewer,
Atkins,	Banks,	Bouck,	Bridges,
Bacon,	Bayne,	Boyd,	Briggs,
Bagley,	Beebe,	Bragg,	Browne,
Baker, William H.	Benedict,	Brentano,	Buckner,

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Bundy,	Ellis,	Knott,	Shallenberger,
Burdick,	Errett,	Lapham,	Sinnickson,
Butler,	Evans, James L.	Lindsey,	Slemmons,
Cain,	Felton,	Lynde,	Smalls,
Camp,	Foster,	Mackey,	Smith, A. Herr
Candler,	Frye,	Majors,	Sparks,
Cannon,	Fuller,	Marsh,	Starin,
Carlisle,	Garfield,	Martin,	Stewart,
Caswell,	Gause,	Mayham,	Stone, John W.
Chittenden,	Giddings,	McCook,	Stone, Joseph C.
Clafin,	Glover,	McKenzie,	Strait,
Clarke of Kentucky,	Hale,	Mitchell,	Thompson,
Clark, Rush,	Hanna,	Muller,	Townsend, M. I.
Cobb,	Harris, Benj. W.	Norcross,	Turner,
Conger,	Hart,	O'Neill,	Waddell,
Cook,	Haskell,	Overton,	Wait,
Covert,	Hayes,	Page,	Ward,
Cox, Samuel S.	Hazelton,	Patterson, G. W.	Warner,
Culberson,	Hendee,	Pound,	Watson,
Cummings,	Hewitt, Abram S.	Price,	White, Harry
Danford,	Hubbell,	Pridemore,	White, Michael D.
Davis, Horace	Humphrey,	Rainey,	Williams, Andrew
Dean,	Hungerford,	Rea,	Williams, C. G.
Deering,	Hunter,	Rice, William W.	Williams, James
Denison,	Ittner,	Robinson, G. D.	Williams, Richard
Durham,	James,	Robinson, M. S.	Willis, Benj. A.
Dwight,	Keightley,	Ryan,	Wood.
Eden,	Kelley,	Sampson,	
Eickhoff,	Killinger,	Sexton,	

NAYS—100.

Aiken,	Elam,	Jones, John S.	Rice, America V.
Banning,	Evins, John H.	Keifer,	Robbins,
Bell,	Ewing,	Kenna,	Roberts,
Bliss,	Finley, Ebenezer B.	Kimmel,	Robertson,
Boone,	Finley, Jesse J.	Landers,	Ross,
Burchard,	Forney,	Lathrop,	Saylor,
Cabell,	Fort,	Ligon,	Scales,
Caldwell, John W.	Franklin,	Luttrell,	Shelley,
Caldwell, W. P.	Gardner,	Manning,	Singleton,
Calkins,	Garth,	McMahon,	Southard,
Chalmers,	Goode,	Metcalfe,	Springer,
Clark, Alvah A.	Gunter,	Mills,	Steele,
Clark of Missouri,	Hamilton,	Money,	Stenger,
Cole,	Hardenbergh,	Monroe,	Tipton,
Collins,	Harmer,	Morrison,	Townshend, R. W.
Crapo,	Harris, Henry R.	Morse,	Turney,
Cravens,	Harrison,	Muldrow,	Walker,
Crittenden,	Hartzell,	Neal,	Whitthorne,
Cutler,	Henderson,	Oliver,	Wigginton,
Davidson,	Henkle,	Patterson, T. M.	Williams, Jere N.
Davis, Joseph J.	Henry,	Phelps,	Willis, Albert S.
Dibrell,	Herbert,	Phillips,	Wilson,
Dickey,	Hooker,	Pugh,	Wright,
Dunnell,	House,	Reagan,	Yeates,
Eames,	Jones, Frank	Reilly,	Young, Casey.

NOT VOTING—56.

Acklen,	Evans, I. Newton	Lockwood,	Smith, William E.
Bailey,	Fleming,	Loring,	Stephens,
Baker, John H.	Freeman,	Maish,	Swann,
Beale,	Gibson,	McGowan,	Thornburgh,
Bicknell,	Harris, John T.	McKinley,	Throckmorton,
Blair,	Hatcher,	Morgan,	Townsend, Amos
Bland,	Hewitt, G. W.	Peddle,	Tucker,
Blount,	Hiscock,	Pollard,	Vance,
Bright,	Hunton,	Potter,	Van Vorhes,
Brogden,	Jones, James T.	Powers,	Veeder,
Campbell,	Jorgensen,	Randolph,	Walsh,
Clymer,	Joyce,	Reed,	Willits,
Cox, Jacob D.	Ketcham,	Riddle,	Wren,
Ellsworth,	Knapp,	Sapp,	Young, John S.

So the motion to lay the bill on the table was agreed to.

During the roll-call the following announcements were made:

Mr. VANCE. I am paired with the gentleman from Missouri, Mr. POLLARD.

Mr. BLAIR. I am paired with Mr. TUCKER, of Virginia.

Mr. CANNON, of Illinois. Mr. FREEMAN, of Pennsylvania, is paired with Mr. RIDDLE, of Tennessee.

Mr. HARRIS, of Virginia. My colleague, Mr. BEALE, is paired with Mr. HISCOCK, of New York.

Mr. TOWNSHEND, of Illinois. The gentleman from Missouri, Mr. POLLARD, is paired with the gentleman from North Carolina, Mr. VANCE.

Mr. ATKINS (who had voted "no") said: I change my vote to "ay" for the purpose of moving to reconsider.

The result of the vote was then announced as above recorded.

Mr. ATKINS. I move to reconsider the vote by which this bill has been laid upon the table.

Mr. BEEBE. And I move to lay the motion to reconsider on the table.

Mr. ATKINS. On that motion I call for the yeas and nays.

The yeas and nays were not ordered, only twenty-seven voting therefor.

The question being put on Mr. BEEBE's motion to lay the motion to reconsider on the table, there were—yeas 90, nays 58.

Mr. ATKINS. I call for tellers.

Tellers were ordered; and Mr. ATKINS and Mr. BEEBE were appointed.

Mr. GARFIELD. I ask that I may be allowed to have a resolution read for information.

Mr. EWING. I object.

The House again divided; and the tellers reported—yeas 115, nays 60.

So the motion to reconsider was laid on the table.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I now call up my resolution to suspend the rules and to proceed to the consideration of business on the Speaker's table.

Mr. SPRINGER. I rise to a question of privilege.

Mr. HARRIS, of Virginia. I demand the regular order, which is not debatable.

The SPEAKER. The Chair will listen to the gentleman from Illinois.

Mr. PAGE. I believe there is a message from the President on the Speaker's table, which is a question of privilege.

The SPEAKER. It will be reached by adopting this motion; technically it is there, but it must be reached.

Mr. SPRINGER. I am instructed by the Committee on Expenditures in the State Department to submit a report containing articles of impeachment against George F. Seward, late consul-general at China and now minister plenipotentiary to China, concluding with a resolution.

Mr. HARRIS, of Virginia. I insist upon my motion.

Mr. CONGER. I object to the presentation of that report.

Mr. HARRIS, of Virginia. We all know very well that if this motion is entertained there will be no business done between now and the 4th of March.

Mr. SPRINGER. I know no such thing.

Mr. HARRIS, of Virginia. I rise to a question of privilege, and it is whether my motion has not precedence over the motion of the gentleman from Illinois.

Mr. SPRINGER. The gentleman from Virginia means to insinuate that my object in making the motion is to delay business.

Mr. HARRIS, of Virginia. The gentleman may not be conscious of it, but that is the effect of his motion. [Laughter.]

Mr. SPRINGER. I have a duty to perform in this matter, and which I must perform.

The SPEAKER. The gentleman is not in order; the question of consideration is raised and it is not debatable.

Mr. SPRINGER. I call for the reading of the resolution accompanying the report.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That George F. Seward, late consul-general of the United States of America at Shanghai, China, and now envoy extraordinary and minister plenipotentiary of the United States of America to China, be impeached of high crimes and misdemeanors while in office.

Resolved, That a committee of seven members of this House be appointed and instructed to proceed immediately to the bar of the Senate, and there impeach George F. Seward, late consul-general of the United States at Shanghai, China, now envoy extraordinary and minister plenipotentiary of the United States of America to China, in the name of the House of Representatives, and of all the people of the United States of America, of high crimes and misdemeanors while in office, and to inform that body that formal articles of impeachment will in due time be presented, and to request the Senate to take such orders in the premises as they deem appropriate.

Resolved, That seven managers be appointed by the Speaker to conduct the impeachment exhibited against George F. Seward, late consul-general of the United States of America at Shanghai, China, and now envoy extraordinary and minister plenipotentiary of the United States of America to China, and that the foregoing articles of impeachment be adopted by the House and presented to the Senate by the said managers in maintenance and support of the impeachment for high crimes and misdemeanors in office, of the said George F. Seward.

The SPEAKER. The question is, whether the House will or will not proceed with the consideration of the privileged question. The gentleman from Virginia raises the question of consideration, and practically debate is not in order.

Mr. REAGAN. I do not know what question is involved in this report.

The SPEAKER. It is articles of impeachment presented by the gentleman from Illinois, under instruction from the Committee on Expenditures in the State Department, and the gentleman from Virginia [Mr. HARRIS] raises the question of consideration.

Mr. HARRIS, of Virginia. I do it with the view of going to the Speaker's table to dispose of the business there.

Mr. SPRINGER. I call for the yeas and nays upon the motion. I want to know whether this House will refuse to consider this matter now and dodge the question. [Loud cries of "Regular order."] I insist upon the yeas and nays on my motion.

The yeas and nays were ordered; forty-nine members voting therefor.

Mr. TURNER. What is the pending question?

The SPEAKER. The question is whether the House will proceed with the consideration of the question of privilege, which is a resolution to impeach a public officer.

Mr. HARRIS, of Virginia. And that is antagonized by my motion to go to the Speaker's table and pass the bills there.

The question was taken; and there were—yeas 109, nays 126, not voting 55; as follows:

YEAS—109.

Atkins,	Bragg,	Clark of Missouri,	Dean,
Banning,	Bridges,	Cobb,	Dibrell,
Boebe,	Cabell,	Collins,	Dickey,
Bell,	Caldwell, John W.	Cook,	Durham,
Benedict,	Candler,	Covert,	Eden,
Blackburn,	Carlisle,	Cox, Samuel S.	Elam,
Bliss,	Chalmers,	Cravens,	Ellis,
Boone,	Clark, Alvah A.	Davidson,	Evins, John H.
Bouck,	Clarke of Kentucky,	Davis, Joseph J.	Ewing,

Felton,	Hewitt, Abram S.	Morrison,	Stenger,
Finley, Ebenezer B.	House,	Muldrow,	Townsend, R. W.
Finley, Jesse J.	Jones, Frank	Muller,	Turner,
Forney,	Jones, James T.	Patterson, T. M.	Turney,
Franklin,	Kenna,	Phelps,	Waddell,
Fuller,	Killinger,	Rea,	Walker,
Garth,	Kimmel,	Reagan,	Warner,
Gause,	Knott,	Reilly,	Whitthorne,
Giddings,	Landers,	Rice, Americus V.	Wigington,
Glover,	Ligon,	Roberts,	Williams, Jere N.
Gunter,	Lynde,	Robertson,	Willis, Albert S.
Hamilton,	Mackey,	Ross,	Willis, Benj. A.
Hardenbergh,	Maish,	Scales,	Wilson,
Harris, Henry R.	Manning,	Singleton,	Wright,
Harrison,	Mayham,	Slemons,	Yeates,
Hart,	McKenzie,	Southard,	Young, Casey.
Hartzell,	McMahon,	Sparks,	
Henkle,	Mills,	Springer,	
Henry,	Money,	Steele,	

NAYS—126.

Aiken,	Cutler,	Jones, John S.	Robbins,
Aldrich,	Danford,	Jorgensen,	Robinson, G. D.
Bacon,	Davis, Horace	Keifer,	Robinson, M. S.
Bagley,	Deering,	Keightley,	Ryan,
Baker, William H.	Denison,	Kelley,	Sampson,
Ballou,	Dunnell,	Ketcham,	Sapp,
Banks,	Dwight,	Lapham,	Sexton,
Bayne,	Eames,	Lathrop,	Shallenberger,
Blair,	Errett,	Lindsey,	Shelley,
Boyd,	Evans, I. Newton	Luttrell,	Sinnickson,
Brentano,	Evans, James L.	Majors,	Smalls,
Brewer,	Foster,	Marsh,	Smith, A. Herr
Briggs,	Frye,	Martin,	Starin,
Browne,	Gardner,	McCook,	Stewart,
Buckner,	Garfield,	Mitchell,	Stone, John W.
Bundy,	Hale,	Monroe,	Stone, Joseph C.
Burchard,	Hanna,	Neal,	Strait,
Burdick,	Harmer,	Norcross,	Thompson,
Butler,	Harris, Benj. W.	Oliver,	Townsend, Amos
Cain,	Harris, John T.	O'Neill,	Townsend, M. I.
Camp,	Haskell,	Overton,	Wait,
Cannon,	Hayes,	Page,	Ward,
Caswell,	Hazelton,	Patterson, G. W.	Watson,
Chittenden,	Hendee,	Peddle,	White, Harry
Claffin,	Henderson,	Phillips,	White, Michael D.
Clark, Rush	Herbert,	Pound,	Williams, Andrew
Cole,	Hubbell,	Price,	Williams, C. G.
Conger,	Hunter,	Pridmore,	Williams, James
Crapo,	Humphrey,	Pugh,	Williams, Richard
Crittenden,	Hungerford,	Rainey,	Willits,
Culberson,	Ittner,	Randolph,	
Cummings,	James,	Rice, William W.	

NOT VOTING—55.

Acklen,	Eickhoff,	Lockwood,	Stephens,
Bailey,	Ellsworth,	Loring,	Swann,
Baker, John H.	Fleming,	McGowan,	Thornburgh,
Beale,	Fort,	McKinley,	Throckmorton,
Bicknell,	Freeman,	Metcalfe,	Tipton,
Bland,	Gibson,	Morgan,	Tucker,
Blount,	Goode,	Morse,	Vance,
Bright,	Hatcher,	Pollard,	Van Vorhes,
Brogden,	Hewitt, G. W.	Potter,	Veeder,
Caldwell, W. P.	Hiscock,	Powers,	Walsh,
Calkins,	Hooker,	Reed,	Wood,
Campbell,	Hunton,	Riddle,	Wren,
Clymer,	Joyce,	Saylor,	Young, John S.
Cox, Jacob D.	Knapp,	Smith, William E.	

So the House refused to consider the question of privilege.

During the roll-call the following announcements were made:

Mr. LOCKWOOD. I am paired with Mr. ELLSWORTH, of Michigan. If he were here, I would vote "ay."

Mr. MORSE. I am paired with Mr. MCKINLEY, of Ohio.

Mr. CALDWELL, of Tennessee. I am paired with Mr. MCGOWAN, of Michigan. If he were present, I would vote "ay."

Mr. VANCE. I am paired with Mr. POLLARD, of Missouri. If he were here, I would vote "ay."

Mr. TIPTON. On this question I am paired with my colleague, Mr. KNAPP. If he were present, I suppose that he would vote "ay;" I would vote "no."

Mr. CALKINS. On this question I am paired with Mr. HOOKER, of Mississippi. If he were present, I would vote "no."

Mr. METCALFE. I am paired with my colleague, Mr. BLAND. If he were present, I would vote "no."

Mr. HENDEE. My colleague, Mr. JOYCE, is at home sick.

Mr. HARRIS, of Virginia. I desire to state that my object in insisting—

The SPEAKER. Debate is not in order.

Mr. HARRIS, of Virginia. I know it is not, but I want to state that my object in going to the Speaker's table is for the purpose of bringing up a bill [cries of "Regular order!"] which gives the right of appeal from district courts to the circuit court of the United States, thus affording relief to people who are so much oppressed by inefficient district judges.

Mr. SPARKS. I object to debate.

Mr. HARRIS, of Virginia. I only want my friends to vote with a knowledge of what they are doing.

Mr. CANNON, of Illinois. I desire to announce the pair of Mr. FREEMAN, of Pennsylvania, with Mr. RIDDLE, of Tennessee.

Mr. GOODE. On this question I am paired with Mr. LORING, of Massachusetts.

Mr. KEIFER. Mr. VAN VORHES is paired with Mr. MORGAN, of Missouri.

The result of the vote was then announced as above stated.

Mr. CONGER. I move to reconsider the vote just taken; and also to lay that motion upon the table.

Mr. SPRINGER. If the gentleman makes that motion I shall call for the yeas and nays on it.

Mr. CONGER. I withdraw the motion.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. HARRIS, of Virginia. I now move to suspend the rules in order to proceed to business on the Speaker's table, under Rule 54.

Mr. EWING. I desire to inquire of the Chair how the gentleman from Virginia [Mr. HARRIS] gets the floor to move a suspension of the rules?

The SPEAKER. He gets the floor by the recognition of the Chair. [Laughter.]

Mr. EWING. I am first on the list.

The SPEAKER. The gentleman from Ohio [Mr. EWING] is first on the list of individual members. But the gentleman will notice that to-day the Chair has recognized only such members as were authorized by their committees to submit motions to suspend the rules.

Mr. EWING. The object of my inquiry was to ascertain whether the gentleman from Virginia [Mr. HARRIS] was authorized by any committee to make that motion.

Mr. HARRIS, of Virginia. The gentleman has no right to catechise the Speaker as to what authority he has to recognize any member he chooses.

Mr. EWING. I am not catechising the Speaker.

The SPEAKER. The Chair recognizes the gentleman from Virginia [Mr. HARRIS] because he submits a motion to suspend the rules in order to proceed to the consideration of business on the Speaker's table, where there rests a large number of bills of a public character.

Mr. EWING. The Chair announced that he would recognize— [Cries of "Regular order!"]

The SPEAKER. The Chair would prefer that the gentleman be allowed to make his statement.

Mr. EWING. The Chair announced that he would recognize gentlemen in the order in which they are on the book, unless a committee should instruct some gentleman to move a suspension of the rules.

The SPEAKER. The Chair has always reserved the right to recognize any motion to proceed to the consideration of public business.

Mr. EWING. The Chair did not make that reservation when he made the statement the other day.

The SPEAKER. The Chair has never made any other statement since he has been in the chair.

Mr. EWING. The Chair did not make that statement the other day.

The SPEAKER. The question is on the motion of the gentleman from Virginia, [Mr. HARRIS,] to suspend the rules for the purpose of proceeding to the consideration of business on the Speaker's table.

Mr. TOWNSHEND, of Illinois. Is it in order now to move that the House take a recess until to-morrow morning at ten o'clock?

The SPEAKER. Not pending a motion to suspend the rules.

Mr. TOWNSHEND, of Illinois. But before the motion is put to the House?

The SPEAKER. The Chair thinks not.

The question was taken upon the motion to suspend the rules; and upon a division there were—ayes 151, noes 20.

Mr. EDEN. Before the result of the vote is announced I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDEN. I desire to inquire if we proceed to business on the Speaker's table at this time under a suspension of the rules, will we proceed to that business with all the rights that are given us under the rules?

The SPEAKER. The motion is to proceed to the business under Rule 54, and all other rules applicable are reserved. It is a mere motion to suspend the rules in order to get to the Speaker's table; and every bill is subject to the other rules of the House.

Mr. COX, of New York. All points of order being reserved?

The SPEAKER. They are. Two-thirds having voted in favor thereof, the rules are suspended and the House will now proceed to the consideration of business upon the Speaker's table.

VETO OF THE CHINESE IMMIGRATION BILL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

After a very careful consideration of House bill No. 2423, entitled "An act to restrict the immigration of Chinese to the United States," I herewith return it to the House of Representatives, in which it originated, with my objections to its passage.

The bill, as it was sent to the Senate from the House of Representatives, was confined in its provisions to the object named in its title, which is that of "An act to restrict the immigration of Chinese to the United States." The only means adopted to secure the proposed object was the limitation on the number of Chinese passengers which might be brought to this country by any one vessel to fifteen, and as this number was not fixed in any proportion to the size or tonnage of the vessel or by any consideration of the safety or accommodation of these passengers, the simple purpose and effect of the enactment were to repress this immigration to an extent falling but little short of its absolute exclusion.

The bill, as amended in the Senate and now presented to me, includes an independent and additional provision which aims at, and in terms requires, the abrogation by this Government of articles 5 and 6 of the treaty with China, commonly called the Burlingame treaty, through the action of the Executive enjoined by this provision of the act.

The Burlingame treaty, of which the ratifications were exchanged at Peking, November 23, 1869, recites as the occasion and motive of its negotiation by the two governments that "since the conclusion of the treaty between the United States of America and the Ta Tsing Empire (China) of the 18th of June, 1858, circumstances have arisen showing the necessity of additional articles thereto," and proceeds to an agreement as to said additional articles. These negotiations, therefore, ending by the signature of the additional articles July 28, 1868, had for their object the completion of our treaty rights and obligations toward the government of China by the incorporation of these new articles as, thenceforth, parts of the principal treaty to which they are made supplemental. Upon the settled rules of interpretation applicable to such supplemental negotiations the text of the principal treaty and of these "additional articles thereto" constitute one treaty, from the conclusion of the new negotiations, in all parts of equal and concurrent force and obligation between the two governments, and to all intents and purposes as if embraced in one instrument.

The principal treaty, of which the ratifications were exchanged August 16, 1859, recites that "the United States of America and the Ta Tsing Empire desiring to maintain firm, lasting, and sincere friendship, have resolved to renew, in a manner, clear and positive, by means of a treaty or general convention of peace, amity, and commerce, the rules of which shall in future be mutually observed in the intercourse of their respective countries," and proceeds, in its thirty articles, to lay out a careful and comprehensive system for the commercial relations of our people with China. The main substance of all the provisions of this treaty is to define and secure the rights of our people in respect of access to, residence and protection in, and trade with China. The actual provisions in our favor, in these respects, were framed to be, and have been found to be, adequate and appropriate to the interests of our commerce, and by the concluding article we receive the important guarantee, "that should at any time the Ta Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favor connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty, such right, privilege, and favor shall at once freely inure to the benefit of the United States, its public officers, merchants, and citizens." Against this body of stipulations in our favor, and this permanent engagement of equality in respect of all future concessions to foreign nations, the general promise of permanent peace and good offices on our part seems to be the only equivalent. For this the first article undertakes as follows: "There shall be, as there have always been, peace and friendship between the United States of America and the Ta Tsing Empire, and between their people respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings."

At the date of the negotiation of this treaty our Pacific possessions had attracted a considerable Chinese emigration, and the advantages and the inconveniences felt or feared therefrom had become more or less manifest, but they dictated no stipulations on the subject to be incorporated in the treaty. The year 1868 was marked by the striking event of a spontaneous embassy from the Chinese Empire, headed by an American citizen, Anson Burlingame, who had relinquished his diplomatic representation of his own country in China to assume that of the Chinese Empire to the United States and the European nations. By this time the facts of the Chinese immigration and its nature and influences, present and prospective, had become more noticeable and were more observed by the population. Immediately affected and by this Government. The principal feature of the Burlingame treaty was its attention to and its treatment of the Chinese immigration and the Chinese as forming, or as they should form, a part of our population. Up to this time our unconvincing hospitality to immigration, our fearless liberality of citizenship, our equal and comprehensive justice to all inhabitants, whether they abjured their foreign nationality or not, our civil freedom and our religious toleration had made all comers welcome, and under these protections the Chinese in considerable numbers had made their lodgment upon our soil.

The Burlingame treaty undertakes to deal with this situation, and its fifth and sixth articles embrace its most important provisions in this regard and the main stipulations in which the Chinese government has secured an obligatory protection of its subjects within our territory. They read as follows:

"ARTICLE V.

"The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purpose of curiosity, of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

"ARTICLE VI.

"Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States."

An examination of these two articles in the light of the experience then influential in suggesting their "necessity" will show that the fifth article was framed in hostility to what seemed the principal mischief to be guarded against, to wit, the introduction of Chinese laborers by methods which should have the character of a forced and servile importation, and not of a voluntary emigration of freemen seeking our shores upon motives and in a manner consonant with the system of our institutions and approved by the experience of the nation. Unquestionably the adhesion of the government of China to these liberal principles of freedom in emigration, with which we were so familiar and with which we were so well satisfied, was a great advance toward opening that empire to our civilization and religion, and gave promise in the future of greater and greater practical results in the diffusion throughout that great population of our arts and industries, our manufactures, our material improvements, and the sentiments of government and religion which seem to us so important to the welfare of mankind. The first clause of this article secures this acceptance by China of the American doctrine of free migration to and from among the peoples and races of the earth.

The second clause, however, in its reprobation of "any other than entirely voluntary emigration" by both the high contracting parties, and in the reciprocal obligations whereby we secured the solemn and unqualified engagement on the part of the government of China "to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country without their free and voluntary consent" constitutes the great force and value of this article. Its importance both in principle and in its practical service toward our protection against servile importation in the guise of immigration cannot be overestimated. It commits the Chinese government to active and efficient measures to suppress this iniquitous system

where those measures are most necessary and can be most effectual. It gives to this Government the footing of a treaty right to such measures and the means and opportunity of insisting upon their adoption and of complaint and resentment at their neglect. The fifth article, therefore, if it fall short of what the pressure of the later experience of our Pacific States may urge upon the attention of this Government as essential to the public welfare seems to be in the right direction and to contain important advantages which once relinquished cannot be easily recovered.

The second topic which interested the two governments under the actual condition of things which prompted the Burlingame treaty was adequate protection under the solemn and definite guarantees of a treaty of the Chinese already in this country and those who should seek our shores. This was the object and forms the subject of the sixth article, by whose reciprocal engagement the citizens and subjects of the two governments, respectively, visiting or residing in the country of the other are secured the same privileges, immunities, or exemptions there enjoyed by the citizens or subjects of the most favored nations. The treaty of 1858, to which these articles are made supplemental, provides for a great amount of privilege and protection, both of person and property, to American citizens in China, but it is upon this sixth article that the main body of the treaty rights and securities of the Chinese already in this country depends. Its abrogation, were the rest of the treaty left in force, would leave them to such treatment as we should voluntarily accord them by our laws and customs. Any treaty obligation would be wanting to restrain our liberty of action toward them, or to measure or sustain the right of the Chinese government to complain or redress in their behalf.

The lapse of ten years since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners and customs, habitations, mode of life, and segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject, as dealt with by the Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition, in renewed negotiations, of the difficulties surrounding this political and social problem. It may well be that, to the apprehension of the Chinese government, no less than our own simple provisions of the Burlingame treaty may need to be replaced by more careful methods, securing the Chinese and ourselves against a larger and more rapid infusion of this foreign race than our system of industry and society can take up and assimilate with ease and safety. This ancient government, ruling a polite and sensitive people, distinguished by a high sense of national pride, may properly desire an adjustment of their relations with us, which would in all things confirm, and in no degree endanger, the permanent peace and amity and the growing commerce and prosperity, which it has been the object and the effect of our existing treaties to cherish and perpetuate.

I regard the very grave discontents of the people of the Pacific States with the present working of the Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the people of the whole country and a solicited interest on the part of Congress and the Executive. If this were not my own judgment, the passage of this bill by both Houses of Congress would impress upon me the seriousness of the situation, when a majority of the representatives of the people of the whole country had thought fit to justify so serious a measure of relief.

The authority of Congress to terminate a treaty with a foreign power by expressing the will of the nation no longer to adhere to it, is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President, by and with the advice and consent of the Senate, as shown by the concurrence of two-thirds of that body. A denunciation of a treaty by any Government is, confessedly, justifiable only upon some reason both of the highest justice and of the highest necessity. The action of Congress in the matter of the French treaties, in 1798, if it be regarded as an abrogation by this nation of a subsisting treaty, strongly illustrates the character and degree of justification which was then thought suitable to such a proceeding. The preamble of the act recites that "the treaties concluded between the United States and France have been repeatedly violated on the part of the French government, and the just claims of the United States for reparation of the injuries so committed have been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity;" and that "under authority of the French government there is yet pursued against the United States a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation."

The enactment, as a logical consequence of these recited facts, declares "that the United States are of right freed and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

The history of the Government shows no other instance of an abrogation of a treaty by Congress.

Instances have sometimes occurred where the ordinary legislation of Congress has, by its conflict with some treaty obligation of the Government toward a foreign power, taken effect as an infraction of the treaty, and been judicially declared to be operative to that result. But neither such legislation nor such judicial sanction of the same has been regarded as an abrogation, even for the moment, of the treaty. On the contrary, the treaty in such case still subsists between the Governments, and the casual infraction is repaired by appropriate satisfaction in maintenance of the treaty.

The bill before me does not enjoin upon the President the abrogation of the entire Burlingame treaty, much less of the principal treaty of which it is made the supplement. As the power of modifying an existing treaty, whether by adding or striking out provisions, is a part of the treaty-making power under the Constitution, its exercise is not competent for Congress, nor would the assent of China to this partial abrogation of the treaty make the action of Congress, in thus procuring an amendment of a treaty, a competent exercise of authority under the Constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty, not made by the terms of the treaty itself separable from the rest, is a denunciation of the whole treaty. As the other high contracting party has entered into no treaty obligations except such as include the part denounced, the denunciation by one party of the part necessarily liberates the other party from the whole treaty.

I am convinced that, whatever urgency might in any quarter or by any interest be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protection. Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new features of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I cannot but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country.

I have no occasion to insist upon the more general considerations of interest and

duty which sacredly guard the faith of the nation in whatever form of obligation it may have been given. These sentiments animate the deliberations of Congress and pervade the minds of our whole people. Our history gives little occasion for any reproach in this regard, and in asking the renewed attention of Congress to this bill I am persuaded that their action will maintain the public duty and the public honor.

EXECUTIVE MANSION, March 1, 1879.

R. B. HAYES.

An act to restrict the immigration of Chinese to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no master of any vessel owned in whole or in part by a citizen of the United States or by a citizen of any foreign country, shall take on board such vessel, at any port or place within the Chinese Empire, or at any other foreign port or place whatever, any number exceeding fifteen Chinese passengers, whether male or female, with the intent to bring such passengers to the United States, and leave such port or place and bring such passengers to any number exceeding fifteen on one voyage within the jurisdiction of the United States: *Provided,* That this section shall not apply to any master of a vessel seeking a harbor in stress of weather.

SEC. 2. That whenever the master or other person in charge of any such vessel takes on board the same, at any foreign port or place, any greater number of Chinese passengers than is prescribed in the first section of this act, with intent to bring such passengers to the United States, and leave such port or place and brings such passengers to any number exceeding fifteen on one voyage within the jurisdiction of the United States, he shall be deemed guilty of a misdemeanor, and shall, for each passenger so taken on board and brought within the jurisdiction of the United States exceeding the number of fifteen, be fined one hundred dollars, and may also be imprisoned for not exceeding six months.

SEC. 3. That the master of any vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the vessel pursuant to law, shall, in addition to the other matters required to be reported by law, deliver and report to the collector of the district in which such vessel shall arrive a separate list of all Chinese passengers taken on board the vessel at any foreign port or place, and of all such passengers on board the vessel at that time; such list shall be sworn to by the master in the same manner as directed by law in relation to the manifest of the cargo; and the refusal or neglect of the master to comply with the provisions of this section shall receive the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 4. That the amount of the several penalties imposed by the foregoing provisions shall be in liens on the vessels violating those provisions; and such vessels shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive.

SEC. 5. That nothing herein contained shall be held to repeal or modify any law forbidding the importation of coolies, or of females for immoral purposes, into the United States: *Provided,* That no consul or consular agent of the United States residing at any port from which any vessel taking Chinese passengers may take her departure shall grant the certificate provided for in section twenty-one hundred and sixty-two of the Revised Statutes for more than fifteen Chinese passengers on any one vessel.

SEC. 6. That this act shall not apply to persons officially connected with the Chinese government, or any embassy thereof, or to persons rescued from shipwreck during the voyage of and by the vessel bringing the same within the jurisdiction of the United States, or to persons who may only seek a temporary residence for educational purposes, and who shall have a certificate from the Chinese government for that purpose.

SEC. 7. That this act shall take effect from and after the first day of July, eighteen hundred and seventy-nine. And the President of the United States shall immediately on the approval of this act give notice to the government of China of the abrogation of articles five and six of the additional articles to the treaty of June eighteenth, eighteen hundred and fifty-eight, between the United States and China, proclaimed February fifth, eighteen hundred and seventy, commonly called the Burlingame treaty.

SAM. J. RANDALL,

Speaker of the House of Representatives.

W. A. WHEELER,

Vice-President of the United States and President of the Senate.

The SPEAKER. The question is, Will the House on reconsideration pass this bill, notwithstanding the objections of the President? Mr. WILLIS, of Kentucky. I move the previous question.

Mr. BUTLER. I ask leave to have printed in the RECORD some remarks on this message.

The SPEAKER. The Chair hears no objection.

Mr. McKENZIE. I hope that general consent will be given.

Mr. WILLIS, of Kentucky. I ask that general consent be given to print remarks on this subject.

The SPEAKER. The gentleman from Kentucky asks that such members as may desire it shall have leave to print in the RECORD remarks on the subject of this veto message. The Chair hears no objection.

The previous question was seconded and the main question ordered. Mr. TOWNSEND, of New York. I call for the yeas and nays.

The SPEAKER. The Constitution requires that this question be taken by yeas and nays.

The question was taken; and there were—yeas 110, nays 96, not voting 84; as follows:

YEAS—110.

Atkins,	Cook,	Finley, Ebenezer B. Herbert,
Banning,	Covert,	Finley, Jesse J. House,
Bayne,	Cox, Samuel S. Forney,	Hubbell,
Beebe,	Cravens,	Fort,
Bell,	Crittenden,	Foster,
Blackburn,	Culbertson,	Garth,
Boone,	Davis, Horace Gause,	Kenna,
Brentano,	Davis, Joseph J. Giddings,	Kimmel,
Bridges,	Deering,	Knott,
Butler,	Dibrell,	Goode,
Cabell,	Dickoy,	Gunter,
Caldwell, John W. Durham,	Eden,	Hale,
Carlisle,	Eickhoff,	Hamilton,
Chalmers,	Elam,	Harmer,
Clarke of Kentucky,	Errett,	Hartzell,
Clark of Missouri,	Evans, I. Newton Hayes,	Marsh,
Cobb,	Evins, John H. Hazleton,	Martin,
Cole,	Henkle,	Mayham,
Collins,	Ewing,	McKenzie,
		McMahon,

Mills,	Reilly,	Slemons,	Whitthorne,
Money,	Rice, Americus V.	Southard,	Wigginton,
Muldrow,	Robertson,	Sparks,	Williams, Jere N.
Muller,	Ross,	Steele,	Williams, Richard
Neal,	Saylor,	Stenger,	Willis, Albert S.
Page,	Scales,	Townshend, E. W.	Wright,
Patterson, T. M.	Shallenberger,	Turner,	Yeates.
Rea,	Singleton,	Walker,	
Reagan,			

NAYS—96.

Aldrich,	Danford,	Killinger,	Sampson,
Bacon,	Denison,	Landers,	Sexton,
Bagley,	Dunnell,	Lapham,	Sinnickson,
Baker, William H.	Dwight,	Lathrop,	Smalls,
Ballou,	Eames,	Lindsey,	Smith, A. Herr
Banks,	Evans, James L.	McCook,	Statin,
Blair,	Frye,	Mitchell,	Stewart,
Bliss,	Gardner,	Monroe,	Stone, John W.
Boyd,	Garfield,	Morse,	Stone, Joseph C.
Brewer,	Hardenbergh,	Norcross,	Strait,
Briggs,	Harris, Benj. W.	Oliver,	Thompson,
Browne,	Harris, Henry R.	Overton,	Townsend, Amos
Bundy,	Harris, John T.	Patterson, G. W.	Townsend, M. I.
Burchard,	Henderson,	Peddie,	Waddell,
Burdick,	Hewitt, Abram S.	Phelps,	Wait,
Camp,	Hunter,	Phillips,	Ward,
Candler,	Humphrey,	Price,	Warner,
Cannon,	Hungerford,	Pridemore,	Watson,
Caswell,	Ittner,	Pugh,	White, Harry
Clark, Rush	James,	Rainey,	White, Michael D.
Conger,	Jones, John S.	Randolph,	Williams, Andrew
Crapo,	Keifer,	Rice, William W.	Williams, C. G.
Cummings,	Kelley,	Robinson, G. D.	Williams, James
Cutler,	Ketcham,	Robinson, M. S.	Willis, Benj. A.

NOT VOTING—84.

Acklen,	Clymer,	Hanton,	Roberts,
Aiken,	Cox, Jacob D.	Joyce,	Ryan,
Bailey,	Davidson,	Keightley,	Sapp,
Baker, John H.	Dean,	Knapp,	Smith, William E.
Beale,	Ellis,	Lockwood,	Springer,
Benedict,	Ellsworth,	Loring,	Stephens,
Bieknell,	Felton,	Lynde,	Swann,
Bland,	Fleming,	Mackey,	Thornburgh,
Blount,	Franklin,	McGowan,	Throckmorton,
Bouck,	Freeman,	McKinley,	Tipton,
Bragg,	Fuller,	Metcalfe,	Tucker,
Bright,	Gibson,	Morgan,	Vance,
Brogden,	Hanna,	Morrison,	Van Vorhes,
Buckner,	Harrison,	O'Neill,	Veeder,
Cain,	Hart,	Polkard,	Walsh,
Caldwell, W. P.	Haskell,	Potter,	Willits,
Calkins,	Hatcher,	Pound,	Wilson,
Campbell,	Hendee,	Powers,	Wood,
Chittenden,	Hewitt, G. W.	Reed,	Wren,
Clafin,	Hiscock,	Riddle,	Young, Casey
Clark, Alvah A.	Hooker,	Robbins,	Young, John S.

During the roll-call the following announcements were made:

Mr. CALDWELL, of Tennessee. I am paired with Mr. MCGOWAN.

If he were present, he would vote "no" and I would vote "ay."

Mr. ROBBINS. I am paired with Mr. HANNA.

Mr. ROBERTS. I am paired with Mr. WALSH.

Mr. ATKINS. I wish to announce that Mr. BLOUNT, Mr. CLYMER,

and Mr. BAKER, of Indiana, are absent on conference committees.

Mr. WILSON. I am paired with Mr. WREN.

Mr. DAVIDSON. I am paired with Mr. KEIGHTLEY. If he were

present, I would vote "ay" and I presume he would vote "no."

Mr. CALKINS. I am paired with Mr. HOOKER. If he were present,

I would vote "ay."

Mr. CLAFLIN. I am paired with Mr. LORING.

Mr. O'NEILL. I am paired with Mr. ELLIS. If he were present, I

would vote "no" and he would vote "ay." I wish also to announce

that my colleague, Mr. FREEMAN, is paired with Mr. RIDDLE.

Mr. BUCKNER. I am paired with Mr. CHITTENDEN.

Mr. TOWNSEND, of Ohio. Mr. MCKINLEY is paired with Mr. MORSE

on questions generally, but on this question both would vote "no."

Mr. MORSE. I vote "no."

Mr. HASKELL. I am paired with Mr. RYAN. If he were here, I

would vote "ay."

Mr. TIPTON. I am paired with my colleague, Mr. KNAPP. If he

were present, I would vote "ay."

Mr. HANNA. I am paired with Mr. ROBBINS.

Mr. METCALFE. I am paired with Mr. BLAND.

Mr. BEEBE. My colleague, Mr. LOCKWOOD, is paired with Mr.

ELLSWORTH.

Mr. SPRINGER moved by unanimous consent that the reading of

the names be dispensed with.

Objection was made.

The vote was then announced as above recorded.

The SPEAKER. As required by the Constitution, two-thirds not

having voted in the affirmative, the bill is rejected.

POTTAWATOMIE INDIANS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, relative to certain stocks belonging to the Pottawatomie Indians; which was referred to the Committee on Indian affairs, and ordered to be printed.

KISKIMINETAS AND CONEMAUGH RIVERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Major William E. Merrill, Corps of Engineers, of the results of the examination of the Kiski-

minetas and Conemaugh Rivers, Pennsylvania; which was referred to the Committee on Commerce, and ordered to be printed.

CANEEY FORK RIVER, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Captain W. R. King, Corps of Engineers, of the results of investigation of Caney Fork River and Obies River, Tennessee, and of the survey of the Cumberland River, Kentucky; which was referred to the Committee on Commerce, and ordered to be printed.

FEES OF DISTRICT ATTORNEYS.

The next business was the bill (H. R. No. 3124) to amend section 824 of the Revised Statutes of the United States, returned from the Senate with amendments; which were read, as follows:

Add at the end of the bill:

"Provided, however, That informations shall not be filed in such cases except when the accused has been committed in default of bail, or is under a recognizance for his appearance to answer for crimes charged in the information."

Amend the title so as to read:

"An act to amend section 824 of the Revised Statutes of the United States relative to fees of district attorneys."

Mr. HERBERT. Mr. Speaker, that bill places indictments and informations upon the same footing. Its effect is to give to district attorneys the same fees for convictions under information as for convictions under indictment. It is an encouragement to the district attorneys to dispense as far as possible with grand juries, to do away with the protection which grand juries afford to the citizens, and pay them for resorting to information. In these days when affidavits can be hired to be made for a penny apiece, by the bushel, it seems to me that we ought not to pass such a bill, and I therefore move to lay the bill and amendments on the table.

The motion was agreed to.

Mr. HERBERT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPERVISORY JURISDICTION OF CIRCUIT COURTS.

The next business on the Speaker's table was the bill (H. R. No. 5065) to give circuit courts supervisory jurisdiction in certain criminal cases, with amendments by the Senate.

The amendments of the Senate were read.

Mr. HANNA. This is a bill which it seems to me every lawyer that practices in circuit courts should take an interest in and favor its passage.

Mr. HARRIS, of Virginia. I move to concur in the Senate amendments.

The motion was agreed to.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITE, of Pennsylvania, (at eleven o'clock and fifty-five minutes p. m.) I move that the House do now adjourn. It is now almost Sunday morning.

The SPEAKER. The Chair would advise the gentleman from Pennsylvania that it is desirable that the House, before adjourning or taking a recess, should receive from the Senate the sundry civil bill.

Mr. WHITE, of Pennsylvania. I withdraw the motion.

ACKNOWLEDGMENT OF DEEDS, ETC.

The next business on the Speaker's table was the bill (H. R. No. 1651) to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal, made in a foreign country, for lands lying in the District of Columbia, and the records thereof, with amendments by the Senate.

The amendments of the Senate were read.

Mr. FRYE. This bill was unanimously reported by the Judiciary Committee of the House, unanimously passed the House, went to the Senate, and has been amended by the Senate in certain particulars. I have examined the amendments, the bill having been under my charge when it passed the House, and I find they are only put in for the protection of innocent parties. The bill simply provides to make valid certain acknowledgments of deeds made in foreign countries. The amendments are all right. I move that they be concurred in.

The amendments of the Senate were concurred in.

Mr. FRYE moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. SAMPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 362) granting a pension to A. G. Ege;

An act (S. No. 399) granting a pension to Abigail S. Tilton;

An act (S. No. 663) granting a pension to William H. H. Back;

An act (S. No. 687) granting a pension to William H. Bagley;

An act (S. No. 801) to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys;

An act (S. No. 872) granting a pension to Mrs. Ann W. Steele;
 An act (S. No. 889) granting a pension to John Etzell;
 An act (S. No. 989) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands;
 An act (S. No. 929) granting a pension to Hiram Howard;
 An act (S. No. 932) granting a pension to Cornelius Le Roy;
 An act (S. No. 969) granting a pension to Mrs. N. E. Belrichards;
 An act (S. No. 971) granting a pension to William Liebig;
 An act (S. No. 996) granting a pension to Edmund Woog;
 An act (S. No. 1040) granting a pension to Richard Middleton;
 An act (S. No. 1073) granting lands to the State of Minnesota in lieu of certain lands heretofore granted to said State;
 An act (S. No. 1163) granting a pension to Mary E. Parker;
 An act (S. No. 1188) granting a pension to Harmon Vann;
 An act (S. No. 1189) granting a pension to Ellen Devlin;
 An act (S. No. 1214) granting a pension to Amos Argle;
 An act (S. No. 1285) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872;
 An act (S. No. 1309) granting an increase of pension to Isabella H. Silvey;
 An act (S. No. 1310) granting a pension to Edmund R. Batchelder;
 An act (S. No. 1350) granting a pension to Josiah Kellogg;
 An act (S. No. 1419) granting a pension to Mrs. Rosa Gale;
 An act (S. No. 1509) granting a pension to John Willans;
 An act (S. No. 1625) to remove the political disabilities of William T. Welcker, of California;
 An act (S. No. 1705) granting an increase of pension to James C. Daggett;
 An act (S. No. 1723) granting arrears of pension to Mrs. Jane Dulaney;
 An act (S. No. 1741) granting a pension to Elizabeth McNeil Benham;
 An act (S. No. 1742) granting a pension to Frances McNeil Potter;
 An act (S. No. 1848) granting an increase of pension to Charles C. Smith;
 An act (S. No. 1759) granting a pension to Sarah E. Webb and minor children;
 An act (S. No. 1775) to remove the political disabilities of Isaac R. Trimble, of Baltimore County, Maryland;
 An act (S. No. 1776) to remove the political disabilities of Henry H. Lewis, of Baltimore, Maryland;
 An act (S. No. 1841) granting a pension to John McNulta; and
 An act (S. No. 1844) to remove the political disabilities of S. W. Ferguson, of Mississippi.

GEORGE F. SEWARD.

Mr. SPRINGER. I rise to a question of privilege. I desire to submit the report of the Committee on Expenditures in the State Department in reference to the impeachment of George F. Seward.

Mr. GARFIELD. I make the point of order that the House is now executing an order made under the suspension of the rules.

Mr. SPRINGER. This is a privileged question.

Mr. GARFIELD. And that order of the House is unexecuted. We are proceeding under a suspension of the rules, which can only be interfered with by appropriation bills.

Mr. BUTLER. I have a further point of order. By a resolution of the House all the evidence and papers in relation to Mr. Seward were referred to the Judiciary Committee, and there is nothing before the Committee on Expenditures in the State Department on which they can report. I will read the resolution of the House:

Resolved, That the answer of George F. Seward in response to the order voted by the House and issued by the Speaker, requiring him to show cause why he should not be declared in contempt, and all evidence and papers appertaining thereto, together with the reports of the committee, be referred to the Committee on the Judiciary, with instructions to report as early as practicable what action, in their judgment, should be taken by the House in relation thereto.

And I suppose, Mr. Speaker, that that was done advisedly because no resolutions of impeachment have ever been presented to the House of Representatives that did not come from the Judiciary Committee of that House.

Mr. SPRINGER. I beg the gentleman's pardon; Andrew Johnson was impeached under a report from the Committee on Reconstruction.

Mr. BUTLER. Pardon me; that was done under a resolution of the Judiciary Committee.

Mr. MAYHAM. The resolution reported yesterday, which the gentleman from Massachusetts has read, only related to an interlocutory proceeding.

Mr. BUTLER. In accordance with that resolution all the evidence is in our committee—the Committee on the Judiciary. All the reports of the Committee on Expenditures in the State Department in reference to this matter are in our committee. We have not yet reported back and cannot do so while the gentleman from Illinois attempts to occupy the floor all the time. I ask the gentleman from Illinois, will he answer me a question: whether to-day the Committee on Expenditures in the State Department have not been considering this question on the evidence before that committee during the session of the House?

Mr. SPRINGER. The committee has been in session to-day; yes, sir.

Mr. BUTLER. With everything pertaining to this case in our committee by order of the House, what have you to consider?

Mr. SPRINGER. The only evidence referred to the Judiciary Committee was that with reference to the non-production of books. That was the only thing before the House and the only thing to which the resolution referred, as to the the contumacy of the witness.

Mr. BUTLER. Read the record. The language of the resolution is "all evidence and papers appertaining thereto."

Mr. MAYHAM. Appertaining to what?

Mr. BUTLER. Appertaining to—

The answer of George F. Seward in response to the order voted by the House, and issued by the Speaker, requiring him to show cause.

And the reports of the committee were also by the same resolution referred to the Committee on the Judiciary.

Mr. MAYHAM. Mr. Seward was required to appear before the House and to show cause why he refused to obey the committee in producing certain books. That was the only question before the House, and that was the only question submitted to the Judiciary Committee. All that related thereto, that is to his contumacy, was referred to the Committee on the Judiciary.

But, independent of that, Mr. Speaker, the Committee on Expenditures in the State Department have gone forward with the evidence before them and have presented a report to this House by which Mr. Seward stands upon the judgment of the committee impeached. That report does not raise a question as to the production of books; and the gentleman from Massachusetts is entirely mistaken when he supposes the report made to this House yesterday related to anything but the contumacy of the witness, Mr. Seward.

Mr. BUTLER. One word further. By what right did the Committee on Expenditures in the War Department sit during the session of the House?

Mr. MAYHAM. By an order of the House?

Mr. BUTLER. Was the committee authorized to sit to-day?

Mr. MAYHAM. Certainly it was. We had authority given to us long since to sit in the vacation by order of the House.

Mr. BUTLER. Is it a vacation to-day? [Laughter.]

Mr. MAYHAM. We had authority to sit during the sessions of the House, and that committee had jurisdiction of this case and it would hardly do for the gentleman to say that a committee having authority from the House to investigate the expenditures in the State Department, and especially the conduct and the charges preferred against Mr. Seward, was not sitting in strict conformity with the order of the House in the matter, but I can inform the gentleman from Massachusetts what the proposition is. He does not know that this committee had decided before any contumacy had been shown by this witness to introduce articles of impeachment against him.

Mr. BUNDY. I desire to be heard in respect to the report last made by the gentleman from New York. I now hear for the first time that any action was ever taken in that committee to bring up articles of impeachment against Mr. Seward.

Mr. MAYHAM. If the gentleman will allow me, I will state that I am informed by the chairman of the committee that no final action was taken on the subject until to-day, and therefore I withdraw that part of the statement.

Mr. BUNDY. The gentleman should go further. The only time when the committee or a majority of the committee came together, having any purpose to present articles of impeachment, was not until to-day.

Mr. SPRINGER. I beg the gentleman's pardon. I appeal to the gentleman from Pennsylvania [Mr. BAYNE] to know if the committee did not determine to bring in articles of impeachment before to-day, and the gentleman from New York failed to be present and to vote on them. The gentleman from Kentucky [Mr. TURNER] was there, and will bear me out in the assertion which I have just made.

Mr. BUNDY. Now, sir, I was present in the committee when this matter was considered, and when the only vote to present these charges was taken the gentleman from Kentucky was not present.

Mr. TURNER. The gentleman is entirely mistaken; I was there.

Mr. SPRINGER. I invited the gentleman to be there.

Mr. TURNER. Yes; and I was there, and the gentleman is greatly mistaken when he says I was not.

Mr. WADDELL. I object to any further debate between these gentlemen.

Mr. FRANKLIN. I suggest that they should go into the lobby and settle the matter.

Mr. BUNDY. I was in error when I said the gentleman from Kentucky [Mr. TURNER] was not present when the vote was taken; but I say this, that when the only effort or attempt was made to read the charges the gentleman from Kentucky was not present to my recollection, but when the vote was taken formally he was present; and the gentleman from Kentucky is unquestionably and entirely right about that.

One word further. Here is a report that will take half an hour to read. I waive the formal reading of the report. The first intimation I had of this proceeding was the brief statement of seventeen charges for impeachment [laughter] as late as six o'clock this evening. The minority of the committee have had no time to prepare a report expressing their views as they desired to do.

Mr. MAYHAM. I desire to ask the gentleman a question. I do not desire to invade the sanctity or disclose the secrets of the com-

mittee-room; but I desire to ask him if he did not state that the minority would make no formal report, but that they would offer a resolution as an amendment when the report of the majority was made?

Mr. BUNDY. I will answer that question. The chairman of the committee proposed in the committee—and it is divulging no secret of the committee to say that his proposition was to present the report and have it lie over until Monday. That was my understanding. I understood the chairman to state that it was not his purpose to have action upon the report to-day, but that he would only submit the resolution to-day and ask that the report be printed and go over until Monday next, and then the minority could consider whether they would bring in a formal minority report.

Mr. TURNER. If the gentleman will allow me, I will state in reply to what he has said—

Mr. BUNDY. I cannot yield to the gentleman. The statement of the gentleman from Kentucky was, perhaps, precisely right, but it does not differ in substance from mine. I understand him to ask me if the chairman did not propose that if it was the desire of the majority that their report should go over until Monday to enable the minority to prepare a report, that he would agree to that arrangement. Perhaps upon that point the gentleman from Kentucky is right.

Mr. SPRINGER. My only explanation to the House for the late hour at which this report is brought in is this, and I will state it to the House as briefly as possible: Mr. Seward has been represented before the committee by counsel speaking for him, and the committee have granted him every request that he has made by his counsel speaking for him.

Mr. BAYNE. I rise to a point of order. The gentleman is not speaking to the point of order.

The SPEAKER. The gentleman from Illinois must confine himself to the point of order.

Mr. SPRINGER. I will confine myself to the point of order. My colleagues on the committee have assured me time and again that they would make no opposition whatever to final action by the House on this matter.

Mr. TOWNSEND, of New York. Sue them for breach of promise. [Laughter.]

Mr. SPRINGER. I will let the gentleman who is to be one of the United States district attorneys do the suing.

Mr. TOWNSEND, of New York. That is for criminal business.

Mr. SPRINGER. The gentleman is going into the legal business now, as he will soon cease to be a member of Congress. We have endeavored by every means in our power to obtain action in this matter. We have granted Mr. Seward all the time he asked, and the minority of the committee told us that they would offer no opposition to final action being taken by this House if there was proper delay; and now they come in here and say that we have not dealt fairly with them. I appeal to my colleague of the republican party on the committee to state whether every opportunity has not been given to Mr. Seward during this investigation to be heard by himself or his counsel.

Mr. BUNDY. May I ask the gentleman from Illinois a question?

Mr. SPRINGER. I have asked you a question, and I want an answer. Is it not true that Mr. Seward has been given every opportunity during this investigation to have a fair and impartial hearing?

Mr. BUNDY. Do I understand the gentleman from Illinois to ask me that question to be answered now?

Mr. SPRINGER. I want it answered now.

Mr. BUNDY. I answer most cheerfully in the affirmative; that the chairman of the committee has shown every courtesy and all the kindness which his heart seems so full of. And now I ask, when the gentleman from Kentucky, [Mr. TURNER,] rising in his place here, says that the minority were to have until Monday to prepare their report if they choose—

Mr. TURNER. Let me correct the gentleman.

Mr. BUNDY. What is the correction?

Mr. TURNER. I said that the chairman asked the gentlemen if they wanted time, and said that if they did he would give it to them.

Mr. SPRINGER. I have no desire to take any advantage of the gentleman. I went to my colleague on the committee, the gentleman from New York, [Mr. BUNDY,] this evening just after the House assembled, and said to him that on the first opportunity I should call this matter up. He made no opposition whatever to it. If he had said to me that he wanted to bring in a minority report, I would have given him time to prepare it; but he said he did not want to.

It is not disputed by the minority of the committee that the facts are substantially as alleged in the report, but they deny the legal conclusions to which the majority of the committee have arrived. I only ask this House to pass upon this question upon its merits, and then I will have discharged my duty. I now ask that the report be read.

Mr. GARFIELD. I refer the Speaker again to the point of order which I raised.

The SPEAKER. What is the point of order? The gentleman will state it again.

Mr. GARFIELD. The point of order is that the House is now acting under an order adopted under a suspension of the rules, which order directed us to proceed to the consideration of business upon the

Speaker's table. That order is unexecuted, and being an order made under a suspension of the rules it cannot be interrupted by anything except the appropriation bills, which were especially provided for by terms in the order adopted under a suspension of the rules.

Mr. SPRINGER. This is a question of the highest privilege and can interrupt any business that may be proceeding at the time it is brought up.

Mr. GARFIELD. Furthermore, this order was adopted in consequence of the very conflict which was raised by the gentleman himself as between his proposition and the proposition of the gentleman from Virginia, [Mr. HARRIS,] and the House refused to entertain the proposition of the gentleman from Illinois, [Mr. SPRINGER,] and determined to proceed to business upon the Speaker's table.

The SPEAKER. Now in reference to the point of order raised by the gentleman from Ohio. The order to proceed to the consideration of business on the Speaker's table is very often interrupted during its execution by motions to adjourn. It expires when the day expires—

Mr. GARFIELD. Certainly.

The SPEAKER. So that very often much of the business on the Speaker's table is left undisposed of. Now as regards the point whether the gentleman from Illinois has a right to interrupt the consideration of business on the Speaker's table—

Mr. GARFIELD. That is the point.

The SPEAKER. The Chair will read from the Manual:

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business.

Mr. GARFIELD. Then I raise the question of consideration upon it.

Mr. SPRINGER. And I call for the reading of the report.

The SPEAKER. The Chair will state that the very moment that this subject is disposed of, in case the House proceeds to consider it, then the House of course would recur to business on the Speaker's table.

Mr. GARFIELD. I raise the question of consideration.

Mr. CAMP. That question has already been raised, and was decided in favor of going to business on the Speaker's table.

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. My point of order is that the Speaker of the House cannot entertain any proposition from a committee except as presented by the proper organ of that committee, and it being presented now, the report must be read.

The SPEAKER. The question of consideration has been raised.

Mr. HARRIS, of Virginia. This same question has before been presented to the House for decision. I moved to proceed to business on the Speaker's table under a suspension of the rules, and the gentleman from Illinois [Mr. SPRINGER] rose to a privileged question. The Chair gave the floor to the gentleman from Illinois on his privileged question in preference to going to business on the Speaker's table. The question of consideration was then raised by myself, and the House voted to give preference to business on the Speaker's table. That harmonizes with the decision of the Speaker that he would recognize the question of privilege, and he has done so. But after the House has decided not to consider that question of privilege, but to go to business on the Speaker's table, can that question of privilege be again presented until the House adjourns or until the business on the Speaker's table has been disposed of?

The SPEAKER. Oh, yes; the House may change its mind.

Mr. SPRINGER. I call for the reading of the report.

Mr. GARFIELD. I raise the question of consideration.

The SPEAKER. The gentleman from Ohio raises the question of consideration.

Mr. SPRINGER. On what?

The SPEAKER. On proceeding to the consideration of this report.

Mr. SPRINGER. Will the Chair submit the question whether we will take up this case now?

Mr. MAYHAM. I rise to a parliamentary inquiry. If this is a question of privilege and the Speaker so decides, may not the order that has been made by the House be interrupted at any time on the presentation of this high question of privilege?

The SPEAKER. That is the view of the Chair, or he would not have recognized the gentleman from Illinois.

Mr. SPRINGER. I call for the reading of the report.

The SPEAKER. The gentleman from Ohio raises the question of consideration.

Mr. SPRINGER. Then I ask the Chair to submit the question whether the House will consider the report.

The question being put,

The SPEAKER said: The yeas appear to prevail.

Mr. SPRINGER. I call for the yeas and nays.

The SPEAKER. The Chair would suggest that the question be taken first by tellers, in order to save time.

Mr. WADDELL. It is now quarter past twelve o'clock on Saturday night; and I move that the House adjourn.

Mr. ATKINS. I hope the gentleman will not insist on that motion. I have assurances that the sundry civil appropriation bill will be here in about an hour and a half—as soon as it can be engrossed. It is very important that we should receive that bill from the Senate so that we may non-concur in the amendments and ask a conference. I

trust that the House will be patient and remain in session until that bill can be received.

Mr. WHITE, of Pennsylvania. That bill will not be here for three hours.

The SPEAKER. The gentleman from North Carolina [Mr. WADDELL] moves that the House adjourn.

Mr. WHITE, of Pennsylvania. I move the House take a recess till nine o'clock Monday morning.

The SPEAKER. The gentleman will be recognized in a moment. The Chair cannot entertain the motion for a recess while a motion to adjourn is pending.

Mr. WADDELL. Before the question is put on the motion to adjourn I desire to say one word in reply to my friend from Tennessee, [Mr. ATKINS,] chairman of the Committee on Appropriations.

The SPEAKER. The motion to adjourn is not debatable.

Mr. WADDELL. At the solicitation of many gentlemen about me I withdraw my motion to adjourn.

The SPEAKER. The question is, Will the House consider the report presented by the gentleman from Illinois, [Mr. SPRINGER?]

Tellers were ordered; and Mr. SPRINGER and Mr. BUNDY were appointed.

The House divided; and the tellers reported—ayes 83, noes 88.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE, of Pennsylvania. I move to take a recess until ten o'clock to-morrow.

Mr. EDEN. Say nine o'clock.

Mr. WHITE, of Pennsylvania. I will modify it and say nine o'clock to-morrow morning.

Mr. ATKINS. Have the yeas and nays been ordered?

The SPEAKER. They have, but that does not preclude the motion.

Mr. ATKINS. I know that, but I wish to make a statement.

The SPEAKER. The House will come to order to hear the statement of the chairman of the Committee on Appropriations.

Mr. ATKINS. I expected as soon as the motion now pending was disposed of to move that the House take a recess until to-morrow at nine or ten o'clock, as might seem to suit the House.

Mr. TOWNSEND, of New York. The gentleman had better put it at a later hour.

Mr. ATKINS. I do not desire to interfere with the pending motion.

Mr. GARFIELD. I ask the gentleman what information there is in reference to the appropriation bills?

Mr. ATKINS. I have assurance since I made the announcement a moment ago that it will take the clerks longer to engross the sundry civil bill than they supposed, and that it will not be here for three or four hours yet.

Mr. GARFIELD. I suggest to the gentleman to fix the hour to which we are to take a recess at eight o'clock. [Cries of "No!" "No!"] We ought to sit here all the time to dispose of these bills.

Mr. WHITE, of Pennsylvania. I say nine o'clock.

Mr. ATKINS. I suggest the gentleman say nine and a half o'clock.

Mr. WHITE, of Pennsylvania. Very well; I agree to that.

Mr. ATKINS. As I have said, I do not desire to make the motion until the pending motion is disposed of.

The SPEAKER. But the Chair is bound to recognize the motion of the gentleman from Pennsylvania.

Mr. ATKINS. I trust the House will take a recess until nine o'clock and thirty minutes.

Mr. TOWNSEND, of New York. That is right.

Mr. WADDELL. Does the gentleman propose to sit to-morrow for legislation?

Mr. ATKINS. The purpose simply will be to receive messages from the President and Senate and reports from the Committee on Enrolled Bills.

Mr. HALE. And conference reports.

Mr. ATKINS. Yes, sir; and for the purpose of sending appropriation bills to committees of conference. The session to-morrow is to be for that and nothing more.

The SPEAKER. The gentleman from North Carolina will observe that when we take a recess until to-morrow at eight o'clock it will be a continuance of Saturday's session.

Mr. ATKINS. Yes, sir; a continuance of Saturday's session.

Mr. WADDELL. Oh! that is a technical matter.

Mr. HALE. Let the motion for a recess be until half past nine.

Mr. ATKINS. If the gentleman from Pennsylvania will not insist on his motion I will make that motion.

Mr. TUCKER. If we do not adjourn, how long can we take a recess—until Monday at eleven o'clock?

The SPEAKER. The Chair has known a legislative day to continue for three calendar days.

Mr. THOMPSON. So have others.

Mr. SPRINGER. If the House will allow this report to be printed in the Record [cries of "No!" "No!"] and to be called up at the next meeting— [Cries of "No!" "No!" "Vote!"]

Mr. TOWNSEND, of New York. We will not have it at all.

Mr. SPRINGER. I will agree to take a recess until to-morrow at eleven o'clock.

The SPEAKER. The gentleman from Pennsylvania [Mr. WHITE] moves the House take a recess until to-morrow at half past nine.

Mr. WADDELL. I rise to a parliamentary inquiry. If to-day is

Saturday and we take a recess, will we not take a recess until Sunday morning to legislate on that day?

The SPEAKER. Sunday will not be reached until Saturday's session has expired.

Mr. WADDELL. Suppose we take a recess, can we run on to-morrow as a legal day? Can we sit on Sunday as a legislative day?

The SPEAKER. If we take a recess until to-morrow, it will be the continuance of this legislative day.

Mr. TOWNSEND, of New York. Why, it is Sunday now; it is after twelve o'clock.

Mr. WADDELL. Then to-morrow will not be the legislative day of Sunday.

The SPEAKER. It will not.

Mr. WADDELL. If we take a recess, do not we go over, then, until Monday?

The SPEAKER. The Chair thinks not.

Mr. WHITE, of Pennsylvania. I insist on my motion.

The SPEAKER. The Chair suggests that the gentleman from Pennsylvania modify his motion so that the House shall take a recess until half past nine o'clock for the purposes specified by the gentleman from Illinois.

Mr. WHITE, of Pennsylvania. I modify my motion in that way.

Mr. MCKENZIE. I hope if we take a recess to meet to-morrow it will be for religious services.

Mr. WHITE, of Pennsylvania. The House to-morrow will also receive conference reports?

The SPEAKER. That is included, and the appointment of conferees.

Mr. TUCKER. I move to amend the motion so that the House shall take a recess till nine o'clock on Monday morning.

The SPEAKER. That motion is in order, and will be voted on first, as it fixes the longest time.

Mr. WHITE, of Pennsylvania. I should prefer that the recess should be till Monday morning, but I am informed it is necessary there should be a meeting to-morrow.

The question being taken on Mr. TUCKER's motion, it was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Pennsylvania [Mr. WHITE] that the House take a recess until half past nine o'clock a. m.

The question being put, the Speaker stated that, in the opinion of the Chair, the "ayes" had it.

Mr. SPRINGER. I call for the yeas and nays. I demand that the regular business shall be done, and it should be done now.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 84, not voting 117; as follows:

YEAS—89.

Bagley,	Danford,	Keifer,	Robinson, M. S.
Bailey,	Deering,	Killinger,	Ryan,
Baker, William H.	Denison,	Lapham,	Sapp,
Ballou,	Dickes,	Lathrop,	Shallenberger,
Bayne,	Dannell,	Lindey,	Sinnickson,
Blair,	Eames,	Majors,	Smalls,
Brewer,	Elam,	Marsh,	Smith, A. Herr
Briggs,	Errett,	McCook,	Starin,
Browne,	Evans, I. Newton	Metcalfe,	Stewart,
Bundy,	Evans, James L.	Mitchell,	Stone, Joseph C.
Burchard,	Foster,	Neal,	Townsend, Amos
Burdick,	Frye,	Oliver,	Townsend, M. I.
Butler,	Gardner,	Overton,	Wait,
Cain,	Garfield,	Page,	Ward,
Camp,	Hale,	Patterson, G. W.	White, Harry
Campbell,	Hanna,	Peddie,	Williams, Andrew
Cannon,	Harris, Benj. W.	Phillips,	Williams, C. G.
Claffin,	Hazleton,	Pound,	Williams, James
Clark, Rush	Hubbell,	Price,	Williams, Richard
Cole,	Humphrey,	Pugh,	Willits,
Conger,	Hungerford,	Rainey,	
Crapo,	Ittner,	Rice, William W.	
Crittenden,	Jorgensen,	Robinson, G. D.	

NAYS—84.

Aiken,	Cutler,	Haakell,	Roberts,
Atkins,	Davis, Joseph J.	Herbert,	Ross,
Bell,	Dean,	Hewitt, Abram S.	Shelley,
Benedict,	Dibrell,	Kenna,	Singleton,
Bliss,	Eden,	Knott,	Slemmons,
Boone,	Evins, John H.	Ligon,	Sparks,
Bouck,	Ewing,	Lynde,	Springer,
Bragg,	Finley, Ebenezer B.	Maish,	Stenger,
Bridges,	Finley, Jesse J.	Manning,	Townsend, R. W.
Cabell,	Forney,	Martin,	Tucker,
Caldwell, John W.	Franklin,	Mayham,	Turner,
Carlisle,	Garth,	McKenzie,	Turney,
Clark, Alvah A.	Gause,	McMahon,	Waddell,
Clarke of Kentucky,	Giddings,	Mills,	Walker,
Cobb,	Glover,	Money,	Whitthorne,
Collins,	Gunter,	Morrison,	Wigginton,
Cook,	Hamilton,	Morrismore,	Williams, Vere N.
Covert,	Hardenbergh,	Reagan,	Willis, Benj. A.
Cox, Samuel S.	Harris, Henry R.	Reilly,	Wright,
Cravens,	Hart,	Rice, Americus V.	Yeates,
Culberson,	Hartzell,	Robbins,	

NOT VOTING—117.

Acklen,	Beebe,	Bright,	Chalmers,
Aldrich,	Bicknell,	Brogden,	Chittenden,
Bacon,	Blackburn,	Buckner,	Clark of Missouri,
Baker, John H.	Bland,	Caldwell, W. P.	Clymer,
Banks,	Blount,	Calkins,	Cox, Jacob D.
Banning,	Boyd,	Candler,	Cummings,
Beale,	Brentano,	Caswell,	Davidson,

Davis, Horace	Hiscock,	Morgan,	Stephens,
Durham,	Hooker,	Morse,	Stone, John W.
Dwight,	House,	Muldrow,	Strait,
Eickhoff,	Hunter,	Muller,	Swann,
Ellis,	Hunton,	Norcross,	Thompson,
Ellsworth,	James,	O'Neill,	Thornburgh,
Felton,	Jones, Frank	Patterson, T. M.	Throckmorton,
Fleming,	Jones, James T.	Phelps,	Tipton,
Fort,	Jones, John S.	Pollard,	Vance,
Freeman,	Joyce,	Potter,	Van Vorhes,
Fuller,	Keightley,	Powers,	Veeder,
Gibson,	Kelley,	Randolph,	Walsh,
Goode,	Ketcham,	Rea,	Warner,
Harmer,	Kimmel,	Reed,	Watson,
Harris, John T.	Knapp,	Riddle,	White, Michael D.
Harrison,	Landers,	Robertson,	Willis, Albert S.
Hatcher,	Lockwood,	Sampson,	Wood,
Hayes,	Loring,	Saylor,	Wren,
Hendee,	Luttrell,	Scales,	Young, Casey
Henderson,	Mackey,	Sexton,	Young, John S.
Henkle,	McGowan,	Smith, William E.	
Henry,	McKinley,	Southard,	
Hewitt, G. W.	Monroe,	Steele,	

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. BOONE. I desire to announce that Mr. SCALES is absent on account of sickness, and he is paired with Mr. HAYES, of Illinois.

Mr. HOUSE. I am paired on this question with Mr. CASWELL.

Mr. DURHAM. On this question I am paired with Mr. SAMPSON. If he were present, I should vote "no."

Mr. BLACKBURN. Upon this question I am paired with Mr. HENDERSON. If he were present, I should vote "no."

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. VANCE, of North Carolina, is paired with Mr. POLLARD.

Mr. HUNTON. On this and all other questions to-night I am paired with Mr. REED.

Mr. MANNING. My colleague, Mr. MULBROW, is paired on this question with Mr. DWIGHT. If present, Mr. MULBROW would vote "no."

Mr. GOODE. On this question I am paired with the gentleman from Massachusetts, Mr. LORING.

Mr. DIBRELL. I wish to announce that Mr. STEELE is paired with Mr. NORCROSS.

Mr. ATKINS. I am requested to announce that Mr. CHALMERS, of Mississippi, is paired with Mr. CUMMINGS; also, that my colleagues on the Committee on Appropriations, Messrs. CLYMER, BLOUNT, and BAKER of Indiana, are absent on a committee of conference.

Mr. HAMILTON. My colleagues, Mr. FULLER and Mr. HUNTER, are paired on this question.

Mr. EDEN. Mr. PATTERSON, of Colorado, is paired with Mr. DAVIS, of California; and Mr. SOUTHARD, of Ohio, is paired with Mr. WATSON, of Pennsylvania. If present, Mr. SOUTHARD would vote "no."

Mr. MORSE. I am paired on this question with Mr. MCKINLEY, of Ohio.

Mr. DAVIDSON. On this question I am paired with Mr. KEIGHTLEY, of Michigan. If he were present, I should vote "no."

Mr. STRAIT. I am paired with Mr. REA, of Missouri.

Mr. CALKINS. I am paired with Mr. HOOKER. If he were present, I should vote "ay."

Mr. WARD. Mr. KELLEY is paired with Mr. PHELPS.

Mr. TIPTON. I am paired on this question with Mr. KNAPP. If he were present, I should vote "ay."

Mr. ALDRICH. On this and all political questions I am paired with Mr. YOUNG, of Tennessee. If he were present, I should vote "ay."

Mr. PRICE. I desire to announce that Mr. WARNER is paired with Mr. HENDERSON.

Mr. BANKS. On this question I am paired with Mr. WOOD. If he were present, I should vote "ay."

Mr. WHITE, of Indiana. I am paired with Mr. ROBERTSON, of Louisiana.

Mr. DWIGHT. I am paired with Mr. MULBROW. If he were present, I should vote "ay."

Mr. CALDWELL, of Tennessee. On this question I am paired with Mr. MCGOWAN.

ENROLLED BILL.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. No. 5065) to give circuit courts appellate jurisdiction in certain criminal cases.

ORDER OF BUSINESS.

Mr. ATKINS. I offer the following amendment to the order already made:

That if the House take a further recess until Monday morning at any hour before eleven o'clock, then that general business be proceeded with on Monday morning.

There was no objection, and it was so ordered.

The result of the vote was then announced as above recorded.

And accordingly (at five minutes past one o'clock a. m.) the House took a recess until half past nine o'clock Sunday morning.

AFTER THE RECESS.

The recess having expired the House reassembled at half past nine o'clock a. m., (Sunday, March 2.)

PRIVILEGES OF THE FLOOR.

Mr. HARDENBERGH. I ask consent that the privileges of the floor for the remainder of the session be extended to Judge John A. Blair, of New Jersey.

There was no objection.

LEAVE TO PRINT.

Mr. CRAPO asked unanimous consent to have printed in the Record as a portion of the debates of this House some remarks he had prepared upon the subject of fisheries.

There was no objection, and leave was granted accordingly. [See Appendix.]

RECESS.

Mr. ATKINS. I move that the House now take a recess for fifteen minutes. I am advised that by that time one if not two appropriation bills will be here from the Senate.

The motion was agreed to; and accordingly (at nine o'clock and thirty-five minutes a. m.) the House took a recess until nine o'clock and fifty minutes a. m.

The recess having expired, the House was called to order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SIMPSON, one of its clerks, informed the House that the Senate had passed, with amendments, the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; also that the Senate requested a conference with the House of Representatives on the amendments of the Senate to said bill, and had appointed as the conferees on the part of the Senate Mr. WINDOM, Mr. DORSEY, and Mr. DAVIS of West Virginia.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ATKINS. I move to take from the Speaker's table the sundry civil appropriation bill just returned from the Senate with amendments.

There was no objection, and the bill and amendments were taken from the Speaker's table.

Mr. ATKINS. I move that the House non-concur in the amendments of the Senate to this bill.

The motion was agreed to.

Mr. ATKINS. I now move that the request of the Senate for a conference on the amendments of the Senate to the sundry civil appropriation bill be granted.

The motion was agreed to.

The SPEAKER appointed as the conferees on the part of the House Mr. ATKINS, Mr. HEWITT of New York, and Mr. HALE.

RECESS.

Mr. ATKINS. I move that the House now take a recess until half past ten o'clock this morning. I name that hour because I am assured that the legislative appropriation bill will be here from the Senate by that time.

The motion was agreed to; and accordingly (at nine o'clock and fifty-five minutes a. m.) the House took a recess until ten o'clock and thirty minutes a. m.

The recess having expired, the House reassembled.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, with amendments, the bill of the House (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; also that the Senate requested a conference with the House on the amendments of the Senate to said bill, and had appointed Mr. WINDOM, Mr. ALLISON, and Mr. BECK as the conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I move to take from the Speaker's table the legislative appropriation bill, with the amendments of the Senate thereto. The motion was agreed to.

Mr. ATKINS. I now move that the amendments of the Senate be non-concurred in, and that the request of the Senate for a committee of conference be granted.

The motion was agreed to.

The SPEAKER appointed Mr. ATKINS, Mr. DURHAM, and Mr. FOSTER as the conferees on the part of the House.

HOLMEAD CEMETERY.

Mr. CLAFLIN submitted the following:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill No. 1108, entitled "An act to protect Holmead Cemetery, in the District of Columbia," having met, after full and free conference, have agreed to recommend and do recommend that the Senate recede from its disagreement to the House amendments, and agree to the same.

WM. CLAFLIN.

STEPHEN L. MAYHAM.

R. W. TOWNSHEND.

Managers on the part of the House.

E. H. ROLLINS.

GEORGE E. SPENCER.

A. S. MERRIMON.

Managers on the part of the Senate.

The report was agreed to.

Mr. CLAFLIN moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PRICE. I move that the House now take a recess until to-morrow morning at ten o'clock.

Mr. ATKINS. I trust that the gentleman from Iowa [Mr. PRICE] will withdraw that motion and allow me to move that a recess be taken until nine o'clock this evening.

The SPEAKER. The Chair desires to state that the report of the committee of conference on the sundry civil appropriation bill will probably be ready for action to-night, and it is necessary, in order to have the bill enrolled, that it shall be placed in the hands of the enrolling clerks as soon as possible.

Mr. ATKINS. I desire to state that I think it is very probable we can agree upon a report on the sundry civil appropriation bill by nine or half past nine o'clock this evening. If we do so and the report is adopted, then the enrolling clerks will have the whole night in which to enroll the bill. The Clerk of the House informs me that it is important that the bill shall be placed in the hands of the enrolling clerks as soon as possible.

Mr. KENNA. In addition to what has been said by the gentleman from Tennessee, the chairman of the Committee on Appropriations, [Mr. ATKINS,] I will say that if all three of these important appropriation bills are delayed until to-morrow morning in getting to the enrolling clerks, it is quite likely that one or more of them will fail. One of those bills alone will require seven hours for reading and comparison.

Mr. TOWNSEND, of New York. Is it not practicable to have an evening session a little earlier than nine o'clock?

Mr. ATKINS. I do not think the conference committee will be able to report earlier than nine o'clock.

Mr. TOWNSEND, of New York. I can give up going to church on Sunday; but I would like to go to bed at night. [Laughter.]

Mr. CLYMER. The only objection I can see to the proposition of the chairman of the Committee on Appropriations is this: there has been a disagreement in the conference on the Post-Office appropriation bill. By reason of the absence of two of the Senate conferees the report of the committee setting forth that disagreement was not signed last night. If we now take a recess until nine o'clock to-night the report from that committee cannot be presented until that hour. It seems to me that for the purpose of getting that important bill through we ought to have the report submitted some time during the day.

Mr. ATKINS. I would inquire of the gentleman at what time the committee will be able to report the fact of their disagreement?

Mr. CLYMER. I think certainly within an hour.

Mr. HALE. After all, that is more a technical matter than otherwise, because under the practice the same conferees will undoubtedly be reappointed; so that nothing will be gained by meeting here earlier than proposed.

Mr. ATKINS. If, in view of what the gentleman from Pennsylvania [Mr. CLYMER] has just stated, it shall be agreeable to the House, I do not think I would object to taking a recess at this time for an hour or an hour and a quarter.

The SPEAKER. The Chair will state that the Senate does not meet again until two o'clock this afternoon, and in all human probability the Senate conferees who were absent last night will not be here before that time.

Mr. CLYMER. If the Senate conferees should not be here before that time, they can be sent for or the report can be sent to them and be signed.

The SPEAKER. The Chair would not like to have the House brought together on a contingency of that sort.

Mr. PRICE. I do not want to antagonize the Committee on Appropriations; but I ask whether it will not be practicable to get through the public business by taking a recess now until ten o'clock to-morrow morning. We shall then have twenty-six hours before the final adjournment on Tuesday. I hope we shall, if possible, avoid sitting here on the Sabbath, a proceeding which is not creditable to us.

The SPEAKER. The difficulty is in regard to enrolling the bills and comparing the enrollment. Probably the comparison of one of these large bills would take four hours.

Mr. MILLS. It is a well-known fact that upon these appropriation bills the clerks do a large portion of the enrollment in advance—all that portion of the bill in regard to which there is no contest.

The SPEAKER. That portion of the enrollment is now being done as fast as possible.

Mr. MILLS. Then, Mr. Speaker, we shall transact business with more dispatch if we go to bed to-night and sleep till morning than if we stay here to-night.

Mr. ATKINS. In response to the gentleman from Texas [Mr. MILLS] I will say that it will be impossible for the clerks to enroll the bills in time unless we have a session this evening.

The SPEAKER. There are three hundred amendments to one of the bills.

Mr. CLYMER. I felt it my duty to state the exact condition of affairs.

Mr. WOOD. I call for the regular order.

Mr. ATKINS. I adhere to my motion to take a recess until nine o'clock this evening.

Mr. TUCKER. I move to amend the motion so that we shall meet at twelve o'clock to-night instead of nine o'clock. I hope this motion will prevail.

The question being taken on the amendment of Mr. TUCKER, it was not agreed to.

The motion of Mr. ATKINS was then agreed to; and accordingly (at ten o'clock and forty minutes a. m.) the House took a recess until nine o'clock p. m.

AFTER RECESS.

The recess having expired, the House (at nine o'clock p. m. Sunday, March 2) resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, announced that the Senate had passed, without amendment, the bill (H. R. No. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands of the State of Michigan.

The message also announced that the Senate further insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. BLAINE, Mr. ALLISON, and Mr. WALLACE.

ORDER OF BUSINESS.

Mr. DUNNELL. For my personal information, Mr. Speaker, I ask what order was made when the recess was taken this morning as to the business of this evening?

The SPEAKER. The business of this evening is limited to the reception of messages from the President, messages from the Senate, and reports of conference committees and to the appointment of conferees.

Mr. DUNNELL. Then I understand no business can be taken from the Speaker's table.

The SPEAKER. Not to-night. There was an understanding that should the House take a recess to-night until to-morrow morning at nine o'clock, general business (which the Chair understood as meaning business on the Speaker's table) should be proceeded with between nine and eleven o'clock to-morrow morning.

Mr. EDEN. I move that the House take a recess for fifteen minutes. The motion was agreed to.

The recess having expired, the House resumed its session.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I submit a report from the committee of conference on the Post-Office appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

JAMES H. BLOUNT,
HIESTER CLYMER,
JOHN H. BAKER,
Managers on the part of the House.
S. W. DORSEY,
WM. A. WALLACE,
J. G. BLAINE,
Managers on the part of the Senate.

Mr. BLOUNT. I move that the House further insist on its disagreement to the amendments of the Senate and ask a further conference with the Senate thereon.

Mr. PAGE. I would like to have the gentleman state on what particular subject the conferees disagree.

Mr. CLYMER. That is hardly worth while. It is a general disagreement.

The motion of Mr. BLOUNT was agreed to.

The SPEAKER announced the appointment of Mr. BLOUNT, Mr. CLYMER, and Mr. BAKER of Indiana, as the conferees on the part of the House at the further conference.

ARMY APPROPRIATION BILL.

Mr. HEWITT, of New York. I am directed by the committee of conference on the Army appropriation bill to make a report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6145) making appropriations for

the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

ABRAM S. HEWITT,
W. A. J. SPARKS,
CHARLES FOSTER,
Managers on the part of the House.
J. G. BLAINE,
W. B. ALLISON,
R. E. WITHERS,
Managers on the part of the Senate.

Mr. HEWITT, of New York. I move that the House further insist on its disagreement to the amendments of the Senate and agree to the request of the Senate for a further conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HEWITT, of New York, Mr. SPARKS, and Mr. FOSTER as conferees at the further conference.

Mr. EDEN. I move that the House take a recess for thirty minutes. The motion was agreed to.

The recess having expired, the House (at nine o'clock and fifty-five minutes p. m.) resumed its session.

Mr. CLYMER. I move that the House take a further recess till eleven o'clock.

The motion was agreed to.

The House reassembled at eleven o'clock p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the further conference asked on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and had appointed Mr. DORSEY, Mr. FERRY, and Mr. WALLACE as conferees on its part.

ORDER OF BUSINESS.

Mr. EDEN. I move that the House take a recess until half past eleven o'clock.

Mr. McMAHON. I move to take a recess until half past nine o'clock in the morning. I do not see why we should sit night after night for nothing.

Mr. DURHAM. I hope gentlemen will not insist on their motions, as there will be a conference report here in a few moments.

Mr. EDEN. Then I withdraw my motion.

Mr. McMAHON. So do I.

Mr. DUNNELL. I should be glad to hear from the Committee on Appropriations whether any necessity exists compelling us to remain here night after night.

Mr. DURHAM. The conference report will soon be made on the sundry civil appropriation bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. Mr. Speaker, the conferees of the two Houses have been in conference upon the legislative, executive, and judicial appropriation bill, and have not been able to come to any agreement. I move, therefore, that the House insist and ask for a further conference.

Mr. GARFIELD. Let the conference report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 6240, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

J. D. C. ATKINS,
M. J. DURHAM,
CHARLES FOSTER,
Managers on the part of the House.
WILLIAM WINDOM,
W. B. ALLISON,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. ATKINS. I move the House insist on its disagreement and ask for a further conference.

Mr. GARFIELD. I ask the chairman of the Committee on Appropriations, who makes this report from the conference committee, to state to the House the points of disagreement, so we may know something about our bearings.

Mr. ATKINS. Well, sir, if it is the desire of the House that reply should be given to that question, I am perfectly willing to do so.

Mr. McMAHON. I call for the regular order. We all know what the points of difference are.

Mr. GARFIELD. Of course the House is entitled to know the situation of its business, and especially where so much has been intrusted to the conference committee.

Mr. ATKINS. I will answer the gentleman in general that there are several subjects upon which we have not been able to agree. We have not been able to agree, Mr. Speaker, in regard to the salaries of the officers and employes of the two Houses. The Senate conferees have stood out in favor of the salaries as fixed at present for the officers and employes of the Senate, while the House conferees have not been willing to accede to their demands. There is a difference of opinion. We also differ—

Mr. McMAHON. I rise to a parliamentary inquiry. Are these explanations in order?

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. McMAHON. I am inquiring for information.

Mr. ROBINSON, of Massachusetts. You cannot take the floor from him.

The SPEAKER. The Chair has never known of an instance where a member making a report from a conference committee was not allowed to reply to any question put to him if he chose to reply. [Cries of "Go on!"]

Mr. ATKINS. It is very manifest, Mr. Speaker—and I have no concealment; I have no disposition to withhold any fact that may be in possession of the conferees on the part of the House—but, sir, it is very manifest to this House that there are differences of opinion between the two Houses and those differences exist in the conference committee. We differ upon the subject of the test-oath amendment; we differ on the subject of the amendment in reference to deputy marshals; we differ on the subject of the supervisors' amendment, and we differ on the point I have just stated. I do not know that there is anything to be gained either way, whether it be stated or whether it shall not be stated. These are the main points of difference between the two Houses.

Mr. FOSTER. As a member of the conference committee, I think it is due to the House to say that the committee could probably agree upon every point save those of a political nature. I think it is due further to say that this is true as to the Army bill as well. I have no hesitation in saying I believe that both of these conference committees could agree on every question save those of a political nature. The hitch is right there, and nowhere else.

There are four questions of a political nature pending now in conference. One on the Army bill which relates to the use of troops to preserve the peace at the polls; that section of the Revised Statutes has been repealed by the House bill. The Senate rejected that provision of the House bill. There is a deficiency of some \$250,000 to pay for the maintenance of the courts.

A MEMBER. You mean to pay deputy marshals of elections.

Mr. FOSTER. Of which some \$250,000 is for the pay of marshals.

Mr. ATKINS. My friend is speaking now of the deficiency bill.

Mr. FOSTER. I am speaking of the deficiency bill. I think it is due to the House and to the country to know exactly where our difficulties are. Then on the legislative bill are the two provisions of which the House is well aware, one relating to the test oath for jurors, and the other known as the supervisors and marshals clause. Now, who shall yield or who shall not, it is not exactly for me to say. It seems to me that there can be no great necessity on the part of our democratic friends to urge this matter now. They will have the control of both Houses of Congress at the next session.

The SPEAKER. The gentleman is arguing the question.

Mr. FOSTER. We might as well understand this question first as last. I do not propose to use any bravado. I am willing for myself, and I believe I speak for my republican friends, to try to find a point of agreement; but that has been resisted so far. We have been unable, the House conferees, to find a point of agreement; or rather I have been unable to find one, I say frankly, anywhere. Our democratic friends object to it; they say they cannot yield; our friends from the Senate say they cannot yield.

Now, it may be well enough to order another conference committee, but the result is to be precisely the same, unless one side or the other backs down or yields something. I believe, and I state it here upon my responsibility as a Representative, that if our democratic friends would yield something, we could find a point of agreement. So far they have not been willing to yield anything anywhere.

Mr. COOK. We yielded enough when we gave you a president who was not elected.

Mr. FOSTER. Now, one side or the other is responsible if we have an extra session from failing to agree. Our republican friends of the Senate have gone far to secure some point of agreement, but thus far have failed. Unless something be yielded, it seems to me an extra session is inevitable. [Cries of "All right!" "Let it come!"] So far as the republican side of the House is concerned, I say in no bravado at all, we cannot yield anything unless some point of agreement can be found on the other side. If not, we will sit it out.

A MEMBER. So will we.

Mr. FOSTER. I am sure my republican friends will join me in this sentiment, that unless some point of agreement is yielded on the other side we propose to sit it out. [Cries of "All right!"]

Mr. ATKINS. I demand the previous question on the motion that the House insist on its amendments.

Mr. FOSTER. I yield to my colleague on the committee, the gentleman from Maine, [Mr. HALE.]

Mr. ATKINS. I have demanded the previous question.

Mr. HALE. Will the gentleman from Tennessee yield to me for a moment? It is only in the direction of what he is trying to do. [Cries of "Regular order!" "Vote!" "Vote!"]

Mr. ATKINS. I would yield to the gentleman, but I do not propose at this stage of the proceedings to get into a discussion upon this question.

Mr. HALE. I do not propose—

Mr. FRANKLIN. I make the point of order that the vote is being taken and that the gentleman from Tennessee is not on the floor to yield to anybody.

The SPEAKER. The gentleman from Tennessee is on the floor.

Mr. FRANKLIN. Has he not called the previous question?

The SPEAKER. He has a right to the floor even after moving the previous question.

Mr. HALE. I only wish to say that I hope the motion of the gentleman from Tennessee will prevail. There is a disposition on the part of some gentlemen to recede and bring this matter to a test here and now. I hope that will not be done. I hope a new committee will be appointed or that the old one will be reappointed, so that the gentlemen of the committee from both branches of Congress may again meet. And I hope, in view of the various embarrassments that would come upon the country by reason of an extra session of Congress, which very few sane men want, that the six men to whom the two Houses intrust this question will come to some accord. There is no reason why there may not be on all the propositions stated by the gentleman from Ohio [Mr. FOSTER] some accord. There is no reason why one side or the other should insist upon everything.

I do not believe if another conference is ordered that the gentlemen representing the other side will see their way clear to insist upon everything; the clause for the withdrawal of the troops, the test oath repeal, neither of which we care much about; and in addition the supervisors and marshals clause relating to the elections. Then we might have a fair adjustment which this side would be willing to accept. I hope that disposition will be appreciated on the other side. If not, let us do as the gentleman from Ohio [Mr. FOSTER] has said—sit it out to the end.

Mr. ATKINS. I desire to say in submitting the statement I did to the House I eschewed every allusion to politics; it was a simple business transaction. In answer to the gentleman from Ohio [Mr. GARFIELD] I stated the points of difference as succinctly as I possibly could. I did not even pretend to give a reason.

Now, sir, I trust that the gentleman from Maine and my friend from Ohio, who have addressed this House, did not design to get any party advantage in this matter in the statements or the remarks they have made to the House. I do not desire to enter into a political discussion at this time. I have desired to come to a conclusion upon this subject. I wanted the conference committee to come to a conclusion if possible. The House has its views; the majority of the House have their views; it seems the majority of the Senate have their views. If we can upon the principles of right and justice arrive at a just conclusion and submit it to both Houses and it can be ratified, I doubt not the country will ratify it.

If we cannot do so, then as a matter of course we must take the consequences, and leave the country to judge of the motives and to lay the right or the wrong at the door of those to whom it belongs. [Applause.]

Mr. SPARKS. I ask the gentleman to yield to me for a moment.

Mr. ATKINS. I will yield.

Mr. SPARKS. In reply to one remark made by the gentleman from Ohio, [Mr. FOSTER,] I desire to state that I think the gentleman has, inadvertently no doubt, failed to state correctly the position of the democratic conferees on the Army appropriation bill. I was one of those conferees, and I wish to say to the House that every disposition was manifested by the democratic conferees to have a compromise of existing difficulties so far as appropriations are concerned, and so far as everything before that conference is concerned, except the matter of having an armed force to keep the peace at the polls.

Mr. ATKINS. I must insist upon my motion.

Mr. SPARKS. A word more. On this point I want to say that so far as I am concerned it would be utterly useless to appoint me as a conferee on that bill with any expectation that I will yield that point, for I will not do it. [Applause.] I will yield so far as money is concerned.

The SPEAKER. The Chair will state that the conferees on the Army appropriation bill have been reappointed.

Mr. SPARKS. It is within my province to say to those gentlemen that if there is a difference between us in regard to the amount of money to be appropriated, I am prepared to yield. And there are other points in the Army appropriation bill in regard to which I have the same disposition. But that the Army shall be used under the direction of an unscrupulous Executive, in the language of the statute, "to preserve the peace at the polls" where my neighbors vote and where I vote, by my consent there never shall be appropriated one dollar out of the Treasury to pay the Army for any such purpose. [Applause.]

Mr. ATKINS. I now insist upon the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The question is upon the motion of the gentleman from Tennessee [Mr. ATKINS] that the House insist upon its disagreement to the Senate amendments to the Army appropriation bill and ask for a further conference thereon.

The motion was agreed to.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Does the gentleman from Tennessee desire to have the conferees on the part of the House appointed at this time?

Mr. ATKINS. I do.

The SPEAKER. The Chair appoints Mr. ATKINS of Tennessee, Mr. DURHAM of Kentucky, and Mr. FOSTER of Ohio as the conferees on the part of the House.

ORDER OF BUSINESS.

Mr. GARFIELD. I desire to inquire of the gentleman from Tennessee [Mr. ATKINS] what is the prospect of an agreement by the conferees on the sundry civil appropriation bill.

Mr. ATKINS. I think we can have that bill in the House inside of an hour.

Mr. McMAHON. I move that the House now take a recess until to-morrow morning at ten o'clock.

Mr. GARFIELD. Let the gentleman from Tennessee [Mr. ATKINS] make the motion. We want to follow the lead of the chairman of the Committee on Appropriations, not of the other gentleman.

Mr. McMAHON. If the sundry civil appropriation bill shall be agreed upon, it can be enrolled just as well in the absence of the House as while the House is in session.

The SPEAKER. The House may not agree to the report of the committee of conference.

Mr. McMAHON. They undoubtedly will agree to any report that is brought in here from the conference committee. I insist upon my motion.

Mr. HARRIS, of Virginia. I never knew the House during the last hours of a session to take action in opposition to the wishes of the Committee on Appropriations. And should the House do that now—

Mr. GARFIELD. We are bound to be loyal to the Committee on Appropriations.

Mr. FRANKLIN. I call for the regular order.

Mr. KENNA. I desire to state that the Senate has just passed the river and harbor bill, and it will be here in a short time. It is important that that bill should be sent to a conference in order that there may be time to enroll it. That is a bill which I suppose the House will not care to lose.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. McMAHON] that the House now take a recess until to-morrow morning at ten o'clock.

Mr. GARFIELD. I move to amend that motion so that the House will now take a recess until one o'clock a. m.

The SPEAKER. The question will be taken on the longest time first.

Mr. GARFIELD. This is not a case of filling up a blank.

The SPEAKER. The Chair is corrected. The question will be first taken on the amendment.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. The gentleman from Ohio [Mr. McMAHON] moves that the House take a recess until to-morrow morning at ten o'clock. The gentleman from Ohio on the other side moves that the House take a recess until one o'clock. The question should be taken on the longest time first.

The SPEAKER. The Chair will direct the rule to be read.

The Clerk read as follows:

In filling up blanks the largest sum and the longest time shall be first put; but where a specific time or sum stands part of a motion, it is not until it is struck out and a blank thereby produced that this rule can begin to operate.

Mr. McMAHON. Let the Chair state the question now before the House.

The SPEAKER. The question before the House is this: The gentleman from Ohio [Mr. McMAHON] moves that the House now take a recess until nine o'clock to-morrow morning.

Several MEMBERS. Ten o'clock.

Mr. McMAHON. Very well. Leave it at nine o'clock.

The SPEAKER. And the gentleman from Ohio on the left [Mr. GARFIELD] moves to amend that motion so that the House now take a recess until one o'clock.

Mr. HOOKER. I move to lay the amendment on the table.

The SPEAKER. That motion is not in order.

Mr. ATKINS. I move to amend so that the House will take a recess until half past twelve o'clock; that will give us about an hour.

Mr. GARFIELD. I accept that amendment.

The question was then taken upon the amendment as modified; and it was agreed to.

The question was taken upon the motion as amended; and upon a division there were—ayes 110, noes 40.

Before the result of the vote was announced,

Mr. McKENZIE called for the yeas and nays.

The yeas and nays were not ordered, there being 12 in the affirmative, not one-fifth of the last vote.

So the motion was agreed to; and accordingly (at eleven o'clock and forty minutes p. m.) the House took a recess until twelve o'clock and thirty minutes a. m. Monday, March 3.

The recess having expired, the House reassembled at twelve o'clock and thirty minutes a. m. Monday, March 3.

Mr. ATKINS. I move that the House take a recess until to-morrow morning at ten o'clock, and I hope that by that time, or by eleven o'clock, the sundry civil appropriation bill will be reported from the committee of conference.

The question was taken on the motion of Mr. ATKINS; and it was agreed to.

Accordingly the House (at twelve o'clock and thirty-one minutes a. m.) took a recess until ten o'clock a. m. Monday, March 3.

The recess having expired, the House (at ten o'clock a. m., Monday, March 3) resumed its session.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed with the regular order, which is the consideration of business on the Speaker's table.

LANDS OF BLACK BOB BAND OF SHAWNEE INDIANS.

The next business on the Speaker's table was the amendments of the Senate to the joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring certain suits in the name of the United States to set aside certain patents to lands of the Black Bob band of Shawnee Indians.

The amendments of the Senate were read, as follows:

After the words "instructed to," in line 4, to strike out "direct the district attorney for the State of Kansas to bring suits" and insert "cause a suit in equity to be brought;" in line 6, after the words "United States" to strike out "to set aside and annul the patents which have been issued to any of" and insert "in the circuit court for the district of Kansas, to quiet and finally settle the titles to;" in line 9, after the word "lands," to strike out "of" and insert "claimed by or under;" in line 10, after the word "Kansas" to insert "or adversely to said titles;" and to strike out, beginning in line 11, the following words: "And to test the question of title to any or all of said lands, and to permit any attorneys selected by the settlers now upon said lands to appear in court and to assist in the prosecution and trial of said cause; *Provided*, That in no way shall the United States become responsible or holden for the payment of attorneys' fees for any counsel thus employed by said settlers;" so as to read:

"That the Attorney-General of the United States shall be, and he is hereby, instructed to cause a suit in equity to be brought in the name of the United States in the circuit court for the district of Kansas, to quiet and finally settle the titles to the lands claimed by or under the Black Bob band of Shawnee Indians in Kansas, or adversely to said titles."

After line 16, to insert:

"All persons having any claim to said lands, or any part thereof, as well as said band of Indians, shall be made parties to said suit, either personally or by representation, as said court may deem convenient, consistently with justice to all the interests involved, and notice of the institution and pendency of said suit and for the appearance of the parties thereto shall be given, either by personal service or by such publication as the court shall order, or both. It shall be the duty of the Attorney-General to cause the rights of said band of Indians, and of the individual members thereof, to be duly presented and protected in said suit, and he shall employ counsel to aid in such protection; and any other claimants to said lands, or any part thereof, may appear in said cause, personally or by counsel, to defend the same and assert their rights; and said court shall, upon proof and hearing, proceed to determine, according to the principles of law and equity, all the questions arising in respect to said lands, or any thereof, and decree accordingly, and cause such decree to be carried into execution, and the possession of the lands, or parts thereof, respectively, to be delivered to the person entitled thereto; and upon a final decision of the said matters it shall be the duty of the President of the United States to issue patents for said lands in conformity to such decision. No objection shall be allowed in said suit in respect of want or misjoinder of parties other than such as are required in this act, or for multifariousness or want of form. The right of appeal to the Supreme Court of the United States shall exist as in other cases."

Amend the title so as to read:

"A joint resolution instructing the Attorney-General of the United States to bring a certain suit in the name of the United States to quiet and settle the titles to lands of the Black Bob band of Shawnee Indians."

Mr. HASKELL. I move that these amendments be concurred in. The motion was agreed to.

Mr. HASKELL moved to reconsider the votes by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. I ask unanimous consent that the amendments of the Senate to the river and harbor bill (H. R. No. 6463) be taken from the Speaker's table that we may non-concur in them and ask a conference with the Senate.

Mr. LUTTRELL. Would it be in order to ask that the amendments be read?

The SPEAKER. If that is to be done, the Chair would suggest to the gentleman from Texas [Mr. REAGAN] to wait until eleven o'clock because to read these amendments now would interfere with the business in which the House is now proceeding.

Mr. REAGAN. My object is that the conference committee may get to work upon these amendments as soon as possible.

The SPEAKER. If the amendments are to be read, the reading will occupy the entire time between now and eleven o'clock.

Mr. REAGAN. I hope the demand for the reading of the amendments will not be insisted upon.

Mr. EDEN. In order that we may go on regularly with the business on the Speaker's table until eleven o'clock, I object to the request of the gentleman from Texas, [Mr. REAGAN.]

Mr. LUTTRELL. I withdraw the demand for the reading of the amendments. Let them go to a committee of conference.

Mr. EDEN. I withdraw my objection to the consideration of the amendments.

The SPEAKER. If there be no objection the amendments of the Senate to the river and harbor appropriation bill will be non-concurred in, and a conference with the Senate will be asked.

There was no objection; and it was ordered accordingly.

The SPEAKER announced the appointment of Mr. REAGAN, Mr. KENNA, and Mr. HUBBELL as the conferees on the part of the House.

LEAVE TO PRINT.

Mr. FRANKLIN, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (H. R. No. 1596) for the organization of the Territory of Oklahoma. [See Appendix.]

Mr. FLEMING, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States, and to establish a bureau of public health. [See Appendix.]

Mr. TOWNSEND, of Ohio, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (H. R. No. 6134) to regulate the duties on sugar. [See Appendix.]

M. G. HARMAN.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 2161) for the relief of M. G. Harman, of Virginia.

The amendments were read, as follows:

In line 2, after the word "pay," insert the following: "To the personal representatives of the late."

Amend the title so as to read: "A bill for the relief of the personal representatives of the late M. G. Harman, of Virginia."

Mr. HARRIS, of Virginia. I move concurrence in these amendments.

The amendments were concurred in.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

W. S. MASSIE.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie.

The amendments of the Senate were read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War be, and he is hereby, authorized and required to cause the name of William S. Massie to be placed on the rolls of Company H, Ninth Regiment of West Virginia Volunteer Infantry, as of the date of August 18, 1861; and that he be entitled to receive all pay, bounties, commutation of rations, clothing, and other emoluments of said service as were paid to and received by other privates of said company from the 18th day of August to the 25th of October, 1861, deducting therefrom any and all sums of money, rations, or clothing he may have heretofore received on account of said service."

Strike out the preamble.

Mr. NEAL. I move concurrence in the amendments of the Senate. The amendments were concurred in.

ELIAS B. BELL.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 2472) for the relief of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry.

The amendment of the Senate was read, as follows:

At the end of the bill add:

"And issue to him an honorable discharge dated of the muster-out of his regiment, June 30, 1865, and that he be allowed and paid any arrears of pay and bounty due him upon the settlement of his accounts by the accounting officers of the Government."

The amendment was concurred in.

THOMAS MURPHY.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri.

The amendments of the Senate were read, as follows:

In lines 2 and 3 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill add "and that he be paid a pension from the date of this act."

The amendments were concurred in.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 4579) concerning street railroads in the District of Columbia.

The amendments of the Senate were read, as follows:

In section 1, line 11, to strike out the word "week" and insert "month," so as to read:

"And every such corporation shall, once in a month, redeem all such tickets issued by it which shall be presented by any other such corporation, by paying therefor at the rate of four cents in money for each ticket so presented."

On page 1, in line 16, strike out "action of tort" and insert "a civil action."

In section 2, line 6, before the word "corporation," strike out the words "the person or" and insert "such," and in line 7, after the word "to," strike out "his or;" so as to make the section read:

"Sec. 2. Any street-railroad corporation refusing to receive, as above provided, any such ticket issued by any other such corporation, or refusing to redeem, as above provided, any such ticket of its own issue, shall forfeit, for each ticket which it shall so refuse, the sum of \$1, to be recovered in action of tort by such corporation presenting the same, to its own use."

Strike out section 3, as follows:

"Sec. 3. That all street-railroad corporations which have, for the past year, or longer, issued commutation tickets at a less rate than charged for a single fare, shall be required to continue to issue them at the same rate or less, as now charged by said street-railroad corporations. And all acts and parts of acts inconsistent with this act are hereby repealed."

Mr. CLAFLIN. I move that the House non-concur and ask a conference with the Senate.

The motion was agreed to.

UNITED STATES COURTS IN KANSAS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas.

The amendments were read, as follows:

In section 1, line 5, after the word "year," insert the words "the terms of said courts to be held on the second Monday of January."

In line 7, after the word "act," strike out "the time and length of the term to be fixed by the judges of said courts respectively."

At the end of section 3, add "if no suitable building is provided without expense to the United States, then, and in that case, no court shall be held at said place."

Mr. RYAN. I would like to have this bill read as amended.

Mr. HASKELL. I move that the House concur in the amendments of the Senate.

Mr. McMAHON. I believe that the Committee on the Judiciary of the House, which originally recommended this bill, has agreed to the amendments of the Senate, having considered them informally. The gentleman from Wisconsin, [Mr. LYNDE,] who has had charge of the bill, is not here now.

Mr. HASKELL. These amendments of the Senate do not disturb the amendment adopted in the House on motion of my colleague, [Mr. RYAN.] That amendment remains just as it passed the House.

Mr. RYAN. That is all I wanted to ascertain.

The amendments were concurred in.

DONATION OF CONDEMNED CANNON.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts.

The amendment was read, as follows:

After the word "deliver," in line 1, insert "if the same can be done without detriment to the public service."

The amendment was concurred in.

PHILIP W. STANHOPE.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 1901) for the relief of Philip W. Stanhope.

The amendment was read, as follows:

Add to the bill the following:

"Provided further, That he receive no pension while on the retired list."

Mr. MILLS. I move concurrence.

The amendment was concurred in.

LANDS IN MICHIGAN.

The next business on the Speaker's table was the amendments of the Senate to the joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.

The amendments were read, as follows:

In line 3, after the word "in," insert "such of."

In line 5, after the word "act," insert "as were granted to aid in the construction of the road from Grand Haven to Flint, and thence to Port Huron."

In line 6, strike out "the" and insert "any."

Strike out all after the word "acquired," in line 7, down to and including "thereof," in line 8.

Mr. CONGER and Mr. KEIGHTLEY moved to concur.

The amendments were concurred in.

NORTHERN PACIFIC RAILROAD.

The next business on the Speaker's table was the bill (S. No. 238) extending the time for the construction of the Northern Pacific Railroad.

The bill was read.

Mr. EDEN. I make the point of order that that bill must have its first consideration in Committee of the Whole, as it makes an appropriation of public lands.

The SPEAKER. The Chair sustains the point of order, and the bill will be referred to the Committee of the Whole on the state of the Union.

ADDITIONAL JUDGE.

The next business on the Speaker's table was the bill (S. No. 1266) to provide for the appointment of an additional circuit judge in the seventh judicial circuit.

The bill was read.

Mr. HANNA. I move that that bill be referred to the Committee on the Judiciary.

Mr. TIPTON. I hope the gentleman will withdraw that motion and let the bill pass; it is an absolute public necessity.

Mr. HANNA. There may have been such a necessity before the repeal of the bankrupt law, but there is not now.

Mr. TIPTON. I can assure the gentleman that there is.

The SPEAKER. The Chair sustains the point of order, and the bill will be referred to the Committee on the Judiciary.

FORT LEAVENWORTH MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 827) to provide for the sale of certain portions of the Fort Leavenworth military reservation.

The bill was read.

Mr. EDEN. I think that ought to be considered in Committee of the Whole, as it manifestly makes an appropriation of public lands.

The SPEAKER. The Chair desires to ask whether this bill grants any lands now belonging to the United States?

Mr. EDEN. It does; as I understand it, it gives a part of this reservation to the railroad company.

The SPEAKER. Then the Chair sustains the point of order, and the bill is referred to the Committee of the Whole on the state of the Union.

H. M. BILLINGSLEY.

The next business on the Speaker's table was the bill (S. No. 984) for the relief of H. M. Billingsley.

The bill was read. It authorizes and directs the proper accounting officers of the Treasury to pay to H. M. Billingsley the pay and allowances of a second lieutenant of cavalry from November 20, 1864, to March 20, 1865, and the pay and allowances of a first lieutenant from the 20th of March, 1865, to the 16th of May, 1865, and the pay and allowances of a captain from May 16, 1865, to the date of his muster-out of service, deducting therefrom any pay that he may have received as a non-commissioned officer or private in said company.

Mr. RYAN. I move that that bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SETTLERS ON PUBLIC LANDS.

The next business on the Speaker's table was the bill (S. No. 959) to grant additional rights to homestead settlers on public lands within railroad limits.

The bill was read. It provides that from and after the passage of the act, the even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military road land grant, and who, by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law; provided that in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Mr. DUNNELL. I move that that bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HOMESTEAD AND PRE-EMPTION ENTRIES.

The next business on the Speaker's table was the bill (S. No. 1087) to provide additional regulations for homestead and pre-emption entries of public lands.

The bill was read. It provides that before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption or homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice that such application has been made for the period of thirty days in a newspaper to be by him designated or published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days, the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

Mr. DUNNELL. I move that that bill be put upon its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

TREADWELL S. AYRES.

The next business on the Speaker's table was the bill (S. No. 1205) for the relief of Treadwell S. Ayres.

The bill was read.

Mr. SMITH, of Pennsylvania. I make the point of order on that bill that it makes an appropriation.

The SPEAKER. The Chair sustains the point of order, and the bill

will be referred to the Committee of the Whole on the Private Calendar.

SUITS AGAINST THE UNITED STATES.

The next business on the Speaker's table was the bill (S. No. 1102) to authorize the States of Ohio, Indiana, and Illinois respectively to commence and prosecute suits against the United States in the Supreme Court of the United States.

The bill was read.

Mr. TIPTON. I move that the bill pass.

Mr. SMITH, of Pennsylvania. I make the point of order upon that.

Mr. MCMAHON. I will say that this case has been thoroughly considered by a subcommittee of the Committee on the Judiciary.

Mr. SMITH, of Pennsylvania. I insist upon the point of order.

The SPEAKER. The Chair will cause Rule 112 to be read.

The Clerk read as follows:

112. All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made or authorizing payments out of appropriations to be made, shall be first discussed in Committee of the Whole.

The SPEAKER. This requires an appropriation; and in accordance with former decisions with reference to this very bill the Chair sustains the point of order.

ANNA M. CLARK.

The next business on the Speaker's table was a joint resolution (S. R. No. 31) approving the adverse decision of the Commissioner of the General Land Office in the claim of Anna M. Clark; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the decision of the Commissioner of the General Land Office adverse to the claim of Anna M. Clark, (Executive Document No. 12, House of Representatives, first session, Forty-fourth Congress,) be, and the same is hereby, approved, and the said claim is hereby rejected.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

KANSAS PACIFIC RAILROAD.

The next business on the Speaker's table was a bill (S. No. 1368) in relation to the Kansas Pacific Railway, and to alter and amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for military or other purposes," approved July 1, 1862, and also to alter and amend an act of Congress approved July 2, 1864, in amendment to said first-named act; which was read a first and second time.

The Clerk proceeded to read the bill.

Mr. CRITTENDEN, (interrupting the reading.) I move that the bill be referred to the Committee on the Pacific Railroad. It would occupy a great deal of time to proceed with the bill now.

The SPEAKER. The bill has to be read through.

Mr. CABELL. Has it been before a committee of this House?

The SPEAKER. It has not. This is a bill taken from the Speaker's table, and it has not been before any committee.

Mr. CABELL. I move that it be referred to one of the committees of this House.

Mr. CRITTENDEN. That is my motion; that it be referred to the Committee on the Pacific Railroad.

The SPEAKER. If there be no objection, the bill will be so referred.

Mr. LUTTRELL. I should like to hear the bill read.

Mr. RYAN. I also desire that it should be read. If it is a proper bill to be passed, I want that it should be put upon its passage.

Mr. TOWNSEND, of New York. We have no time now to find out what sort of a bill it is. It is too important to pass without proper consideration. Let it go to a committee.

Mr. TIPTON. If it is important that the bill should be passed, it certainly ought to be read.

Mr. BRAGG. Let the bill be read. We do not know what it is.

Mr. EDEN. Is it not liable to a point of order?

The SPEAKER. Does it part with any of the lands of the United States?

Mr. MORRISON. I think not.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk resumed the reading of the bill.

Mr. ROBERTS, (interrupting the reading.) Has not sufficient of that bill been read to disclose the fact that it is subject to the point of order?

The SPEAKER. Will the gentleman from Maryland state in what respect it is subject to the point of order?

Mr. ROBERTS. To my mind enough of it has been read to disclose the fact that the bill should have its first consideration in the Committee of the Whole House. It undertakes to regulate certain rights of a railroad company in which the United States has an interest.

Mr. CABELL. And it appropriates money.

Mr. MORRISON. It proposes to save the rights of the United States. It is a most meritorious bill.

The SPEAKER. Does the gentleman from Illinois state that it does not appropriate any public lands?

Mr. MORRISON. I do not state that. I have not read it through, but I know the subject of the bill.

Mr. RYAN. The bill does not appropriate any lands.

The SPEAKER. The gentleman from Virginia has stated that the bill appropriates money.

Mr. RYAN. If it does I am not aware of it.

Mr. CABELL. I understood from the reading that the bill required an appropriation to pay the commissioners for the duties intrusted to them.

The SPEAKER. That would subject it to a point of order.

Mr. CABELL. Certainly it would.

The SPEAKER. The Clerk informs the Chair that he has not yet reached that point in the bill.

Mr. CABELL. I so understood the reading. It may be that in the confusion I did not hear distinctly.

The Clerk continued and concluded the reading of the bill.

Mr. CABELL. I make the point of order that the bill should go to the Committee of the Whole. It provides for the payment of the Government directors out of the Treasury of the United States.

Mr. EDEN. I hope the gentleman will withdraw the point of order and let the bill pass.

Mr. CABELL. I cannot do that.

Mr. EDEN. I presume the bill will give rise to no debate. I hope the gentleman will withdraw the point of order.

Mr. CRITTENDEN. It is a very important bill and does require debate. It provides for the payment of money out of the Treasury. It is not nearly as good a bill as the House bill.

Mr. RYAN. It may not be so good a bill as it ought to be, but it is a good bill so far as it goes.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

WILLIAM H. NEWMAN AND L. A. VAN HOFFMAN.

The next business on the Speaker's table was the bill (S. No. 752) for the relief of William H. Newman and L. A. Van Hoffman; which was read a first and second time.

Mr. EDEN. I move that the bill be put upon its passage.

Mr. SMITH, of Pennsylvania. I make the point of order.

Mr. HARRIS, of Virginia. I hope the point of order will not be insisted upon. This is a very meritorious bill.

Mr. SMITH, of Pennsylvania. I insist on the point of order.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar.

FORT HARKER MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 26) to donate a portion of the military reservation of Fort Harker to the State of Kansas for the establishment of an educational or charitable institution and to open the remainder of said reservation to settlement; which was read a first and second time.

Mr. EDEN. That bill is liable to the point of order. It disposes of public property.

The SPEAKER. The Chair sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

AMENDMENT OF ARMY APPROPRIATION ACT.

The next business on the Speaker's table was the bill (S. No. 1492) to amend section 15 of an act entitled "An act making an appropriation for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes," approved June 18, 1878; which was read a first and second time.

Mr. EDEN. That bill ought to go to the Committee on the Judiciary.

The SPEAKER. Is there a point of order raised against it?

Mr. EDEN. I do not know.

Mr. MCMAHON. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

BRIDGE AT DECATUR, NEBRASKA.

The next business on the Speaker's table was the bill (S. No. 835) to provide for the construction of a bridge across the Missouri River at Decatur, Nebraska.

Mr. OLIVER. I ask that the reading of the bill be dispensed with, and I will say that it is precisely the same bill, word for word, which the committee of the House has agreed to report to the House.

Mr. GARFIELD. I move that the House do now adjourn.

LEAVE TO PRINT.

The SPEAKER. Pending that motion the Chair desires to ask consent for Mr. KENNA to print remarks upon the question of the Brazilian mail service appropriation.

There was no objection, and leave was granted. [See Appendix.] The question was taken on Mr. GARFIELD's motion, and it was agreed to; and accordingly (at ten o'clock and fifty-seven minutes) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BANKS: The petition of the First Universalist church of

Canton, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. BANNING: The petition of Brook Mackall, for compensation for services rendered as special assistant sergeant-at-arms, House of Representatives—to the Committee on Appropriations.

By Mr. BEEBE: The petition of women of Port Jervis, New York, for legislation to punish polygamy—to the Committee on the Judiciary.

Also, the petition of women of Sullivan County, New York, of similar import—to the same committee.

By Mr. BLAIR: The petition of the First Unitarian Church of Berlin, Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

Also, the petition of the Baptist church of Newton, New Jersey, of similar import—to the same committee.

Also, the petition of the First Congregational church of Greenwich, Connecticut, of similar import—to the same committee.

By Mr. BURDICK: The petition of William O. Sumner and 782 others, citizens of Iowa, that the remedy for infringement of patents be confined to actions against manufacturers and vendors—to the Committee on Patents.

By Mr. BUTLER: The petition of H. H. Bigelow, Hon. Eli Thayer, Carl Mohr, and 519 others, citizens of Worcester, Massachusetts, that all issue of money by corporations shall be prohibited by law—to the Committee on Banking and Currency.

Also, a paper relating to the establishment of a national academy of education, giving preference to the genius and talent of the land, and to the orphans of the Republic—to the Committee on Education and Labor.

Also, the petition of Patrick Corr, for reinstatement in his right to suffrage—to the Committee on the Judiciary.

Also, the petition of Andrew Lutz, of New York City, to be reimbursed for expenditures made in recruiting and organizing the Fifty-eighth New York Volunteers—to the Committee on War Claims.

Also, the petition of Mrs. Rev. Alfred Noon and 65 other ladies, of Pepperell, Massachusetts, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, memorial of Felix Brannigan, submitting a plan of voting by means of a mechanical device—to the Committee of Elections.

By Mr. CABELL: The petitions of members of Cascade Grange, Pittsylvania County, and of Saint John Grange, of Grayson County, Virginia, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

Also, the petitions of members of Cascade Grange, Pittsylvania County, and of Saint John Grange, Grayson County, Virginia, for a reduction of the tax on tobacco—to the Committee of Ways and Means.

By Mr. COX, of New York: The petition of coopers of New York, for the passage of the tariff bill—to the same committee.

By Mr. DAVIDSON: The petition of Mrs. M. Green and 19 others, of Mary Esther, Florida, for such legislation as will make effective the anti-polygamy law—to the Committee on the Judiciary.

By Mr. DICKEY: The petition of members of Sharpville (Ohio) Grange, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

By Mr. DUNNELL: The petition of Louise S. Dodd and 30 others, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of William Hoyt and 40 others, citizens of Minnesota, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

By Mr. HERBERT: The petitions of physicians of Montgomery, Alabama, for the passage of the resolution (S. R. No. 58) relating to epidemic diseases—to the committee on the origin, introduction, and prevention of epidemic diseases in the United States.

Also, the petition of the board of health of the State of Alabama, of similar import—to the same committee.

By Mr. KELLEY: The petition of 21 citizens of Erie, Pennsylvania, for liberal appropriations for public improvements—to the Committee of Ways and Means.

Also, the petition of 36 citizens of Erie County, Pennsylvania, of similar import—to the same committee.

By Mr. LATHROP: The petition of Mrs. J. H. Dixon and others, of Harvard, Illinois, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of Mrs. D. Reid, jr., and 73 other women, of Hampshire, Illinois, of similar import—to the same committee.

Also, the petition of Mrs. E. G. Ayer and 145 other women, of Harvard, Illinois, of similar import—to the same committee.

By Mr. LUTTRELL: The petition of Charles Clark and others, relating to entries on public lands—to the Committee on Public Lands.

Also, the petition of the members of the common council of Crescent City, California, that the title to Battery Point be transferred to the corporate authorities of said city—to the same committee.

By Mr. McMAHON: Papers relating to the pension claim of Edward Dempsey—to the Committee on Invalid Pensions.

Also, the petition of Grange 758, Preble County, Ohio, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

By Mr. NORCROSS: The petition of the Baptist church of Bolton,

Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee of Ways and Means.

By Mr. OLIVER: The petition of 442 women of Iowa, for such legislation as will make effective the anti-polygamy laws—to the Committee on the Judiciary.

By Mr. PRIDEMORE: The petition of members of Grange 570, Scott County, Virginia, for the passage of the bill reducing the tax on tobacco—to the Committee of Ways and Means.

Also, the petition of members of Grange 570, Scott County, Virginia, for the passage of the Reagan interstate commerce bill—to the Committee on Commerce.

By Mr. REAGAN: The petition of the master and members of Centre Point Grange, Ellis County, Texas, for the passage of the bill to regulate interstate commerce and to prevent unjust discriminations by common carriers—to the same committee.

By Mr. SEXTON: The petition of women of Rush and Decatur Counties, Indiana, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. STARIN: The petition of the Gospel Temperance Society of Moreau, New York, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, asking for the relief of certain settlers on railroad lands in Birch Cooley, Minnesota—to the Committee on Public Lands.

By Mr. WILLIAMS, of Wisconsin: The petition of Mrs. D. B. Conklin and 500 other ladies, of White Water, Wisconsin, for the more efficient enforcement of the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. WILSON: The petition of Mrs. Margaret Holmes and 60 other ladies, of West Virginia, of similar import—to the same committee.

Also, the petitions of W. A. Rader, master of Mount Pleasant Grange, and of J. Hendershot, master of Beaver Dam Grange, Wirt County, West Virginia, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petitions of W. A. Rader, master of Mount Pleasant Grange, and of J. Hendershot, master of Beaver Dam Grange, Wirt County, West Virginia, for the reduction of the tax on tobacco—to the Committee of Ways and Means.

IN SENATE.

MONDAY, March 3, 1879.

The Senate met at one o'clock p. m.

The Chaplain, Rev. BYRON SUNDERLAND, D. D., offered the following prayer:

O Thou Heavenly Father, Author and Patron of human affections, in the friendships of men we see some faint reflection and semblance of Thyself. In this Senate, through the scenes of joy and grief, of differing opinion and high debate, in the coming and the going, in the greeting and the parting, the years have rolled over us, and all these Thy servants, every one, have been most kind to him who has essayed to lead their daily devotions here. God bless them for it; yet more than all in this their reverent recognition of Him who ruleth over all. Dear to our hearts is this nation whose heritage is wide as the continent, whose welfare is the problem of the coming year; yet dearer far to Thee must be this great people whom Thou hast cherished through all the story of their wondrous life. As all nations before Thee are but as the key-board of Thy fingers, and whosoever Thou dost strike the note of our Republic, oh, may the answer be a strain of universal liberty, law, order, and concord resounding through the world.

And now in the closing hours of this Congress, under the pressure of so many urgent things, suffer us once more to commend to Thee all these Thy servants, their persons, families, friends, estate, and all our rulers and magistrates, and all our men of rank and might, yea, and all the millions of the people, to preserve them in body, safety, and prosperity in all the land and in all our generation. Through the name of Him whose name is above every name and will endure forever, the name of our Lord and Saviour Jesus Christ. Amen.

The VICE-PRESIDENT. The Senate will come to order.

Mr. ANTHONY. Mr. President—

Mr. EDMUNDS. There is not any quorum.

Mr. COCKRELL. No quorum?

The VICE-PRESIDENT. There is evidently no quorum present.

Mr. BURNSIDE, (at one o'clock and six minutes.) Is it in order to give a notice?

The VICE-PRESIDENT. It is not. There is no quorum present. It is a legislative act to give a notice.

Mr. SARGENT. I ask that the roll be called.

The VICE-PRESIDENT. The roll of the Senate will be called.

The Secretary called the roll, and 34 Senators answered to their names—less than a quorum.

The VICE-PRESIDENT, (at one o'clock and fifteen minutes p. m.) There is a quorum present.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. TELLER. Will the Senator withdraw that motion?
Mr. EDMUNDS. I withdraw it for a moment.

EXERCISE OF ELECTIVE FRANCHISE.

Mr. TELLER. I desire to call up a resolution submitted by me last Thursday from the special committee appointed to investigate the election frauds.

The VICE-PRESIDENT. The Senator from Colorado asks the Senate to consider a resolution which will be reported.

The Secretary read the resolution, as follows:

Resolved, That the select committee appointed under the resolutions adopted on the 17th of December, 1878, to inquire into certain alleged violations of the constitutional rights of American citizens in recent elections in any of the States of the Union be continued, with power to report at the next session of the Senate; and said committee shall have authority to sit during the recess of the Senate, and shall possess, during said recess and until its report shall have been made, all the power and authority heretofore conferred on it.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. SAULSBURY. I wish to know—

The VICE-PRESIDENT. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills and joint resolutions:

A bill (H. R. No. 2472) for the relief of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry;

A bill (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas;

A bill (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts;

A bill (H. R. No. 1901) for the relief of Philip W. Stanhope;

A bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

A bill (H. R. No. 2161) for the relief of M. G. Harman, of Virginia;

A bill (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie;

A joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring suit in the name of the United States to quiet and settle the titles to land of the Black Bob band of Shawnee Indians; and

A joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 4579) concerning street railroads in the District of Columbia, asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. WILLIAM CLAFIN of Massachusetts, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. G. W. HENDEE of Vermont, managers at the conference on the part of the House.

The message also announced that the House had passed without amendment the following bills and joint resolution:

A bill (S. No. 959) to grant additional rights to homestead settlers on public lands within railroad limits;

A bill (S. No. 934) for the relief of H. M. Billingsley;

A bill (S. No. 1087) to provide additional regulations for homestead and pre-emption entries on the public lands; and

A joint resolution (S. R. No. 31) approving the decision of the Commissioner of the General Land Office in the claim of Anna M. Clarke.

EXERCISE OF ELECTIVE FRANCHISE.

Mr. EDMUNDS. I now renew my motion.

Mr. TELLER. My resolution has not yet been voted on.

The VICE-PRESIDENT. The question is on the resolution of the Senator from Colorado; which will be again read for information. The resolution was again read.

Mr. BAYARD. When was that reported?

The VICE-PRESIDENT. On the 27th day of February.

Mr. TELLER. I will say that when the resolution was introduced the Senator from Delaware objected to it. He wanted to examine it. This is the third time I have called it up, and the objection has come from the other side of the Chamber. It was the action of the committee unanimously. I supposed that the investigation was specially desired on that side of the House.

Mr. SAULSBURY. I do not believe this practice is to result in good. It entails expense on the country. It may be a very pleasant thing for committees to travel from one end of the country to the other making investigations which will result in no practical good at the public expense. As one member of the body I take it upon myself to say that I object to all such useless expenditures of public money.

The VICE-PRESIDENT. Will the Senate agree to the resolution? The resolution was agreed to.

PAY OF EMPLOYÉS.

Mr. EDMUNDS. I renew my motion.

Mr. BAYARD. I offered a joint resolution yesterday relative to some allowance to employés, which ought to be acted on.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

Mr. BAYARD. Will not the Senator allow me one moment to call up this resolution which I trust now will be passed? It is relative to paying pages and clerks of committees for sixty days. I believe it will take no time.

Mr. EDMUNDS. It is highly important I think to public interests that there should be an executive session; but if nobody else asks to lay this aside, I shall withhold my motion for a moment.

The VICE-PRESIDENT. The Senator from Delaware asks unanimous consent to consider at this time a resolution which will be read.

Mr. BAYARD. It is the resolution offered yesterday in respect to paying the clerks of committees and pages.

The VICE-PRESIDENT. It will be read.

The joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, was read as follows:

Resolved, &c., That the Secretary of the Senate and Clerk of the House of Representatives are hereby authorized and directed to pay all committee clerks, pages, messengers, and other employés of the Senate and House of Representatives who do not receive annual salaries, their present rate of compensation respectively for sixty days from the date of the adjournment of this Congress; and the money required to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall be immediately available: *And further*, The provisions of this resolution shall apply to the persons holding their respective positions at the date of its approval.

Mr. DAVIS, of West Virginia. When the resolution under consideration was offered yesterday I objected to it. I did so for several reasons, prominent among which is the fact that the legislative bill now pending appropriates the money necessary to pay all employés thirty days' additional pay. That has been the usage of the Senate, I believe. This is unusual, as I understand. If the resolution should pass and we should have an extra session, of course it would be paying double, perhaps treble, because the legislative bill contains provision for what this resolution provides for. Of course if we were in session the employés would be paid. Therefore I believe I must object. I do it with great respect to the mover, but I believe it my duty to object.

The VICE-PRESIDENT. One objection will not carry it over.

Mr. EDMUNDS. The matter is on the Calendar. This is a joint resolution, Mr. President.

The VICE-PRESIDENT. The Chair thought it was a simple resolution of the Senate.

Mr. EDMUNDS. No; the question is on the second reading.

Mr. DAVIS, of West Virginia. It appropriates money from the Treasury.

Mr. EDMUNDS. The Senate has a right to vote to-day that it be read the second time; but it cannot be read the third time without unanimous consent.

Mr. DAVIS, of West Virginia. Certainly.

Mr. EDMUNDS. Inasmuch as this is the last day of the session and the Senator from Delaware does not care about the second reading if he cannot have the third, I must insist on the motion I made.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont, that the Senate proceed to the consideration of executive business.

The motion was agreed to.

COMMITTEE ON ORDNANCE.

Mr. BURNSIDE. I desire unanimous consent to withdraw a resolution I offered on the 26th instant, to raise a committee on ordnance. The resolution is as follows:

Resolved, That a committee of five Senators be appointed by the Chair to examine into and report upon the whole subject of ordnance as it relates to the Army, Navy, and militia; and that said committee shall have authority to examine departmental books and papers and to employ a clerk. The expenses of said committee shall be paid out of the contingent fund of the Senate. The Secretaries of War and Navy are each directed to detail an officer as secretaries of said committee.

The VICE-PRESIDENT. There being no objection, the resolution is withdrawn.

COMMITTEE ON PRINTING.

Mr. ANTHONY. While the galleries are clearing I offer the following resolution:

Resolved, That the Committee on Printing have leave to sit during the recess.

Mr. DAVIS, of West Virginia. That is usual, I believe.

The VICE-PRESIDENT. There is no objection, and the resolution is agreed to.

COMPILATION OF PRIVATE LAND CLAIMS.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the reports of the Senate and House Committees on Private Lands Claims from the Nineteenth Congress to date, compiled under the direction of the Senate Committee on Private Land Claims by its clerk, be printed for the use of the Senate.

PETITIONS AND MEMORIALS.

Mr. DAVIS, of Illinois. I present a memorial to Congress from the

United States Church, as it is called, sitting at Joliet, Illinois, praying Congress to overrule the Postmaster-General, who has suppressed, as they say, their literature as blasphemous. They insist upon it that it is not, and recite at length their grievance in respectful language and ask the interposition of Congress to change the decision of the Postmaster-General. The memorial is in respectful language; but it is proper for me to state that I did not know before of the existence of this church or of its literature. I move the reference of the memorial to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. No. 2518) granting jurisdiction and authority to the Court of Claims in the case of the schooner Don Pedro, reported it without amendment.

INTEROCEANIC SHIP-CANAL.

Mr. SARGENT. I offer the following resolution:

Resolved, That the Secretary of the Navy is directed to furnish for the information of the Senate the reports of survey of the Panama and Nappi interoceanic ship-canal routes, made in 1875, with the accompanying papers.

Mr. ANTHONY. And that they be printed.

Mr. SARGENT. I had not included that, but I will insert it on the suggestion of the chairman of the Committee on Printing.

The VICE-PRESIDENT. The Chair hears no objection, and the resolution will be so modified.

The resolution, as modified, was agreed to.

EXECUTIVE SESSION.

Mr. EDMUNDS. Now I insist on the regular order.

The VICE-PRESIDENT. The galleries are cleared and the doors closed. The Senate is in executive session.

After one hour and thirty-eight minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. H. REAGAN of Texas, Mr. J. E. KENNA of West Virginia, and Mr. J. A. HUBBELL of Michigan, managers at the conference on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts:

An act (S. No. 19) for the relief of Captain James M. Beeber;

An act (S. No. 290) for the relief of James D. Holman;

An act (S. No. 401) for the relief of Charles H. Mosely;

An act (S. No. 713) for the relief of Martin Clark;

An act (S. No. 852) granting a pension to Mary E. Pauley;

An act (S. No. 1265) to authorize the Secretary of War to convey to Jacob A. T. Wendell, Henry Van Allen, and John R. Bailey a part of the military reservation of Fort Mackinac;

An act (S. No. 1365) to place Lewis Leffman, ordnance-sergeant United States Army, on the retired list;

An act (S. No. 1475) for the relief of the sureties, &c., of Samuel M. Reynolds, late additional paymaster of United States volunteers; and

An act (S. No. 1763) for the relief of Albert U. Wyman, late Treasurer of the United States.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPENCER. I move that the Senate insist on its amendments to the river and harbor appropriation bill, and agree to the conference asked by the House.

Mr. EDMUNDS. Let us have the thing read before that is done. I wish to see just what it is that we have before us.

The VICE-PRESIDENT. The Secretary will report the action of the House.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 1, 1879.

Resolved, That the House non-concur in the amendments of the Senate to the bill of the House (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses.

Ordered, That Mr. REAGAN, Mr. KENNA, and Mr. HUBBELL be managers of said conference on the part of the House.

The VICE-PRESIDENT. Will the Senate insist on its amendments and agree to the conference asked for by the House of Representatives? To this the Chair hears no objection.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. SPENCER, Mr. McMILLAN, and Mr. RANSOM were appointed.

SCHOONER DON PEDRO.

Mr. HAMLIN. I ask the Senate to take up House bill No. 2518. I

will state in a few minutes what there is in the bill, and then the Senate can vote upon it.

Mr. MORRILL. I am not well enough to remain in the Senate to-day. I merely want to dispose of the census bill. I trust there will be no interference.

Mr. HAMLIN. Let this be disposed of. It is the only thing I shall ask of the Senate, and it will not take five minutes.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate consider the bill indicated by him.

Mr. SARGENT. Laying aside the regular order temporarily.

Mr. HAMLIN. Temporarily.

Mr. HARRIS. I ask the Senator from Maine if he will yield to me one moment in order that I may ask the Senate to proceed to the consideration of House bill No. 4579, so that I may move that the Senate insist upon its amendments and grant the committee of conference asked for by the House?

Mr. HAMLIN. If my friend will reflect a moment he will see that is just what I am asking the Senate to do.

The VICE-PRESIDENT. The Secretary will report the bill called for by the Senator from Maine.

The bill (H. R. No. 2518) granting jurisdiction and authority to the Court of Claims in the case of the schooner Don Pedro was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. Is there a report?

Mr. HAMLIN. There is a report.

Mr. EDMUNDS. I should like to hear it.

Mr. MITCHELL. The House report was reported back with the bill by the committee.

Mr. EDMUNDS. Well, if we cannot have a Senate report, let us take a House report.

Mr. MITCHELL. It is the Senate committee's report. The committee adopted it.

The Secretary read the following report, submitted by Mr. FRYE, from the Committee on the Judiciary of the House of Representatives, March 27, 1878:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 2518) for the relief of the owners of the schooner Don Pedro, by reference of said claim to the Court of Claims, find the following facts:

The schooner Don Pedro, a vessel of about ninety-seven tons burden, sailed from Boston for Saint John, with a general cargo, in July, 1877. At about midnight, the United States revenue-cutter U. S. Grant hove in sight, heading apparently directly for the schooner, and, without changing her course at all, struck the schooner just forward of her fore chains, cut her down to the water line, and sunk her at once. The officers and men on the schooner claim that they took every precaution, complied with all the requirements of the law; and the owners allege that their vessel was destroyed by the neglect of the cutter, and in utter disregard of the law. Your committee believe these owners entitled to a remedy in law. They find that in a similar case, that of the Ada A. Andrews, sunk by the Ticonderoga, the claimants were sent to the Court of Claims. (See chap. 418, Laws 1873.) They recommend the same action in this case, and to that end the enactment of the bill referred.

Mr. EDMUNDS. I guess I shall not object under the circumstances.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENTH CENSUS.

Mr. MORRILL. I trust Senators will not ask me to yield. I merely desire to dispose of the census bill. On account of a sudden cold, I am not well enough to remain in the Senate to-day.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (H. R. No. 1655) to provide for taking the tenth and subsequent censuses.

The VICE-PRESIDENT. The Secretary will report the amendments of the House of Representatives.

Mr. MORRILL. I will state that these amendments have been once read in the Senate, all except a portion of the last one, I think, and now the select committee on the tenth census recommend that the Senate shall agree to all the amendments. If there is no objection, I should like to have the question taken on the amendments in gross.

Mr. HARRIS. Will the Senator from Vermont yield to me in order to ask for the appointment of a committee of conference?

Mr. MORRILL. I hope the Senator will allow us to get through with this bill. We can get through in five minutes.

The VICE-PRESIDENT. The question is, Will the Senate concur in the amendments of the House of Representatives to this bill?

Mr. CONKLING. Mr. President, as between the bill as it left the Senate and as it came back from the House, I think there is a choice in favor of the action of the House. I wish, however, to say for my self that having called attention to this subject once or twice, feeling that I have sufficiently discharged my duty in regard to it, I shall now content myself with making one or two very brief observations.

I wish to record a prediction that this census bill, beside being objectionable in other respects, will cost more than twice the sum of money of which we have heard. I am willing to hazard my reputation as a prophet by predicting that it will cost seven or eight million dollars, more than one-half of which I believe will be unnecessarily expended. In addition to that, it deposits a discretion with somebody which I deem unsafe and unwholesome.

If I wanted an illustration of this I could find it in a letter written by one of the persons likely to be assigned to this duty, in which advising the discretionary power to dispense with schedules and parts

of schedules, he takes up beeswax for example, and honey, as matters about which no inquiry should be made. I speak of these because my honorable friend from California [Mr. SARGENT] sits here. He knows better than I do the export of his State in the matter of honey alone; it is not only striking but amazing; and that production is one of those selected as something of which no account should be taken in this attempt to throw a drag-net of inquiry over all the industries of the country worthy of mention. It indicates to my mind the unsafety of permitting any individual, however instructed, to determine for himself upon what subjects inquiry shall and shall not be made. I think the law-making power should prescribe the schedule of inquiry, the topics to be ascertained; and this one product to which I have referred, instructively, I think, illustrates the wisdom of so prescribing.

But, Mr. President, having said that I think this bill should be and ought to be improved, and having said that I believe it will be a needlessly costly proceeding, I feel that I have sufficiently discharged any duty which may be supposed to rest upon me, and if the Senate thinks that a year before there is occasion for any such legislation it is worth while in haste and in heat to adopt this measure so be it; I shall vote against it.

The VICE-PRESIDENT. The question is, Will the Senate concur in the several amendments made by the House of Representatives? The amendments were concurred in.

DISTRICT STREET RAILROADS.

Mr. HARRIS. I move that the Senate insist on its amendments to the bill (H. R. No. 4579) concerning street railroads in the District of Columbia, and agree to the conference asked by the House of Representatives.

The VICE-PRESIDENT. Will the Senate insist on its amendments and grant the committee of conference asked for by the House of Representatives? The Chair hears no objection, and it is so ordered.

The VICE-PRESIDENT being by unanimous consent authorized to appoint the conferees on the part of the Senate, Mr. HARRIS, Mr. ROLLINS, and Mr. MERRIMON were appointed.

BLIND PENSIONERS.

Mr. DAVIS, of Illinois. I think there will be unanimous consent to take up a bill, to which there cannot be any objection, for the relief of soldiers and sailors becoming totally blind in the service of their country. The law as it now stands provides that a person who has lost both eyes in the service of the country shall receive a particular class of pension. The Pension Office has construed that law so that if a person had but one eye when he went into the service, and lost the other eye in the service, he cannot get the pension. The bill on which I ask action has been passed by the House of Representatives. It is very clear that if a person entered the service who had but one eye and then lost the other he is totally disabled. I should be glad if the bill could be taken up now and passed. I have the authority of the Committee on Pensions for calling it up.

Mr. VÖORHEES. It is eminently just and right.

Mr. DAVIS, of West Virginia. I inquire of the Senator whether the bill is on the Calendar?

Mr. DAVIS, of Illinois. Yes; it has been on the Calendar for some days, and was forgotten the other evening.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6242) for the relief of soldiers and sailors becoming totally blind in the service of the country. It construes the act of June 17, 1878, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country," so as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "totally blind," to insert the words "or so totally disabled as to require the attendance and assistance of another person."

Mr. DAVIS, of Illinois. I hope the Senate will not agree to the amendment, because if we amend the bill at all it will have to go back to the House. Another law can be passed on the subject. I am satisfied the chairman of the Committee on Pensions will not insist on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. COLLINS.

Mr. CAMERON, of Pennsylvania. I ask the unanimous consent of the Senate to take up House bill No. 6270, for the relief of Joseph B. Collins, which will only occupy a few minutes.

Mr. McMILLAN. I have a report from the Committee on Claims of a bill for the payment of quartermasters' accounts, which ought to be disposed of. There is a large number of those accounts.

The VICE-PRESIDENT. The Chair will recognize the Senator from Minnesota afterward. The Senator from Pennsylvania asks the Senate to consider at this time the bill indicated by him. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. No. 6270) for the relief of Joseph B. Collins. It authorizes the President to reinstate Major Joseph B. Collins, late of the United States Army, and to retire him in that grade as of the date he was previously mustered out, charging him with all extra pay and allowances paid him at that time.

Mr. SARGENT. Let the report be read, or the substance of it stated by the Senator who reported the bill.

Mr. HOWE. Will the Senator allow me to state the substance of it?

Mr. SARGENT. Yes, sir.

Mr. DAVIS, of West Virginia. We had better have the report read.

Mr. HOWE. Joseph B. Collins entered the Army as a private. For gallantry during the Mexican war he was promoted to a lieutenancy. He served during that war. He served in the Army until the close of the rebellion. He had risen to the rank of major, I believe. During the process of consolidation he was, in the judgment of all military lawyers in violation of law, pressed out of the service. He had been wounded twice, and educationally and physically he was unfitted for any other business, and he was left with a family on his hands. This bill proposes to restore him and retire him. It was in violation of law, as I believe, and as other better lawyers than I am believe, and as the committee believe, that he was squeezed out of the Army in the first instance.

Mr. SARGENT. I withdraw any objection to the bill.

Mr. HOAR. The Senator said the bill proposes to restore him. In what mode is that accomplished?

Mr. HOWE. And to retire him. The bill was drawn by the Military Committee.

Mr. HOAR. Let the bill be read.

The Secretary proceeded to read the bill as follows:

That the President be, and he is hereby authorized to reinstate—

Mr. HOAR. That is all I want to know.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS FOR QUARTERMASTERS' STORES.

Mr. McMILLAN. The Committee on Claims have had under consideration the bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes. They have made certain amendments thereto, and instruct me to report it back with the recommendation that the bill be passed as amended. I ask for the present consideration of the bill. There will be no objection to it.

Mr. HILL. Will it take any time?

Mr. McMILLAN. No; I think not. It is the usual bill to cover accounts coming from the Quartermaster's Department.

Mr. MERRIMON. What is it about?

Mr. McMILLAN. It contains the claims allowed by the Quartermaster-General and passed upon by the Third Auditor and Second Comptroller of the Treasury. It involves a large number of accounts for quartermasters' stores.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with amendments.

The VICE-PRESIDENT. Shall the Secretary read the amendments only?

Mr. McMILLAN. I am satisfied.

Mr. DAVIS, of West Virginia. I ask that the bill be read through. ["No!" "No!"]

The PRESIDING OFFICER, (Mr. HOAR in the chair.) Does the Senator desire the House bill to be read or the amendments of the Senate committee?

Mr. DAVIS, of West Virginia. I understand that it is a bill to be passed, and that it never has been read from the desk.

The PRESIDING OFFICER. It has been "read twice and referred to the Committee on Claims."

Mr. DAVIS, of West Virginia. It is not the report of a conference committee?

Mr. McMILLAN. No, sir.

The PRESIDING OFFICER. The Chair understands that the bill consists of lists of names and sums. It will be read of course if any Senator desires it. It is a bill for the payment of the southern claims which have been allowed by the Quartermaster-General.

Mr. DAVIS, of West Virginia. I do not object to the bill; I am rather in favor of it; but I am opposed to having any bill passed without having it read at the desk; I think it a dangerous practice. Every bill ought to be read. Otherwise we do not know what we are voting on, and it is a practice that ought not to be allowed.

Mr. McMILLAN. If Senators would only listen to the bill when it is read, there would be more occasion for its reading.

Mr. DAVIS, of West Virginia. The Senator from Minnesota has no right to say that a Senator must listen to a bill. Any Senator has a right to ask to have it read, and then he listens as he pleases.

Mr. McMILLAN. I did not say that Senators must listen, but that they should know the contents of a bill that is passed, and it may not be always necessary to have it read at the desk for that purpose.

The PRESIDING OFFICER. The point of order is not debatable. The bill will be read.

The Secretary proceeded to read the bill.

Mr. WINDOM. I ask that this bill may be laid aside, that I may make a report from a committee of conference.

The PRESIDING OFFICER. That is the right of the Senator from Minnesota under the rules.

FORTIFICATION APPROPRIATION BILL.

Mr. WINDOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, having met, after full and free conference, have agreed to report, and do report, as follows:

That the Senate recede from its amendment numbered 1.

That the Senate recede from its amendment numbered 2, with an amendment striking out in line 11, page 1 of the bill, the words "Gatling and other;" and that the House agree to the same.

WM. WINDOM,
S. W. DORSEY,
W. A. WALLACE,
Managers on the part of the Senate.
JOHN H. BAKER,
WM. A. J. SPARKS,
Managers on the part of the House.

Mr. WINDOM. The bill as it came from the House appropriated \$100,000 for the preservation and repair of fortifications and other works. The Senate increased the amount to \$200,000. The report of the conference is a recession on the part of the Senate from its amendment to the item:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, &c., and "for Gatling and other machine guns, \$125,000."

The Committee on Appropriations and the Senate thought the amount ought to be increased to \$250,000; but the committee of conference on the part of the Senate were unable to procure an agreement to that amendment, and they have recommended a recession from it.

The PRESIDING OFFICER. Will the Senate concur in the report of the committee of conference?

The report was concurred in.

CLAIMS FOR QUARTERMASTERS' STORES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes.

Mr. McMILLAN. I think the Senate may consent perhaps to having the amendments read merely.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the names and sums contained in the bill be omitted in the reading except as to the amendments proposed. Is there objection? The Chair hears none.

The bill was reported from the Committee on Claims with amendments, as follows:

On page 5, line 90, at the end of the line, add "and fifty cents."
On page 9, line 197, for the letter "L" substitute "S."
On page 10, line 216, after the word "Francis," insert "A."
On page 10, lines 222 and 223, strike out the word "Sagerson," where it occurs, and insert "Sagerser."
On page 12, line 273, strike out the word "Mary" and insert "Margaret."
On page 12, line 274, at the end of the line, add "and fifty cents."
On page 14, line 331, strike out the word "Eavery" and insert "Eavey."
On page 20, between lines 476 and 477, insert "To Josiah Toms, \$135."
On page 23, line 662, strike out "Brown" and insert "Bown."
On page 31, at end of the line 730, insert "deceased."
On page 31, between lines 748 and 749, insert "To Albert Gardner, \$110."
On page 34, line 904, strike out the word "Rondebush" and insert "Rondebush."
On page 42, line 1018, strike out the word "Lydig" and insert "Lydia."
On page 46, line 1100, strike out the letters "J. W. L." and insert "W. L. J."
On page 49, line 1185, strike out the letter "A" and insert "H."
On page 51, line 1228, strike out the word "Hines" and insert "Hinds."
On page 55, line 1334, add "and fifty cents."
On page 60, line 1458, after the word "William" insert "A."
On page 61, line 1470, strike out "administrator" and insert "widow."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH L. STEVENS.

Mr. WADLEIGH. I desire to call up Senate bill No. 1837.

Mr. McMILLAN. I ask that another bill of a similar character to the one just acted on be taken up, which I also desire to have passed.

Mr. WADLEIGH. I move that the Senate proceed to the consideration of the bill (S. No. 1837) for the relief of Joseph L. Stevens, postmaster at Manchester, New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper officers of the Post-Office Department to credit, in the account of Joseph L. Stevens, postmaster at Manchester, New Hampshire, \$3,285, being the value of certain postage-stamps which were stolen from the safe in that post-office on or about the 16th of June, 1877, without the fault or negligence of the postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NARRATIVE OF THE POLARIS EXPEDITION.

Mr. ANTHONY. I ask that a message be sent to the House re-

questing the return to the Senate of a concurrent resolution passed by the Senate for printing copies of the Narrative of the Polaris Expedition.

The PRESIDING OFFICER. Is there objection to having this message sent to the House requesting the return of the resolution? The Chair hears none, and it is so ordered.

POWELL'S REPORT ON ARID REGIONS.

Mr. PADDOCK. Some days ago I interposed an objection to the consideration of a resolution which came from the Committee on Printing authorizing the printing of the report of Major Powell upon the arid region of the United States. That objection is now withdrawn.

The PRESIDING OFFICER. The objection to the passage of the concurrent resolution of the House of Representatives reported from the Committee on Printing being withdrawn, is it the pleasure of the Senate to consider the resolution at the present time?

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 5,000 copies of the report on the lands of the arid region of the United States, by J. W. Powell; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for the use of the Department of the Interior.

PAY OF EMPLOYÉS.

Mr. SARGENT. I ask to have passed a joint resolution authorizing the employés of the Senate and House to receive thirty days' compensation.

Mr. EDMUNDS. I thought we had passed that.

Mr. SARGENT. It passed the Senate in the deficiency bill and failed. A resolution of the same kind was offered by the Senator from Delaware. This has been modified to meet the views of the Senator from West Virginia, [Mr. DAVIS,] who is in favor of allowing thirty days, but not in favor of sixty days.

Mr. BAYARD. I accept the amendment the Senator from California now proposes to the joint resolution.

The PRESIDING OFFICER. Is there unanimous consent to consider the joint resolution?

Mr. EDMUNDS. Let it be read first.

The Secretary read the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

By unanimous consent, the joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives was read the second time, and considered as in Committee of the Whole.

Mr. DAVIS, of West Virginia. I have yesterday and to-day objected to a similar resolution, but paying sixty days' compensation instead of thirty as this provides. Under the same circumstances I should object again, but I am assured by the members of the Committee on Appropriations on the conference that the thirty days' provision failed in the deficiency bill, and in the legislative bill it has also been stricken out. I am in favor, and I was when I made the objection, and expect always to be willing that thirty days' compensation should be paid each employé. I think that right; but I think that sixty days' compensation or double pay is radically wrong. Had it not been that I am assured by those on the committee of conference that that provision has been stricken from both the bills, I should of course object to this joint resolution, but the Senator from California says that this is to be in full, and with the understanding that thirty days' pay is all that is to be allowed under any circumstances, I agree to the resolution.

The PRESIDING OFFICER. The Chair understands that the Senator from California proposes the resolution he now offers as a substitute for the joint resolution introduced by the Senator from Delaware, [Mr. BAYARD.]

Mr. SARGENT. Yes, sir; let this be substituted for it.

Mr. EDMUNDS. I reserve objection until we hear what the substitute is.

Mr. SARGENT. It is the one just reported, providing for thirty days' compensation.

Mr. EDMUNDS. The Senator from California said he offered a substitute.

Mr. SARGENT. The Senator from Delaware introduced the joint resolution last night, to which the second reading was objected, and the objection was made because it provided for sixty days, which I do not believe in. I have offered this substitute which provides for thirty days, and under this resolution they will receive no other pay.

Mr. EDMUNDS. The Senator's use of the word "substitute" misled me. It is all right.

The PRESIDING OFFICER. The amendment of the Senator from California to the joint resolution will be reported.

The SECRETARY. In line 8 it is proposed to strike out "sixty" and insert "thirty," and at the end to add the words "and they shall receive no other compensation for said time than that herein provided;" so as to make the joint resolution read:

That the Secretary of the Senate and Clerk of the House of Representatives are hereby authorized and directed to pay all committee clerks, pages, messengers, and other employés of the Senate and House of Representatives who do not receive annual salaries their present rate of compensation respectively for thirty days from the date of the adjournment of this Congress; and the money required to pay the same is hereby appropriated out of any money in the Treasury not otherwise

appropriated, and shall be immediately available: And further, The provisions of this resolution shall apply to the persons holding their respective positions at the date of its approval, and they shall receive no compensation for said time than that herein provided.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and read the third time.

Mr. DAVIS, of West Virginia. I wish to state again that it is the understanding that this is only pay for the thirty days.

Mr. BAYARD. That was stated, and is in the amendment.

Mr. DAVIS, of West Virginia. I understand it so, but I want to have it perfectly understood.

Mr. SARGENT. That is my understanding.

The joint resolution was passed.

H. T. BURROWS

Mr. McDONALD. I ask unanimous consent to introduce a joint resolution and to have it considered at this time.

Mr. McMILLAN. If it will not occupy time I will yield further.

The PRESIDING OFFICER. The joint resolution will be reported for information.

The joint resolution (S. R. No. 72) for the relief of H. T. Burrows was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. Reserving the right to object, I ask the Senator from Indiana to explain exactly what this means?

Mr. McDONALD. It means exactly this: some nine months since Mr. Burrows was placed on the roll as a special messenger. On the appointment of Mr. Bullock as consul at Cologne, Mr. Burrows was placed by the Sergeant-at-Arms on the messengers' roll and has been discharging special messenger duty ever since, but the Sergeant-at-Arms has only been able to pay him laborer's wages, which he has received and which is to be deducted from the amount of pay he should have received as a messenger. It simply gives him the wages that he has earned as a special messenger and nothing more. The amendment was sent to the Committee on Appropriations, and it was by them reported favorably and put into the deficiency bill, but it being in conflict with some rules the House had adopted on that subject it was stricken out in conference. This is simply to restore it and give Mr. Burrows the pay he has earned.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. Mr. President, the only difficulty that I know of about this affair is that I think I know that there are other persons who are in substantially the same category, and if this be just, which I do not deny, (I do not know anything about it,) then these other persons ought to be provided for. There is a very competent person who has been acting as messenger all the time to the Committee on the Judiciary who I understand does not receive messenger's pay. I do not know whether he gets the pay of a laborer or of some other intermediate employment; but a constant and competent person performing the full duties of a messenger all the time, night and day, and with great faithfulness, who I have the best reason for believing does not get the pay of a messenger. My only point is to treat all these persons who have performed higher duties than the Sergeant-at-Arms has been able to pay them for exactly alike, which of course is just.

Mr. McDONALD. I am very willing to do that. I know that this case is just, and I have no doubt the case to which the Senator refers is equally meritorious.

Mr. MATTHEWS. If the Senator from Indiana will allow me, in connection with what has just been stated by the Senator from Vermont, I desire to call his attention to the fact that the case of another employé by the name of R. A. Birchett was also provided for in the deficiency bill and stands upon the exact circumstances of those of Mr. Burrows provided for in this joint resolution, and it would be exceedingly inequitable to provide for Mr. Burrows without providing for Mr. Birchett.

Mr. McDONALD. If the Senator from Ohio and the Senator from Vermont will offer an amendment to the joint resolution covering these cases, I shall be perfectly willing to accept it.

Mr. EDMUNDS. I want to get at the exact facts before I offer it, and for the moment I will object to the consideration of the joint resolution, but I will withdraw it by and by when I ascertain exactly what the state of the thing is.

The PRESIDING OFFICER. Does the Senator from Vermont consent to the present consideration of the joint resolution?

Mr. EDMUNDS. The Senator from Vermont does not; he objects.

The PRESIDING OFFICER. The Senator from Vermont objects. The resolution is not before the Senate.

Mr. McDONALD. He objects for the present.

Mr. EDMUNDS. For the present; but that is enough for the present.

Mr. HAMLIN. Will the Senator from Vermont withdraw his objection one moment?

Mr. EDMUNDS. Yes, sir.

Mr. HAMLIN. I wish to say to the Senate that there are cases other than messengers. There are daily laborers, who have been em-

ployed in this body, who have rendered their services, and when the time of payment came they did not receive the compensation to which they were entitled. I wish to take care of the laborer as well as the messenger, who may be regarded as one grade above him. Indeed they are the most worthy, as they get the least sum and do the hardest work.

The PRESIDING OFFICER. The Senator from Vermont insists upon his objection, and the joint resolution is not before the Senate.

CLAIMS FOR ARMY SUPPLIES.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871, and acts amendatory thereof. This bill has been partially considered by the Senate and it was interrupted by the lapse of the period appropriated to the morning hour.

By unanimous consent, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The Chair is informed at the Clerk's desk that the bill which is now called up was reported by the Committee of the Whole to the Senate on a former day.

Mr. DAVIS, of West Virginia. And read?

The PRESIDING OFFICER. The Chair is informed that it was read through and reported by the Committee of the Whole to the Senate. The question now is on concurring in the amendment made as in Committee of the Whole.

Mr. McMILLAN. There was an amendment reserved.

The PRESIDING OFFICER. The amendment reserved will be reported.

The SECRETARY. The Senate, as in Committee of the Whole, rejected the amendment of the Committee on Claims, striking out, after line 485, the following clause:

To E. T. Eggleston, executor of Sophia A. Fox, deceased, \$6,874.

The PRESIDING OFFICER. This amendment was disagreed to in Committee of the Whole, and it is moved, as the Chair understands, by the Senator from Minnesota in the Senate.

Mr. McMILLAN. The Senator from Mississippi [Mr. LAMAR] is interested in this amendment. I do not see him in his seat now. The amendment made by the Committee on Claims was to strike out this claim from the House bill. The facts of the case are that this claim was presented to the commissioners, amounting to \$11,000 and upward.

The PRESIDING OFFICER. The Senator from Minnesota will pause. The Chair will state the question again. It was proposed by the Committee on Claims to amend this bill by striking out the paragraph read. That amendment was disagreed to in Committee of the Whole, and so the paragraph stands in the bill as reported to the Senate. The Senator from Minnesota now moves to strike out that paragraph. The question is on the motion of the Senator from Minnesota.

Mr. McMILLAN. This amendment was voted upon in Committee of the Whole, and when the bill came into the Senate I reserved it as an amendment for a separate vote, and I ask the Chair to state the question now under that state of facts.

The PRESIDING OFFICER. The Chair will state the question again. The amendment reported by the Committee on Claims was to strike out a certain paragraph contained in the bill as it came from the House. That amendment was disagreed to in Committee of the Whole. The Committee of the Whole therefore ordered the bill to be reported to the Senate with that paragraph standing as a part of the text of the original bill. The question now is upon the motion of the Senator from Minnesota to strike out that paragraph.

Mr. McMILLAN. This claim was stricken out by the Committee on Claims of the Senate, because the commissioners never allowed this portion of the claim originally. The claim presented to the commissioners amounted to \$11,000 and upward. The commissioners allowed between \$4,000 and \$5,000 of the claim, and disallowed the balance in 1876. That was reported at that time to the House of Representatives, and the House of Representatives inserted the amount of the claim then allowed by the commissioners, to wit, \$4,000 and upward, and that amount has been paid. At this session of Congress, the House of Representatives insert the balance of that claim, which had been disallowed by the commissioners, as a claim in this bill.

In the mean time, or at the time the commissioners had passed upon it, the statute of limitations had run against the debts of the estates of these persons, so that the creditors are barred of their claims by the statute of limitations insisted upon by these people, and they come in now and ask that this amount which was passed upon by the commissioners of claims and disallowed shall be allowed by the Congress of the United States without any further examination. Under that state of facts, I do not see how the Senate can allow this claim. There has been no allowance of it by the commissioners, and we are only to allow in this bill claims that have been allowed by the commissioners of claims.

Mr. HARRIS. In order that the Senate may not arrive at a wrong conclusion upon the statement of the honorable chairman of the committee, while the statement which he makes is literally true, yet I think it is calculated to mislead. The original claimant in this case was a Mrs. Fox, and the commissioners found that Mrs. Fox, the

original claimant, was loyal and that the claim was justly due to the amount of eleven thousand and some odd dollars. But pending the investigation Mrs. Fox died, leaving a will. The commissioners finding that one, two, or more of the devisees, I do not know the number, were loyal, undertook to distribute the fund. They do not award it to the personal representative, the executor who had a right to it. The commissioners having found that the \$11,000 was due to Mrs. Fox, and the commissioners having found that Mrs. Fox was loyal and entitled to receive it, she having died subsequently, they undertook to distribute the fund, not through the personal representative, not through the executor of the will, but by their own order to distribute, the thing that the administrator or personal representative ought to have done.

The commissioners undertaking to distribute the fund, they then undertook to inquire into the question of the loyalty of the devisees, the heirs of Mrs. Fox, the objects of her bounty. The proof being satisfactory as to the loyalty of some one or two of those devisees, they did order and pay, not to the personal representative, but to these devisees under the will, some four or five thousand dollars. But there was \$6,000 of the amount that the commissioners found justly due the estate of Mrs. Fox which remained unpaid, and unpaid because the commissioners say that these devisees have not furnished proof that was satisfactory as to their loyalty to the Government. That is the whole question in the case. For one I thought in committee, as I think upon this floor, that the balance ought to be paid and it ought to be paid under the will of Mrs. Fox, whose loyalty was abundantly and clearly proved, and whose rights were established by the judgment of the commission.

Mr. LAMAR. Mr. President, I shall add but one or two words to the statement already submitted by the Senator from Tennessee, and I shall do so simply from the fact that this objection was urged when this matter was before the Senate a few days ago. The point to which I wish to call the attention of Senators is that the result of the decision of the commissioners is to work a confiscation of the estate of a loyal person, a person adjudged to be loyal, merely by the accident of death. I wish to call the attention of Senators to that simple fact. Mrs. Fox filed a petition for the recovery of this money.

Mr. BAYARD. When?

Mr. LAMAR. In 1870, I think. She was adjudged by the tribunal to be loyal. Her claim was adjudged to be valid; \$11,000 was found to be due to her and her estate. In 1873 Mrs. Fox died, leaving a will, in which she bequeathed her estate to certain persons then living in Warren County, Mississippi. The commissioners, after having adjudged the claim valid, awarded \$4,000 to a minor child on account of its tender years, and refused to recommend the payment of \$6,000 of this claim thus adjudged to be well founded to the other two beneficiaries of the estate, upon the ground that their loyalty during the war was not established to the satisfaction of the tribunal.

Mr. BAYARD. May I ask the Senator when their title accrued?

Mr. LAMAR. Their title accrued in 1873, under the will. The whole ground is that the devisees or legatees of an estate cannot take property devolving upon them on account of a want of established loyalty before their title ever accrued. The title of these devisees accrued seven years after the expiration of the war.

Mr. MITCHELL. Were they minors also during the war?

Mr. LAMAR. I will come to that point. These persons whose loyalty was not established to the satisfaction of the commission are two aged women, utterly impoverished, dependent for a support upon this meager amount. They are not charged with disloyalty; they are not charged with giving aid and comfort, but simply their affirmative loyalty is not established to the satisfaction of the commission, a loyalty that was supposed not to exist seven or eight years before their title accrued under this will. In other words, the ground is that the mere fact of a want of loyalty works an incapacity in a loyal citizen to devise her estate away. It is a monstrous doctrine.

The Senator states that claims against this estate have been barred by the statute of limitations, and that therefore these beneficiaries can get money which would otherwise have gone to the payment of the creditors. That may be true; perhaps it is, but it is no fault of the beneficiaries under the will. They could not control that matter. The petition was filed; the judgment was pronounced; the award was made; and immediately after the award, at the very next session of Congress, a bill was filed for their relief; and it is owing to the delay of Congress, for justifiable reasons no doubt, that the time has elapsed which has barred claims against the estate, thus allowing these aged women in the evening of their days to get this pittance. I am glad if it be so that the statute of limitation did apply. It was a humane and beneficial and benignant operation of that statute in one case at least.

Mr. McMILLAN. The bill under consideration is one embracing claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof. This entire claim was presented by the commissioners of claims in 1876. It was at that time passed upon by the commissioners of claims; they allowed a portion of it and disallowed the balance of it. The portion allowed was at that time inserted in the regular bill and passed Congress, and has been paid. No action was taken upon the balance of the claim at that time by Congress, and it has remained without action, and we are now called upon to insert it in the act embracing a large number of claims allowed by the commissioners, and this one

disallowed without being referred back to the commissioners of claims and without any examination of the case except that given by the Senator from Mississippi, as stated upon the floor of the Senate.

Mr. BAYARD. Would not that of itself be satisfactory to the Senators? Granting the facts to be, as we do not doubt they are, as stated by the honorable Senator from Mississippi, does it not make a clear case that these ladies ought to be paid?

Mr. McMILLAN. It is reversing the decision of the commissioners under circumstances in which I am not willing to act, under circumstances where if we did not allow that claim, or if the bill should be defeated on that account it would interfere with all the other claimants in this bill, so that we have not an opportunity of fairly considering the question, and it does not properly come within the bill because it is not a claim allowed by the commissioners, and this is a bill which should embrace only claims of that character.

Mr. BAYARD. Will the Senator pardon me a moment?

Mr. McMILLAN. Yes, sir.

Mr. BAYARD. Is it not a fact that from the commissioners there is a judgment establishing the original testatrix's right to the \$11,000; and is not the question here a mere matter as to the distribution of that to certain devisees?

Mr. McMILLAN. No, sir; the commissioners have disallowed the amount embraced in this bill; they have passed upon certain facts.

Mr. BAYARD. But as I understand the fact, it was judicially established that the testatrix was loyal and was entitled to a certain sum, \$11,000; a decree was made distributing a portion of that, and then a decree was made refusing to distribute the rest of it; but the great fact was whether the sum was due to her and whether she was a person entitled to receive it from the Treasury. Both of these points being answered in the affirmative, the whole question becomes a matter of the distribution of the amount.

Mr. KIRKWOOD. Will the Senator allow me one moment in order that I may be able to understand the matter? The statement of facts does not agree. The Senator from Mississippi and the Senator from Tennessee understand that the claims commission have passed upon this whole claim and allowed the whole amount of it.

Mr. LAMAR. Will the Senator allow me to explain exactly how it was? The commission adjudged the claimant to be loyal. The claimant died pending the suit, after it was begun, and before judgment was pronounced. They adjudged her claim to be valid for \$11,000, and they recommended that there be paid \$4,000 to a minor child on account of its tender years; but while they adjudged the claim to be valid, while they found in favor of the claimant, they declined to recommend the payment of \$6,000 to certain persons to whom the deviser of the estate, that is the claimant herself, who died, had long before bequeathed it. In 1873 we find a presumed want of loyalty in 1861; in other words, that a loyal citizen could not convey her property to a disloyal one.

Mr. McMILLAN. This is a claim made by certain persons whom the commissioners declare to have been disloyal. They could not have been disloyal except from 1861 to 1865.

Mr. KIRKWOOD. I understand that the original claimant, the person who made the claim originally, established the justice of her claim and established her loyalty.

Mr. McMILLAN. Yes, sir.

Mr. KIRKWOOD. Having done that, she died, and the commissioners admitted both the loyalty of the claimant and the amount of the claim, but did not pay all of it, because the property would go to some persons who were not loyal. I do not think that is fair.

Mr. McMILLAN. It came within the rule which the commissioners have established, not only in this case but in all similar cases.

Mr. HARRIS. I desire to ask the Senator from Minnesota a question regarding the same point that the honorable Senator on my right was upon. I desire that there should be no misunderstanding as to the matter of fact between the honorable Senator and myself. I imagine we agree perfectly in the fact that the commissioners found that eleven thousand and some odd hundred dollars were justly due Mrs. Fox, the original claimant, and that they found that her loyalty was sufficiently and satisfactorily established; that they paid four thousand and some odd hundred dollars because they were satisfied that one of the devisees of Mrs. Fox was loyal, but they withheld the balance because of want of proof of loyalty of the others. That is the whole case.

Mr. McMILLAN. The commissioners of claims have uniformly, I believe, in the determination of cases before them, followed the rule that where the claim was in favor of an estate of a deceased person, they would apportion the claim. If there were any number of the heirs or legatees who had been disloyal, they refused to allow such portions of the amount and distributed the claim themselves, allowing to the loyal and disallowing the claim of the disloyal. In this case they found that the amount withheld was to go to disloyal persons, and they deducted from the claim that amount. It will be remembered that the question presented here is not as between the legatees under the will and the estate, but that it is a claim of these persons who claim to be legatees of Sophia Fox against the Government of the United States. The Government of the United States has enacted that no claim shall be allowed to a disloyal person. These persons, disloyal, found to be so by the commissioners, come to the Government and present their claim. This is for personal property.

Mr. MATTHEWS. Will the Senator from Minnesota allow me to interrupt him with an inquiry? Do I not understand that notwithstanding the supposed disloyalty of the present claimants, nevertheless they do not claim in their own right originally against the United States, but by virtue of a claimant the amount of whose claim, the justice of whose claim, and the character of the claimant, were established by the judgment of this commission?

Mr. McMILLAN. That is the fact. They have sustained the loyalty of the testatrix.

Mr. MATTHEWS. Then, do I understand that the committee are of opinion that a claim originally good by reason of the loyalty of the claimant becomes bad by its devolution, by reason of a will or a transfer or conveyance or assignment? If so, what is the value of loyalty as a ground of original claim?

Mr. McMILLAN. The Committee on Claims have expressed no opinion on that subject. They find a decision by the commissioners of claims. They find that they have pursued a uniform course in regard to the matter. They find here that the commissioners, in pursuance of their rule, have disallowed a certain claim, and that the House of Representatives have inserted that amount in a bill which the act of Congress authorized the House of Representatives to frame, namely, a bill embracing claims allowed by the commissioners of claims. It is very evident that if these parties wish to obtain their right they should resort to a special law for that purpose, for this balance, whatever it is, may be allowed by special act of Congress, and it should not be introduced as a claim allowed into this bill. The act of Congress did not provide for the allowance of claims that have been disallowed by the commissioners of claims, but for the claims which have been allowed by them; and to present the question on this bill presents it under circumstances where great injustice would be done to other claimants and great wrong would be done to the Government of the United States. This question should be presented upon a special act for the relief of those parties. It is not a claim which has been allowed and therefore inserted.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. McMILLAN. Yes, sir.

Mr. SAULSBURY. Was not the amount of eleven thousand and some hundred dollars admitted to be due to Mrs. Fox's estate?

Mr. McMILLAN. I will read from the report of the commissioners. The total value of the supplies is \$11,748.

Mr. SAULSBURY. That amount, I understand, was ascertained to be due to the estate of Mrs. Fox?

Mr. McMILLAN. That is as I understand the fact.

Mr. SAULSBURY. Then the commissioners made an allowance to one person on account of her tender years of a little over \$4,000, and as to the balance of the claim which was allowed to the estate of Mrs. Fox, it is not disposed of.

Mr. McMILLAN. It has been disallowed by the commissioners.

Mr. SAULSBURY. Has it been disposed of? I understood the Senator to say there was an amount of eleven thousand and odd hundred dollars estimated to be due to the estate of Mrs. Fox? Is that true?

Mr. McMILLAN. That was the amount of the claim of Mrs. Fox in her life-time.

Mr. SAULSBURY. If Mrs. Fox had lived, would that amount have been paid to her?

Mr. McMILLAN. As I understand, it would have been paid to her.

Mr. SAULSBURY. Then there has been some four thousand and odd hundred dollars allowed out of that to one of tender years. Then I understand this case to be that three ladies claim to be the devisees or heirs at law, I do not know which, of Mrs. Fox, and the claim of two of them is resisted on the ground of disloyalty, if I understand this case.

I do not wish to trespass upon the time of the Senator, if he is not through, but I wish to express myself in reference to that matter. I wish to say that I am utterly surprised and amazed that the charge of disloyalty should be raised against two aged women, as I understand these ladies are, long subsequent to the war, and interposed to prevent their taking an estate which fell to them from a deceased relative. I am surprised, I say, that such objection should be made in the Senate of the United States. I once heard, while I was upon the Committee on Pensions, an objection of disloyalty raised against the widow of a revolutionary soldier, but when it came up before the Senate of the United States that objection was dispelled. The war of the Revolution had been over for nearly a century, and yet that was interposed because the widow of some revolutionary soldier had said during the pendency of the war that she believed she would rather live under King George than the Continental Congress; but when it came before the Senate they would not admit that that was any ground to deprive this lady of her right, and her pension was allowed to her.

Mr. HOAR. I desire to call the attention of the Senator from Delaware, and other Senators who have uttered sentiments in conformity with his, to the precise point. It is not a question of the validity of this claim. Here is a bill which contains a list of claims which have been allowed by the commissioners of claims. There are thousands of claims in the bill—more than a thousand undoubtedly, I do not know exactly how many. The committee takes a bill and looks to see whether it agrees with the judgment of the commission and looking far enough into the transaction to see whether the tribunal had

jurisdiction over it, and that is all. On the faith of that simple examination alone the Senate passes a bill which is for the relief of a great many hundred persons. Now, we do not undertake to reverse the decisions of the commissioners of claims; we do not undertake to inquire into the justice of their decision in the least; we only undertake to see whether they have decided and whether they had jurisdiction over the subject-matter, and there we stop. If anybody thinks their decision wrong or if anybody thinks there is a claim over which they had not jurisdiction, the claimant comes to the Senate for a private bill, the committee examine his private claim, and go into it and prepare themselves to tell the Senate in regard to every question of fact and every question of law that the Senate wants to know about it, and that is the function of the Committee on Claims.

Now, this particular claimant comes in and says, "I want you to depart from that rule," a rule which saves the Senate weeks and months of time, because if it is going into the merits of these other cases on this bill it would take weeks and months, and it could do nothing else; it must sit here all the year round for that. Now, this claimant comes in and says that three years ago, not in the year to which this bill relates, the southern claims commission disallowed her claim because they proceeded under the erroneous rule that a claim due to a loyal claimant who has died should not be permitted to pass to disloyal heirs. That is the precise point.

Now I agree, as far as I am at present instructed, that the southern claims commission erred in that particular, that it is an unjust rule. The Senator from Mississippi cannot state it more strongly than I am at present prepared to say amen to, unless there is some reason I do not now think of. But upon this bill there are several names on every page where the commission have done that thing exactly, and in every similar bill there are such claims.

Mr. SAULSBURY. I had the floor, and was compelled to yield to a conference report.

Mr. McMILLAN. I am yielding to both Senators.

Mr. HOAR. If the Senator from Delaware will allow me out of his courtesy to finish this statement, I shall be obliged to him.

There are three or four such claims on every page. We ought, therefore, in justice to all these, to reverse the decision of the claims commission in all these cases. But there is another difficulty. These claimants not only ask the Senate to reverse the decision of the Court of Claims, and to do it on this bill instead of a private bill, but they ask the Senate on a mere statement to distribute this estate. They say that Mary Jones, who died five or three years ago, had a claim. Now, will the Senate enact that that claim shall go to two persons who the Senator from Mississippi says were next of kin? If we do that, we have got, in the first place, to cut up by the roots all consideration of whether there are creditors who ought to have been considered. The amendment ought at least to send it to the executor or administrator of the deceased to have it distributed by the courts of the State. I agree the Senator from Mississippi will make a very good answer on this point to this extent: he will say the southern claims commissioners said that these two ladies were next of kin, and for the very reason that they were disloyal next of kin did not give them this sum; but the rule which the establishment of this precedent will establish is that on this long bill we have got to go into that question in every case, not only give the claimants an allowance, but distribute the claims of those deceased.

Mr. SAULSBURY. Allow me a moment.

Mr. HOAR. Certainly; and I beg the Senator to accept my hearty thanks for letting me interrupt him so long.

Mr. SAULSBURY. I am a very amiable gentleman or certainly the Senator would not have been indulged.

Mr. HOAR. The Senator from Delaware is the most amiable gentleman within the sound of his own voice.

Mr. ALLISON. Now, may I ask the Senator from Delaware to be kind enough to yield to me?

Mr. McMILLAN. I believe I hold the floor.

Mr. ALLISON. Then I will ask the Senator from Minnesota to yield to me.

Mr. McMILLAN. For what purpose?

Mr. ALLISON. To make a report from a committee of conference.

The PRESIDING OFFICER. (Mr. CAMERON, of Wisconsin, in the chair.) The Senator from Iowa has a right to the floor for that purpose. The report of the committee of conference will be read.

DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 8, 9, 10, 13, 14, 16, 19, 25, 28, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 59, 55, 56, 57, 60, 64, 65, 67, 82, 84, 89, 90, 91, 92, 93, 95, 96, 97, 98, 101, 104, and 106.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 11, 12, 15, 17, 18, 21, 24, 25, 27, 29, 33, 34, 54, 58, 59, 61, 62, 63, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 83, 85, 86, 87, 99, 100, 102, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 22, and 23, and agree to the same, with amendments as follows:

As to 23, in lines 6 and 11 of amendment 20, strike out the word "three" and insert the word "one."

As to amendment 22, in line 5, strike out "40" and insert "15."

As to amendment 23, in line 4 of said amendment, strike out "30" and insert "20."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 51, and agree to the same, with an amendment as follows:

Strike out all of said amendment except these words: "For bringing up arrears in draughting and other work in relation to private land claims, \$3,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 52, and agree to the same, with an amendment as follows:

Strike out all of said amendment after the word "prisoners," in line 6 of said amendment, and insert in lieu thereof "\$50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 53, and agree to the same, with an amendment as follows:

Substitute for the matter stricken out the following: "And no clerk of the district or circuit courts of the United States or their deputies shall be appointed a receiver or a master in any case except where the judge of such court shall determine that special reasons exist therefor, to be assigned in the order of appointment."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 59, and agree to the same, with an amendment as follows:

Correcting the spelling of the name of "Shepherd" so that it will read "Shepard."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 58, and agree to the same, with an amendment as follows:

Add after said amendment the following as a new paragraph:

"For the payment of the following named persons for reporting testimony before committees of the House of Representatives at the third session of the Forty-fifth Congress at times when the official stenographers were engaged with other committees, namely: Joseph I. Gilbert, E. W. Grant, E. C. Bartlett, E. D. Easton, C. J. Hayes, and William F. Bonyng, \$3,700, or so much thereof as may be necessary, on accounts to be rendered by them respectively, certified by the official stenographers for the committees of the House, and approved by the chairmen of the several committees for which the work was done, and by the Committee of Accounts. To pay Henry G. Hayes and Andrew Divine, official stenographers for committees of the House of Representatives, the difference between their compensation as fixed by law and that actually received by them during the fiscal year ending June 30, 1876, and in the months of July and August, 1876, \$900 each, \$1,800. To pay J. C. Kondrus for services as messenger for official reporters of debates during the present session, \$250."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 94, and agree to the same, with an amendment as follows:

Strike out all of said amendment from the beginning down to and including the word "and" in line 4, and in line 8, after the word "intended," insert the word "hereby."

And the Senate agree to the same.

W. B. ALLISON,

S. W. DORSEY,

W. A. WALLACE,

Managers on the part of the Senate.

JAMES H. BLOUNT,

W. A. J. SPARKS,

JOHN H. BAKER,

Managers on the part of the House.

Mr. EDMUNDS. I object to the present consideration of the report. I want to look at it first.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw the report?

Mr. EDMUNDS. Oh, no; I do not want it withdrawn. I have a right to object to its consideration.

Mr. SARGENT. Let it lie on the table temporarily.

Mr. ALLISON. It can be withdrawn temporarily, that the Senator from Vermont may look at it.

The PRESIDING OFFICER. The Chair understands that the report of a committee of conference is a matter of the highest privilege; which, when presented, is before the consideration of the Senate of right; but the Chair understands the Senator from Iowa to propose to lay the report on the table temporarily.

Mr. EDMUNDS. I entirely dissent from the ruling of the Chair; and I think if he will look at the rules of the Senate he will perceive that the rule of the House of Representatives has never prevailed here. The presentation of the report is privileged; but the question of its consideration falls under the other rules of the Senate, as has been universally understood and always acted upon in this body.

The PRESIDING OFFICER. The Chair will read the forty-ninth rule:

The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

The Chair's impression that it was before the Senate as of its own right is erroneous, founded on the practice; but it is also true that it is not taken from the consideration of the Senate by a single objection; and the question is on proceeding to the consideration of the report.

Mr. EDMUNDS. That will depend, when the question is up.

Mr. ALLISON. I have no objection to the Senator examining this report if he desires to do so; but if he wishes any particular information I shall be glad to give it.

Mr. EDMUNDS. I do not remember at this moment. I should be glad to look at it. If the Chair prefers to lay it before the Senate, of course it will only take an hour or two to look at it in debate here.

The PRESIDING OFFICER. The Chair has no desire about it. The Chair only deferred to the experience of the Senator from Vermont, and desires to enforce the rules of the Senate.

Mr. EDMUNDS. That is what the Senator from Vermont desires.

The PRESIDING OFFICER. The Chair understands the question is, Will the Senate proceed to the consideration of the report?

Mr. SARGENT. I think there is unanimous consent that it lie temporarily on the table.

The PRESIDING OFFICER. Is there objection to that suggestion? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1901) for the relief of Philip W. Stanhope;

A bill (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

A bill (H. R. No. 2161) for the relief of the personal representatives of M. G. Harman, of Virginia;

A bill (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie;

A bill (H. R. No. 2472) for the relief of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry;

A bill (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas;

A bill (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts;

A bill (H. R. No. 1651) to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for lands lying in the District of Columbia and the records thereof;

A bill (H. R. No. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen;

A bill (S. No. 1105) to transfer the title of the United States to square 109 to the District of Columbia for the benefit of the public schools thereof; and

A bill (H. R. No. 6523) providing for the engraving and printing of portraits to accompany memorial addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher.

A joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring suit in the name of the United States to quiet and settle the titles to lands of the Black Bob band of Shawnee Indians; and

A joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.

CLAIMS FOR ARMY SUPPLIES.

The Senate resumed the consideration of the bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

Mr. McMILLAN. The title of this bill indicates what it should embrace. It is an act making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof. The claim under consideration is one which has been disallowed by the commissioners and does not come within the title of the act; and the character of the bill indicates that the claim should not be embraced here. It embraces the claims allowed by the commissioners in a large number of cases; and to determine the question of a claim disallowed by the commissioners would involve the discussion of the merits of that claim, which is entirely improper upon a bill of this kind, and would lead, it seems to me, in most cases to great injustice. I submit the question now to the Senate, and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. McMILLAN. To retain the claim the vote will be "nay."

Mr. CONKLING. Mr. President, I rise not to speak to this amendment but to avail myself of the opportunity to learn when in the opinion of the chairman of the Committee on Appropriations it is necessary for us to come back here this evening. If, as I suppose, we can accomplish after a recess everything touching the appropriation bills that we can by remaining here, I wish to take the sense of the Senate, either at this moment or presently, upon a motion for a recess until half past eight o'clock or until some time which will enable us to get our dinners and return.

Mr. WINDOM. I know of no reason relating to the Committee on Appropriations that will require the Senate to be here before eight o'clock.

Mr. CONKLING. I think we had better say half past eight.

The PRESIDING OFFICER. Does the Chair understand the Senator from New York to make that motion?

Mr. CONKLING. I will in a moment, after seeing whether there be a preference with the chairman between eight and half past eight.

Mr. CONOVER. I will state that the President will be here at eight o'clock to attend to business.

Mr. McMILLAN. If the Senator from New York will withhold his motion for a short time this bill can be disposed of and out of the way.

Mr. CONKLING. Without further debate?

Mr. McMILLAN. I think the debate is closed.

Mr. CONKLING. If we can have a vote without debate, I will wait for that; but if we are to hear this amendment further talked over, I will test the sense of the Senate on the necessity of our staying here.

Mr. ROLLINS. I want to state to the Senate that there are quite a large number of bills relating to the affairs of the District of Columbia which ought to be considered, several of which have passed the House. We have been waiting day after day for their consideration and to ask the attention of the Senate to these bills. I think that some time should be allowed the Committee on the District of Columbia to take up these matters, which are of great importance, and dispose of them.

Mr. CONKLING. So do I.

Mr. ROLLINS. It will take but a short time.

Mr. CONKLING. But I do not think Senators are called upon to kill themselves, or to see how near they can come to doing it. If we are to come back here and sit, as I suppose, during the night, there should be some interval meanwhile. The Senator will get an opportunity while we are waiting for reports of agreements or disagreements by conference committees, to take up the District bills, and I will vote with him.

Mr. ROLLINS. I suggest that some time be fixed upon not to interfere with appropriation bills.

Mr. KERNAN. We cannot do that now. There are bills affecting States and individuals of great importance. We will help the Senator to have part of the time, but I do not think he ought to ask for a special time.

Mr. CONKLING. If we can have a vote on this amendment, I will wait for it before submitting the motion.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is on the amendment of the Senator from Minnesota [Mr. McMILLAN] to strike out the clause which has been read, upon which the yeas and nays have been ordered.

Mr. CAMERON, of Wisconsin. Will the Chair please state the question?

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Minnesota [Mr. McMILLAN] to strike from the bill the following lines on page 21:

To E. T. Eggleston, executor of Sophia A. Fox, deceased, \$6,874.

The Secretary proceeded to call the roll.

Mr. HEREFORD, (when his name was called.) On this question I am paired with the Senator from Minnesota, [Mr. WINDOM.] If he were present, I should vote "nay."

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.] I cannot see that this is a political question at all, but I do not know how he would vote, and therefore I decline to vote.

Mr. EDMUNDS. I am bound to say to my honorable friend from Florida that I think, as the matter was left to me, that he has a perfect right to vote if he desires to do so.

Mr. JONES, of Florida. Then I shall vote "nay."

The roll-call having been concluded, the result was announced—yeas 17, nays 36; as follows:

YEAS—17.

Allison,	Chandler,	Kellogg,	Saunders,
Anthony,	Dawes,	McMillan,	Teller.
Blaine,	Edmunds,	Paddock,	
Cameron of Pa.,	Ferry,	Rollins,	
Cameron of Wis.,	Hear,	Sargent,	

NAYS—36.

Bailey,	Dennis,	Hill,	Matthews,
Barnum,	Dorsey,	Ingalls,	Merrimon,
Bayard,	Eaton,	Jones of Florida,	Mitchell,
Beck,	Eustis,	Jones of Nevada,	Morgan,
Booth,	Garland,	Kernan,	Saulsbury,
Bruce,	Gordon,	Lamar,	Voorhees,
Coke,	Grover,	McCreery,	Wadleigh,
Conkling,	Hamlin,	McDonald,	Wallace,
Conover,	Harris,	McPherson,	Whyte.

ABSENT—23.

Burnside,	Hereford,	Oglesby,	Shields,
Butler,	Howe,	Patterson,	Spencer,
Chaffee,	Johnston,	Plumb,	Thurman,
Cockrell,	Kirkwood,	Randolph,	Windom,
Davis of Illinois,	Maxey,	Ransom,	Withers.
Davis of W. Va.,	Morrill,	Sharon,	

So the amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON. The Senator from Vermont [Mr. EDMUNDS] having examined the amendment he desired to examine on the deficiency bill, I ask that the Senate proceed to the consideration of the report of the committee of conference on the deficiency appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa calls up the report of the committee of conference on the deficiency appropriation bill. The question is, will the Senate proceed to its consideration.

The motion was agreed to.

The PRESIDING OFFICER. The report of the conference committee is before the Senate. The report has been read.

The report was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WINDOM. I present the report of the committee of conference on the sundry civil bill.

The PRESIDING OFFICER. Will the Senate proceed to the consideration of that report?

Mr. EDMUNDS. I ask that the matter lie for a moment.

Mr. WINDOM. I have no objection.

The PRESIDING OFFICER. No objection being made the report will lie on the table temporarily, to be called up by the Senator from Minnesota.

RECESS.

Mr. CONKLING. I wish now to take the sense of the Senate upon giving some relief to the members of the body. I move that the Senate do now take a recess until half past eight o'clock.

The PRESIDING OFFICER. The Senator from New York moves that the Senate take a recess until half past eight.

Mr. ANTHONY. The Senator from Minnesota, [Mr. WINDOM,] chairman of the Committee on Appropriations, has left the Chamber, but requested me to say that he preferred eight o'clock.

Mr. CONKLING. Well, Mr. President, I will say eight o'clock although I think the difference is not very great.

The PRESIDING OFFICER. The Senator from New York modifies the motion just made, and moves that the Senate now take a recess until eight o'clock.

The motion was agreed to; and (at five o'clock p. m.) the Senate took a recess until eight o'clock p. m.

EVENING SESSION.

The Senate reassembled at eight o'clock p. m.

The VICE-PRESIDENT. The Senate will come to order.

Mr. COCKRELL. I think there is no quorum present.

The VICE-PRESIDENT. That question being made by the Senator from Missouri, the Secretary will call the roll of the Senate.

The Secretary called the roll.

Mr. EDMUNDS. My colleague [Mr. MORRILL] is necessarily absent from the Senate to-night on account of ill health.

The VICE-PRESIDENT, (at eight o'clock and ten minutes p. m.) A quorum is now present.

Mr. SARGENT. I hope the report of the conference committee on the sundry civil bill will be taken up and acted upon. It is very important that that bill should go to enrollment as soon as possible.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

A bill (S. No. 333) for the relief of Thomas J. Choate, Erastus Foster, Milton Ladd, Clarence E. Haney, William A. Hill, Kneeland F. Huckaby, and William Blackburn, late privates in Company F, Third Regiment Arkansas Cavalry Volunteers;

An act (S. No. 362) granting a pension to A. G. Ege;

An act (S. No. 399) granting a pension to Abigail S. Tilton;

An act (S. No. 663) granting a pension to William H. H. Buck;

An act (S. No. 687) granting a pension to William H. Bagley;

An act (S. No. 801) to amend section 2403 of the Revised Statutes of the United States, in relation to deposits for surveys;

An act (S. No. 872) granting a pension to Mrs. Ann W. Steele;

An act (S. No. 889) granting a pension to John Etzell;

An act (S. No. 929) granting a pension to Hiram Howard;

An act (S. No. 932) granting a pension to Cornelius Le Roy;

An act (S. No. 969) granting a pension to Mrs. N. E. Belrichards;

An act (S. No. 971) granting a pension to William Leibig;

An act (S. No. 996) granting a pension to Edmund Woog;

An act (S. No. 1040) granting a pension to Richard Middleton;

An act (S. No. 1073) granting lands to the State of Minnesota in lieu of certain lands heretofore granted to said State;

An act (S. No. 1163) granting a pension to Mary E. Parker;

An act (S. No. 1188) granting a pension to Harmon Vann;

An act (S. No. 1189) granting a pension to Ellen Devlin;

An act (S. No. 1214) granting a pension to Amos Argle;

An act (S. No. 1255) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872;

An act (S. No. 1309) granting an increase of pension to Isabella H. Silvey;

An act (S. No. 1310) granting a pension to Edmund R. Batchelder;

An act (S. No. 1380) granting a pension to Josiah Kellogg;
 An act (S. No. 1419) granting a pension to Mrs. Rosa Gale;
 An act (S. No. 1509) granting a pension to John Willans;
 An act (S. No. 1625) to remove the political disabilities of William T. Welcker, of California;
 An act (S. No. 1705) granting an increase of pension to James C. Daggett;
 An act (S. No. 1723) granting arrears of pension to Mrs. Jane Dunlany;
 An act (S. No. 1741) granting a pension to Elizabeth McNeil Benham;
 An act (S. No. 1742) granting a pension to Frances McNeil Potter;
 An act (S. No. 1848) granting an increase of pension to Charles C. Smith;
 An act (S. No. 1759) granting a pension to Sarah E. Webb and minor children;
 An act (S. No. 1775) to remove the political disabilities of Isaac R. Trimble, of Baltimore County, Maryland;
 An act (S. No. 1776) to remove the political disabilities of Henry H. Lewis, of Baltimore, Maryland;
 An act (S. No. 1841) granting a pension to John McNulta; and
 An act (S. No. 1844) to remove the political disabilities of S. W. Ferguson, of Mississippi.

CENTENNIAL COMMISSION'S REPORT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I have received from the United States centennial commission their final report presenting a full exhibit of the result of the United States centennial celebration and exhibition of 1876, as required by the act of June 1, 1872.

In transmitting this report for the consideration of Congress I express, I believe, the general judgment of the country, as well as my own, in assigning to this exhibition a measure of success gratifying to the pride and patriotism of our people and full of promise to the great industrial and commercial interests of the nation. The very ample and generous contributions which the foreign nations made to the splendor and usefulness of the exhibition, and the cordiality with which their representatives took part in our national commemoration, deserve our profound acknowledgments. At this close of the great services rendered by the United States centennial commission and the centennial board of finance, it gives me great pleasure to commend to your attention and that of the people of the whole country the laborious, faithful, and prosperous performance of their duties which have marked the administration of their respective trusts.

R. B. HAYES.

WASHINGTON, March, 3, 1879.

Mr. EDMUNDS. I move that that message be laid upon the table and printed.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SARGENT. I call for the consideration of the report on the sundry civil bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 16, 17, 20, 22, 30, 31, 32, 36, 42, 43, 47, 50, 59, 65, 72, 73, 77, 81, 83, 89, 97, 98, 100, 107, 108, 109, 121, 122, 124, 125, 128, 129, 130.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, 33, 34, 35, 37, 38, 40, 42, 43, 44, 48, 49, 50, 51, 53, 54, 56, 57, 58, 61, 62, 63, 64, 66, 67, 71, 74, 76, 78, 78½, 79, 80, 82, 84, 85, 86, 87, 94, 95, 96, 99, 102, 103, 104, 105, 105½, 106, 110, 111, 112, 113, 115, 116, 118, 119, 120, 123, 126, 127, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same, with an amendment as follows:

Strike out therefrom the words "and so forth."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert \$40,000.

And the Senate agree to the same.

That the Senate recede from its amendment numbered 21, with an amendment as follows:

Strike out, in line 11, page 13 of the bill, the words "construction of" and insert in lieu thereof the following words: "constructing, equipping, and fitting;" and in line 15, same page, after the word "forty" insert "five."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same, with an amendment as follows:

Strike out in line 1, page 16 of the bill, the words "seventy-five" and insert in lieu thereof the word "sixty."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 28, and agree to the clause proposed to be stricken out by said amendment, with an amendment as follows:

Add at the end of said amendment the following: "And not exceeding \$500 shall be allowed to any one individual, nor shall the aggregate of such allowances exceed \$10,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert \$96,152.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same, with an amendment as follows:

Strike out the words "Fort Ellis westward," and insert in lieu thereof the following: "Fort Buford by way of the new post on the Milk River, Fort Benton, and Fort Shaw, to Helena, Dakota Territory."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 41, with an amendment as follows:

In lieu of said amendment insert the following:

"That the Secretary of War is hereby authorized and empowered to lease the water-power at Moline, or such portion as may be agreed upon, to the Moline Water-Power Company, upon such terms and conditions and for such term of years as may be agreed upon, if the same can be done consistently with the interests of the Government of the United States, said lease to be made upon the condition that the said Moline Water-Power Company shall go on and complete the development of the water-power and maintain it at its own cost and expense."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$515,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same, with an amendment as follows:

Strike out, in line 23, on page 26 of the bill, the words, "continuing the rebuilding of," and insert in lieu thereof the word "rebuilding."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$100,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same, with an amendment as follows:

Strike out the word "judgment" and insert in lieu thereof the words "the decision;" and insert after the word "transportation," in line 8 of said amendment, the following: "but in no event shall more than 50 per cent. of the full amount allowed by the Quartermaster-General be paid until the decision of the Court of Claims be had in each case."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same, with an amendment as follows:

Strike out all of said amendment down to and including the word "no," in line 5, and insert in lieu thereof the word "no."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$12,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 90, 91, 92, and 93, and agree to the same, with amendments as follows:

In lieu of the entire paragraph insert the following:

"For the salary of the Director of the Geological Survey, which office is hereby established, under the Interior Department, who shall be appointed by the President by and with the advice and consent of the Senate, \$6,000: *Provided*, That this officer shall have the direction of the geological survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, and that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations; and the geological and geographical survey of the Territories, and the geographical and geological survey of the Rocky Mountain region, under the Department of the Interior, and the geographical surveys west of the one hundredth meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879. And all collections of rocks, minerals, soils, fossils, and objects of natural history, archaeology, and ethnology, made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress, shall be deposited in the National Museum.

"For the expenses of the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, to be expended under the direction of the Secretary of the Interior, \$100,000.

"For the expense of a commission on the codification of existing laws relating to the survey and disposition of the public domain, and for other purposes, \$20,000: *Provided*, That the commission shall consist of the Commissioner of the General Land Office, the Director of the United States Geological Survey, and three civilians, to be appointed by the President, who shall receive a per diem compensation of \$10 for each day while actually engaged and their traveling expenses; and neither the Commissioner of the General Land Office nor the Director of the United States Geological Survey shall receive other compensation for their services upon said commission than their salaries, respectively, except their traveling expenses, while engaged on said duties, and it shall be the duty of this commission to report to Congress within one year from the time of its organization: first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands, as arable, irrigable, timber, pasture, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, supply of water for irrigation, and other physical characteristics; third, a system of land-parcelling surveys adapted to the economic uses of the several classes of lands; and, fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers.

"The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology. The annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the Director, but otherwise in ordinary octavo. Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication; and all literary and cartographic materials received in exchange shall be the property of the United States, and form a part of the library of the organization; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$1,000."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 114, and agree to the clause proposed to be stricken out by said amendment, with an amendment as follows:

Strike out "\$1,000" and insert "\$2,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same, with an amendment as follows:

Add at the end of said amendment the following: "To pay H. W. Spofford the balance of salary due him as clerk to the Committee on the Census from May 13 to January 31, inclusive, \$264."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same, with amendments as follows:

In lieu of the sums proposed in lines 1, 2, and 3 of said amendment, insert \$1,632,098.78; in line 12 of said amendment, strike out the word "two" and insert the word "one;" in line 15, strike out the word "five" and insert the word "four;" in line 162, after the word "only," strike out down to and including the word "residence," in line 163, and insert in lieu thereof the following: "until the 30th day of June, A. D. 1880;" in line 366, strike out all after the word "dollars" down to and including the word "dollars" in line 367; in line 429, strike out the words "thirty thousand six hundred and thirty" and insert in lieu thereof "twenty-five thousand;" in line 449, strike out the word "ninety" and insert in lieu thereof the words "seventy-five."

And the Senate agree to the same.

WM. WINDOM,
S. W. DORSEY,
H. G. DAVIS,

Managers on the part of the Senate.

J. D. C. ATKINS,
ABRAM S. HEWITT,
EUGENE HALE,

Managers on the part of the House.

Mr. EDMUNDS. I should be glad to have that part of the conference report relating to Senate amendment No. 41 read.

The VICE-PRESIDENT. It will be reported.

The Secretary read as follows:

That the Senate recede from its amendment numbered 41, with an amendment as follows:

In lieu of said amendment insert the following:

That the Secretary of War is hereby authorized and empowered to lease the water-power at Moline, or such portion as may be agreed upon, to the Moline Water-Power Company, upon such terms and conditions and for such term of years as may be agreed upon, if the same can be done consistently with the interests of the Government of the United States, said lease to be made upon the condition that the said Moline Water-Power Company shall go on and complete the development of the water-power and maintain it at its own cost and expense.

Mr. EDMUNDS. The amendment proposed by the Senate to the bill of the House in respect to this subject is as follows:

For completing the development of the water-power at the Rock Island arsenal, in pursuance of contracts made with the Moline Water-Power Company, \$25,000.

I perceive that the conference committee, instead of confining itself to the questions of how much money should be appropriated to carry out the existing laws and contracts made in pursuance of them, has gone into a species of legislation providing for new arrangements in the discretion of the Secretary of War with what I assume is a State corporation, and for leasing this water-power for an indefinite period in the discretion of the Secretary of War, and upon such terms as he thinks it fit to agree to, subject to the engagement that the State corporation shall keep the water-power in repair.

I submit, Mr. President, although I know how hopeless it is, that the conference committee, on the part of the Senate, have in substance exceeded their powers; I do not say that they have in a technical sense; but the matter that was in dispute between the two Houses was simply, and that no doubt was a mere informal dispute, how much if any money ought to be appropriated from the Treasury to carry into effect the existing obligations of the United States, whether arising by force of law or by force of contracts made in pursuance of law; but they proceeded to enter into an entirely new scheme of legislation, conferring unlimited powers with one exception (and that merely the exception of requiring a promise or condition) upon one executive officer of the Government in respect of the disposition for an unlimited time in the same discretion of an important and as I must suppose necessary adjunct to the Rock Island arsenal, namely, the water-power that the United States at the expense, I believe, of millions of dollars has created.

Now, Mr. President, I should be glad to have the chairman of the conference committee explain to the Senate upon what principles of parliamentary propriety in the execution of the trust that was reposed in that committee, this thing has been done, and what exigency of public necessity it is that has imported into this bill, for the first time, and without any previous discussion so far as I know in either House—though I have no right to speak of the other—without any previous discussion so far as I know in this House on a subject of this importance,—a large delegation of discretion for the disposal of the property of the United States to this officer.

Mr. WINDOM. Mr. President, I do not know whether I can technically, to the full extent that will be required by the Senator from Vermont, defend that amendment or not. I want to say, with reference to that and one other amendment in the bill, that under the circumstances in which the committee were placed it is barely possible that the technical rule was not as strictly enforced as it might have been. I shall not attempt to say that it is, in the entire strictness with which the Senator would enforce it, in order. It may have been inadvertently admitted as in one other case to which I will call the attention of the Senate directly. I leave the matter entirely to the Senate. If the Senator from Vermont insists on the point of order, the bill may be lost.

Mr. EDMUNDS. I should not mind much about that under existing circumstances. What I am chiefly desirous of ascertaining just now, if my honorable friend from Minnesota will listen to me,—and to whom

I know so much is due in the way of gratitude and respect for the enormous labor that at the very last hours of the session all these bills impose upon him—is what are the business necessities and arrangements and prospects and exigencies, in other words the whole state of the situation, that compelled our committee to assent (because I must suppose it was forced upon them by the other House) to this arrangement. I think the Senate ought to know what the necessity of it is, the grounds upon which it proceeded, and so on.

Mr. WINDOM. This is an old controversy that has existed a long while with reference to this Moline water-power, the Senate insisting upon making an appropriation and the conference committee on the part of the House this year insisting on making none. It was finally, upon consultation with the member from that district and the Senator from Illinois himself, I think, who is now before me, [Mr. DAVIS,] and I think also by an understanding with others who knew personally of the circumstances, this paper was agreed to and handed to the committee with the understanding that it would be a satisfactory adjustment. Seeing no harm in it and having so frequently heard of it, and thinking this would take us out of the difficulty, the committee did agree to it. I have no further defense to make.

I do not doubt that occasionally in technical matters, which the astute Senator from Vermont can discover in these long bills, some exceptions may be taken. I can assure him he will find nothing, however, to which he can make a substantial objection. I will not attempt technically to defend this. I think it was inadvertently admitted, so far as the technical rule is concerned, and if the Senator sees proper to appeal to the Senate upon that ground, I simply say that I will not attempt to defend that part, although in itself I think it is not wrong, nor in the other case to which I have referred and which I have discovered since the bill has been reported.

I can only say that the committee have done the very best that they could in the time limited. I do not know but that they have made a technical mistake. If so, they simply submit the bill to the Senate, and if there is anything wrong growing out of the mistake, the Senator will make the point of order. What will then become of the conference report I do not know. If in the judgment of the Senate this is a technical error, I do not know but that there will be time to get up another conference report on the bill. I certainly will do the very best I can to bring it to a vote if in the judgment of the Senate this is a technical violation of the rule.

Mr. EDMUNDS. I wish to acquit my honorable friend from Minnesota of any intentional dereliction of duty; but what I am after, and what I have failed to get so far, is a clear and definite statement of exactly how this case stands and why this provision that is now in the conference report that we have never heard of before ought to be there.

Mr. DAVIS, of Illinois. The Moline Water-Power Company, on the application and request of the United States, deeded the water-power about Rock Island, which is necessary for all the works of the Government there, and the Government contracted with this company to develop that water-power and keep it up. That requires annual expenditures of money. One of the members of the conference committee of the other House, if it is proper to say so, is opposed, as I understand, to this thing entirely. He is opposed to the Rock Island arsenal; he is opposed to carrying out the contract of the Government there. I applied at the instance of the proper authorities for an appropriation of \$75,000, which was necessary, in the opinion of the authorities, to do what the Government had engaged to do in reference to this matter. The Committee on Appropriations thought proper to reduce it to \$25,000, in which the member representing the district in the other House, although not satisfied, acquiesced.

This same thing was gone over last year, and the committee of the House, dominated by a particular person, refused the appropriation of last year and refused the appropriation of this year, and, as I understand, he wants to get rid of the obligation of the Government in this matter, and he was willing that this provision should be inserted; but the member of the House from the district, to whom this was submitted, said that the proper way was to make an appropriation, and if he could not get anything else he would take this. In my judgment there should be no reconveyance of the water-power to the Moline Company at all; it is wanted and needed by the Government of the United States in the development of the great work which is going on there, and I do not think it ought to be leased to them, nor do I believe the Secretary of War will lease it to this company. I thought that the provision was a harmless one in that respect, and therefore, it having the assent of the member from the district, I remarked to the chairman of the committee that if the appropriation could not be obtained, to insert this, because it seemed to be satisfactory to the member from the district. The Government is bound to spend money enough there to develop that water-power and keep it up. They violate their contract every day with the Moline Water-Power Company, who conveyed them all the interest they had. They are powerless to do this, they cannot do it. It is the Government that must take the initiatory step; an appropriation is necessary for that purpose; but I do not want the bill to fail. I would rather the appropriation should fail than that the bill should fail.

Mr. EDMUNDS. I suppose it is my own fault, but my lack of information is almost as dense now as it was before. I should like my honorable friend from Illinois or somebody else to tell me one or two things if he knows them. The Senator has stated, and I have no

doubt correctly, that the Moline Water-Power Company deeded this property to the United States. How much did they get for it?

Mr. DAVIS, of Illinois. I do not know.

Mr. EDMUNDS. The Senator informs me that he does not know. Is there any member of the committee of conference on the part of the Senate that has agreed to this arrangement, who does know?

Mr. DAVIS, of Illinois. The contracts were before the deed.

Mr. EDMUNDS. If the conference committee does not know, then I suppose we must go without the information.

Mr. ALLISON. What is the inquiry of the Senator from Vermont?

Mr. EDMUNDS. What was the amount of consideration the United States paid to the Moline Water-Power Company for the deed of this property that on some previous occasion has been conveyed to the United States for a consideration?

Mr. ALLISON. I have the contract here before me. I do not remember the amount paid. I want to say to the Senator from Vermont that I dislike quite as much as he does this arrangement of reconveying this water-power to the Moline Water-Power Company. The contract in terms provides that the United States Government shall hold this water-power and use a portion of it in perpetuity and maintain the remainder of it.

I should like to say one word further, as I am quite familiar, as is the Senator from Illinois, with the Rock Island arsenal. The Government of the United States did engage with this water-power company to develop the power, and they have developed it to a certain degree; but they have also improved the main channel of the Mississippi River, and by doing so have diverted water which properly belongs to the Moline Water-Power Company as I understand to the main channel, thus requiring an additional expenditure at this time for the purpose of maintaining sufficient water in its dam or race that is now used by various manufacturing companies. Therefore the Committee on Appropriations inserted \$25,000 to remove these obstructions and open up this water-way; but, as has been said by the Senator from Illinois, there are people—I need not say where or who they are—who are determined that this Rock Island arsenal shall be destroyed. One of the reasons why an arsenal was fixed at Rock Island was that there is there a vast accumulation of water that may be utilized by the Government for the purposes of an arsenal. Of course if this water-power is reconveyed to the Moline Water-Power Company, the United States can use no portion of it, and when the United States shall cease to use the water-power an argument will be made, "Why have an arsenal on Rock Island?"

Therefore, Mr. President, although I have absolute confidence that the Secretary of War will not exercise this discretionary power conferred upon him, if it was in hostile hands I should regret exceedingly to see this Senate adopt the conference report which would enable the Secretary of War to deprive the Government of the United States of the great advantage of this water-power for all time to come. I regret exceedingly to see this provision in this bill, although I feel quite sure, as does the Senator from Illinois, that the present Secretary of War will not exercise the power conferred upon him in this bill.

Mr. WINDOM. I hope the Senate will vote down the conference report and let a new committee be appointed.

Mr. DAVIS, of Illinois. I have no objection to having it voted down on that point. I believe with the Senator from Iowa that it is the purpose of certain persons to destroy the arsenal at Rock Island.

Mr. KIRKWOOD. Certain interests.

Mr. DAVIS, of Illinois. And so of the armory at Springfield, Massachusetts. These interests want to have arms manufactured by private associations. I am opposed to that. There is no place in this country where a great work of this kind is better fixed than at Rock Island. The Government purchased this power because the agents of the Government believed it was necessary to the complete development of the plans there, and I believe that it is; but it is just as the Senator from Iowa says, that in the improvement of the main channel of the river there has been created an obstruction and the Moline Water-Power Company cannot get the necessary amount of water to which they are entitled to carry on their work. Moline is a place of ten thousand people; it is one of the most prosperous manufacturing places in the State of Illinois; and we cannot get through an appropriation of money enough for the Government to carry out its own contract. I do not believe that this power should be reconveyed to that company at all. I believe that it will become absolutely necessary for the purposes of the Government. Although I think this provision itself is harmless as it is because the Secretary of War will not make the lease, yet I have not the slightest objection to the proposition being cast out entirely.

Mr. DAWES. I do not know that I am aware of the exact effect of this proposition. I desire to state, however, that I have had some experience in regard to this Moline Water-Power Company and the arsenal at Rock Island, and it is a matter of the utmost importance to the United States, as well as to the Moline Water-Power Company. If I understand it aright, the United States is dependent for all its water-power upon that company, and undertook a vast work upon Rock Island, which reflects great credit upon its projectors, and is of great consequence to the United States. But the United States is dependent upon a contract it made with the Moline Water-Power Company for its water.

A part of that contract, if I mistake not, is that the United States

shall have power enough and still leave power for the Moline Water-Power Company, and that the United States shall develop this power. There always has been a great deal of difficulty in it; and while I cannot tell what is the purpose of the proposition now, I hesitate at any change made in the last hours of the session by law without the arrangement being mutual, because you may cut off the United States entirely from that which makes Rock Island worth anything to it as an arsenal, or you may so cramp and destroy the water-power of Moline that you will be obliged to make different arrangements. I think originally if the United States had not depended upon this water-power at all but had relied upon other power independent of it the United States would have been better off; but they have gone too far. They have expended \$7,000,000 in that arsenal, and they cannot retrace their steps, and they do not desire to do it. They have a more valuable property there than any other nation in the world has for that purpose, and they cannot treat it in any other spirit than with the utmost care; and I suggest to the gentlemen who have charge of this conference report that there is nothing so necessary as to be very careful about that power. I know when I was upon another Committee on Appropriations we got into great difficulty in this same way and had to retrace our steps, undertaking by law to fix what should be done in the development of this water-power.

Mr. EDMUNDS. I hope that the Senate of the United States, that is a perpetual body, will not feel itself coerced either by fear of losing this bill or the fear of being obliged to meet again, into taking a step that it believes to be against the public interest.

Now, I wish to call the attention of the Senate to the state of this case. At the expense of \$7,000,000, as the Senator from Massachusetts has stated, we have a great and important arsenal in the greatest and most growing region of the Republic, and we purchased and obtained a conveyance from the Moline Water Company, or whatever its name is, of a sufficient water right to carry on the manufacturing operations and necessities of this great work of ours, and own it. Of course the United States owns this water-power, its portion of it with the correlative duty which exists in all such cases of doing its share to keep it in order because of course where there is a single dam and different water rights, each owner must contribute in common to keep up the dam, and keep out the sand-bars and so on.

My honorable friend from Massachusetts states and states correctly that we have something more, a good deal more; I am only stating a part of the skeleton of the thing so as not to take up time, that the Senate may see its importance and the danger of this step it is proposed we are to take without information, without consideration, and in violation of the spirit and also I think of the letter (though at first I did not make that point) of the duty of a conference committee.

Now I ask the attention of the Senate to this brief provision, for it is brief, upon the subject of what becomes of the rights of the United States to this water-power if this amendment be agreed to, in the discretion of a single officer of the Government, who may be changed from day to day and from month to month by the accidents of life or disease and of all the other affairs that enter into the operations of official life. Now what is it?

That the Secretary of War is hereby authorized and empowered to lease the water-power at Moline, or such portion as may be agreed upon, to the Moline Water-Power Company—

To the very grantors from whom we bought it at a great expense, it is now proposed that we shall lease it back again, they having got our money and our consideration in various ways in the expenditure of it to build up the property, get it ready for use, and now it shall be handed back to them—

upon such terms and conditions and for such term of years as may be agreed upon—

An absolutely indefinite delegation of power to a single officer of the Government to make a perpetual lease if he shall choose, so long as wood grows and water runs, as the phrase is in the rural districts, of this essential part of this property—

if the same can be done consistently with the interests of the Government of the United States—

That is, in the opinion of the Secretary of War. Now notice what follows. The discretion ceases and we now come to a descriptive allegation and declaration of what the nature of that lease is to be—

said lease to be made upon the condition that the said Moline Water-Power Company shall go on and complete the development of the water-power and maintain it at its own cost and expense.

For whose benefit? The astute and patriotic gentleman who in his closet or office framed that amendment, industriously forgot that this water-power should be kept up for the benefit of the United States. It is to be turned over bodily to this company upon the condition; it thus becomes theirs to all intents and purposes, and for their own uses as lessees, that they shall develop and complete and have it for their use at their own expense. In other words, it is a complete delegation of authority to the Secretary of War to absolutely annihilate every interest and right of any beneficial character that the United States has in that water-power.

Now, I do say, Mr. President, that there is no hour in the last day of a session of Congress so late that it will prevent me from resisting, as far as I can with decorum and propriety to Senators, such a scheme as that introduced for the first time in a conference between the two Houses. Therefore, I hope the Senate will not be scared upon the subject of losing this bill. It is much better to lose the bill than it

is to lose a half million dollars and destroy this property. We can rebuild up and re-enact the bill, but the property once gone we cannot get back.

Mr. KERNAN. It is introduced for the first time in the conference report.

Mr. EDMUNDS. To all intents and purposes it is, although it hangs upon these threads of the Senate amendment:

For completing the development of the water-power at the Rock Island arsenal, in pursuance of contracts made with the Moline Water-Power Company, \$25,000.

There was a simple provision of money to carry out what was supposed to be an existing obligation on the part of the United States. That is made the occasion for introducing, without any examination and without any time to examine, on the part of the Senate committee, to whom no such mission was intrusted, into the bearings of this subject and the consequences; and this most skillfully and adroitly drawn amendment prepared by somebody is put forth as a thing that is to be agreed to and we are expected to approve it. I must be excused for one.

Mr. DAVIS, of Illinois. Mr. President, I do not have the apprehension that the Senator from Vermont has in relation to this scheme. It is very clear why this was introduced. It was done, doubtless, by the conference committee on the part of the House, or the persons who dominated that committee, upon the ground that the contract of the Government with this Moline Water-Power Company was disadvantageous to the Government. That is the reason why this provision was introduced. They believe—they have asserted it time and again in the conference committees—that this contract was disadvantageous to the Government, and they wanted to get rid of it on that account.

I do not think that the criticism upon this provision by the Senator from Vermont is exactly correct. I do not think there is any particular astuteness in drawing it. It is a very plain thing drawn and detailed there with regard to what the party wanted. Although, as I said before, I do not believe that the interests of the Government would be consulted by leasing this back again to this company, yet there is no harm in it. Certainly the bill ought not to be lost because this provision is here. The Secretary of War will not make this lease unless he thinks it is for the interest of the Government to do so, upon such terms as he pleases. He can keep it for the general benefit of the company and the Government and get a release from the company to the Government, but he certainly would not give away such a thing as that.

As I said before, the conference committee believed and I was willing that this should be adopted in place of the provision for the appropriation. If we could not get the appropriation, the member from that district who has the interests of the whole district at heart and knows more about it than I do, for I live in another part of the State entirely, and never was upon Rock Island in my life, thought it could not do any harm, and at any rate if there was any lease at all it would be reserving such portion to the Government as the Government would need. I do not believe that a bill should be lost because this provision is in it, although I see that there ought to have been an appropriation of \$75,000.

Mr. EDMUNDS. Mr. President, I understand that the Senator in charge of the conference report, my honorable friend from Minnesota, is willing that this report shall be disagreed to and that the matter may go back. There is time enough; there is no difficulty about that.

There are only one or two points to which I may call attention besides in order that they may be considered when the matter goes back. The seventieth amendment of the Senate has been changed in a manner to which I wish to call the attention of the Senate although I admit that the change is fairly within the parliamentary rule, but I only call attention to the propriety of it. The seventieth amendment of the Senate is:

For the payment of arrears of Army transportation due such land-grant railroads as have not received aid in Government bonds under the acts of June, &c., to be adjusted by the proper accounting officers in accordance with judgment of the Supreme Court in cases decided under the said acts to be paid as other Army transportation, \$300,000.

That is amended so as to provide that these payments shall be made in accordance with the decision of the Supreme Court in cases decided, which I think is just enough so far, although it would embrace other cases than those decided, but according to the principle of it, but it then provides in the form of a proviso:

But in no event shall more than 50 per cent. of the full amount allowed by the Quartermaster-General be paid until the decision of the Court of Claims be had in each case.

Now, the legal effect of that, apparently, will be that when the others of these cases, of which the Senate will remember there were three classes, standing upon different provisions in the grants, one a mere right of way, another a right to have property transported free, and a third to have it transported under such rules and regulations and at such prices as should be just or should be fixed by the Secretary of War, all those three classes—the phraseology of this clause as it is left seems to provide that these other cases that have not yet been decided, that are in controversy, shall follow the judgment of the Court of Claims by force of this law, although their judgment might be reversed on an appeal to the Supreme Court of the United States. It provides for paying whatever the Court of Claims may

determine. I think that is wrong and I think there is great danger in it. Of course I have great respect for that court, but on such very important interests that affect such large sums of money every year, in doing justice between the United States and these companies, in these three classes, according to the provisions of the law that made the land-grants, it is not right for the Senate of the United States to agree in advance that the moneys of the Treasury shall be paid out in all these various classes in future cases according to the decision of the Court of Claims, stopping there, but according to a final decision that might be made in each case by the Court of Claims on appeal would be much safer. I suggest to my honorable friend when it goes back, and I presume nobody will object to that, just to say "by the Supreme Court upon appeal."

Mr. WINDOM. Upon that point I wish to say that the amendment now criticized by the Senator from Vermont was drawn in the presence of and with the full approval of the Attorney-General of the United States.

Mr. EDMUNDS. I ask my honorable friend from Minnesota what he thinks?

Mr. WINDOM. I think there is nothing wrong about it.

Mr. EDMUNDS. That would be very well if the Attorney-General of the United States was a member of the conference committee. I did not know that the heads of the Executive Departments were before, but even then I suppose that his opinion is subject to our revision here. If he is not a member of the conference committee—

Mr. WINDOM. When a conference committee cannot at all times have the advice and presence of the Senator from Vermont, it seems to me that in the pressure of their business they may consult the Attorney-General upon questions of law.

Mr. EDMUNDS. That may be so, Mr. President, and I am much obliged to my honorable friend for the implied censure that I receive in exercising the privilege that I think I shall continue to do while I am a Senator of expressing my opinion upon reports of committees in this body freely. Is there any objection to that?

Mr. WINDOM. No, no.

Mr. EDMUNDS. Thank you, sir. My duty is done, Mr. President, when I call the attention of the Senate to the risks it runs in dealing with railway companies in the accidental omission of very small phrases sometimes, in committing ourselves to engagements from which we cannot recede. The moment we make an arrangement of this kind the companies always say it is perpetual and that you cannot recede because you thereby violate the contract. You have entered into a new arrangement upon which they act, and they often have gone so far and still maintain that where an act provides in terms that we may alter or amend or repeal the provisions to which we have committed ourselves, we have not any power to do it. But my duty is done about it.

Now I come to the next thing that I wish to call attention to, if I may do so without offense to the Senator from Minnesota.

Mr. WINDOM. It is impossible for the honorable Senator from Vermont to give offense to the Senator from Minnesota.

Mr. EDMUNDS. If the Senate will give me its attention, as I do not intend to tax its patience, the necessity for these observations is quite as disagreeable to me as it must be to the patience of the Senate. On the fifty-fourth page of the reprinted bill with the amendments numbered as they left the Senate, there was a provision to which I will refer. The House bill had provided—

For the expenses of the geological survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain.

And then there was a proviso about something in the legislative bill—

To be expended by the director of the geological survey, under the direction of the Secretary of the Interior, \$100,000.

The Senate amended that provision by adding after the word "geological" the words "and geographical," and after "survey" the words "of the Territories," and striking out the reference to the legislative bill. Now out of that small seed, that I should have supposed must have come from the Department of Agriculture, it has grown so rapidly and into such large proportions that we have got no less than four printed pages of systematic legislation, the effect of which is—because I will not take time to go into it in detail—to abolish and set aside the mineralogical and geological survey that has been conducted under Professor Hayden, the survey that has been conducted under Major Powell, and the survey that has been conducted under the chief of the Army through the Engineer Corps by the engineers, and to consolidate all of these duties, interesting and useful to the United States, in one grand subdepartment of the Interior, which is to have, to begin with, a director-general, and then it is to have members—I do not know what that means, but it speaks of members of the geological survey, &c.—which is to go into a vast variety of examination and survey and exploration, &c., of course at a very large expense to the United States and an entire change of the existing law and of existing arrangements, when the thing that was sent to the conference committee as between the House of Representatives and the Senate was to insert after the word "geological" the word "geographical," and to strike out from the House bill a clause that had no potency whatever, because it referred to a bill that had not passed and without date, and the items, the clauses in which, when they came to us we

had struck out ourselves, and I suppose they will stay out, this is built up.

I do submit that if this scheme were the most perfect of any that was ever invented, it is a wide departure from the authority that is possessed by a conference committee, and we cannot accept it unless we are to give up the whole safety of legislation and particularly on appropriation bills, because it is pressed upon us as it is said by the Senator from Illinois that you are likely to lose the bill; and so in the last three days of the session everything is to become a law that is on an appropriation bill by the judgment of three gentlemen, who, pressed by the great number of details and difficulties of doing the things that strictly belong to the bill, are obliged hastily to consider others. Unless we yield to that system this body is bound to say that it will not agree to a report that contains such a provision.

Now, my own judgment, which is entirely apart from the parliamentary propriety of this introduction, is that these surveys may and ought to be usefully condensed, and that the United States has educated, and is educating at public expenditure and from year to year, a body of men at West Point who come from the people and are of the people and who labor for the people, and who have the talent and the cultivation and the discipline and the organization, more so than any similar body of men in any country on the face of the earth, that makes them capable to act in time of peace, who are enjoying the salaries and emoluments of public office, of doing this duty and doing it well at a fraction of the expenditures that diversified service as it is now would be, and at a fraction of the expense that this new arrangement will breed.

Therefore, Mr. President, having said this, I hope that the Senate without being frightened at the danger of losing the appropriation bill will disagree to this report and allow the conference committee to try it again.

Mr. WINDOM. So far as the last question presented by the Senator from Vermont is concerned, I think there can be no doubt of its desirability as a mode of disposing of this much-vexed question of geological surveys. I am entirely clear that it is much better than the straggling mode of spending money that we have had on this subject heretofore. It is a question which has been before the Senate fully and been fully argued and thoroughly understood, for the measure has been printed and is on our tables, and is part of the proposition the Senate did act upon. The House appropriated \$100,000 for these surveys, referring to the question of the organization of a director of the geological survey. The Senate committee proposed to strike out a portion of that amendment. It was stricken out, and to take the place of what was stricken out this was inserted. The latter part organizing a commission for the purpose of codifying the land laws, &c., possibly is not technically connected with it as it should be by the rule. That is the other thing to which I referred a moment ago when on my feet.

I am entirely willing to submit this whole question to the Senate. The Senator from Vermont has argued it and has stated all the danger that would grow out of this Moline Water-Power provision. I believe it is a safe proposition, but I am entirely willing to submit it to the Senate and take the judgment of the Senate upon it.

Mr. BECK. I desire to say a word relative to the last matter spoken of. When the sundry civil bill came to the Senate from the House it contained this provision:

Provided for under the ——— section of the act "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," approved March —, 1879, to be expended by the Director of the Geological Survey under the direction of the Secretary of the Interior, \$100,000.

At the time this bill was being considered by the Senate Committee on Appropriations the bill referred to had not been printed and did not reach the committee of the Senate until the sundry civil bill was acted upon by the committee. Here was a reference to section blank of an act which had never passed, a section that nobody knew anything about, not a line of which either the Senate or its committee ever saw. When the regular legislative, executive, and judicial appropriation bill to which I presume this refers came before the Senate it contained section 2 of nearly five printed pages, overthrowing all the existing condition of things. The Senate Committee on Appropriations deliberately determined that they had no time to look into that to see whether it was an improvement upon the old system or not, and the Senate concurred in that action. Therefore neither the committee of the Senate nor a member of the Senate either in committee or on this floor has had an opportunity to know what this change means. A committee of conference now meet, and they take up a large portion of this section 2 which neither the committee of the Senate nor the Senate itself ever saw, and insert it into the sundry civil bill, when it was never considered, creating a new officer who is called the director of the geological surveys, at a salary of \$6,000, who is to be appointed by the President by and with the advice and consent of the Senate, and gives him the entire direction of the geological surveys, the classification and examination of the public lands, and abolishes altogether all the propositions for surveys under the War Department and discontinues them from the 30th day of June, 1879, and requires them to turn over all of their work and deposit it in the National Museum. They appropriate \$100,000 for this purpose.

Then they created a commission composed of the Commissioner of the General Land Office, the Director of the United States Geologi-

cal Surveys they have themselves appointed, and three civilians to be appointed by the President, who are to receive \$10 a day while engaged and their expenses. They are to go over the country and look up this whole matter and make reports. It may be a very good system, perhaps it is; it may be better than the old one; but it was deliberately resolved by the Senate that they had no time to examine into the new system whether good or bad, and they would not do it. Yet the conference committee on the part of the Senate, although they never saw it on the sundry civil bill and did not have this bill before them when considering it, and although the Committee on Appropriations deliberately advised the Senate not to look into this new system and the Senate agreed with them, bring it all back and have the conference committee tell us that the whole bill must be defeated or this system be adopted right or wrong. I insist that it is bad legislation.

Mr. BURNSIDE. Mr. President, the joint commission on the reorganization of the Army was appointed and for several months gave its attention to framing a bill for the reorganization of the Army. That bill was printed and was laid on the tables of Senators during the whole session of Congress; certainly ever since the recess Senators have had free access to it. Senators have said here, and I am bound to say justly, because they are the best judges of their own views about things, that they would not act upon that bill because they had not time to give it attention. Therefore the bill has gone over. I will not say that that action was not wise, but let the bill go over until the next Congress. But that was done after a committee of the two Houses had given an entire vacation between the two sessions to the work. Now we are called upon here to-night to act upon one of the most important changes in legislation in the very last hours of the session without any kind of consideration. I think it is an insult to the intelligence and independence of this body to ask them to act upon this amendment to-night changing the whole system of surveys at the dictation of a subcommittee of the House, if I have a right to refer to such a thing as that in debate. I say it is an outrage and the Senate ought not to submit to it.

Mr. ALLISON. Mr. President, I desire to say one word more with reference to the amendment numbered 41. I do not wish to embarrass this bill or to prevent such consideration as will enable it to pass at the present session of Congress. If I supposed for a single moment that any Secretary of War would exercise in the slightest degree the power conferred upon him by that amendment I would not consent to the passage of this bill under any circumstances. Here is a water-power, estimated by the Army officer in charge of it as worth from \$300,000 to \$500,000 per annum when developed, proposed to be leased, not in competition, not to those who will pay the most for it, but to a corporation organized by the State of Illinois, and the very corporation who surrendered this water-power originally to the Government of the United States for a large consideration, that consideration partly in perpetuity, because we have agreed in our contract with that company to develop this water-power and to maintain it in perpetuity, giving them one-fourth of it. But I feel certain that the Secretary of War will not exercise the power conferred upon him, and therefore I am not willing to waive the objections I have to this amendment in deference to other gentlemen who are equally interested with me in the development of this arsenal.

Mr. BURNSIDE. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. BURNSIDE. Has the Senator any assurance that the Secretary of War is going to live until the next session and that some new Secretary of War may not come in who would be disposed to exercise this power?

Mr. ALLISON. I will say to the Senator that I have no special assurance on that subject.

Mr. BURNSIDE. I do not suppose the Senator has.

Mr. DAWES. The Senator from Iowa should also consider that this goes into the statute-book as a permanent statute. It will be for all time.

Mr. DAVIS, of Illinois. It can be repealed.

Mr. EDMUNDS. It is much easier to refuse to pass it.

Mr. DAWES. It would not be as easy to repeal it as to enact it probably, and I suggest to the Senator from Iowa, who has had some knowledge of Fort Snelling and divers other large properties of the United States disappearing like a morning mist, that the first thing he will know this water-power at Rock Island will disappear.

Mr. DORSEY. As every Senator here knows, this great bill reaches the Senate in the very last days of the session. It is necessarily referred to three or four Senators, who alone are charged with the duty of investigating the character of the provisions which the House sent to us. The committee charged with that duty in this case have devoted as much time to it as the late day in the session would allow. They have tried to investigate it as faithfully, as earnestly, as they were capable of, and the result of that we have presented to you, after having passed the House, the conference report which the Senator from Vermont asks the Senate to disagree to. I do not believe that it is possible for any three Senators of this body to take this great bill, with its mass of amendments, with the innumerable number of diverse interests it involves, and arrive any nearer a right conclusion than the report which lies now on the table.

I certainly hope, Mr. President, that this bill will not be returned to the House; that this conference report will not be rejected, be-

cause I feel almost certain that if it is the bill will fail, for the reason that there is not time between now and to-morrow noon to have a new conference go over this ground again; and for the further reason that the Senate is already too much exhausted, I think, upon that subject to go over the Moline water-power matter. The provision made here only grants a discretion to the Secretary of War which he need not exercise, and if it is going to militate against the interests of the United States he surely will not exercise it; and if it is found that it works against the interests of the United States, at the next session of Congress it will be a very easy thing to repeal it.

Mr. EDMUNDS. How can Congress repeal it after the lease is made?

Mr. DORSEY. There is no lease to be made except in the discretion of the Secretary of War. I hope the conference report will be concurred in.

Mr. McDONALD. What difficulty is there in striking out that part of this report which never has been considered in either branch of Congress?

Mr. DORSEY. If you strike out one word of the report it will strike out the whole of it.

Mr. McDONALD. I think we had better do that.

The VICE-PRESIDENT. The report must be dealt with as an entirety.

Mr. SARGENT. If the report is rejected it should be done at once, unless it is the purpose not only to reject the report but to cause the bill to fail. There is a chance that by the conferees working industriously, for the House is still in session, I am informed, so that they may appoint other conferees, the bill may become a law and that which is pointed out as objectionable be eliminated; but another half hour spent in debate will simply sacrifice the bill. I hope the question will be taken. I call for the yeas and nays on the adoption of the report.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference on the sundry civil appropriation bill, on which the yeas and nays have been demanded.

Mr. EDMUNDS. I second the demand for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 24; as follows:

YEAS—35.

Bailey,	Davis of W. Va.,	Howe,	Ransom,
Bayard,	Dorsey,	Kellogg,	Rollins,
Butler,	Eustis,	McMillan,	Sargent,
Cameron of Pa.,	Ferry,	Maxey,	Shields,
Cameron of Wis.,	Garland,	Mitchell,	Spencer,
Chandler,	Gordon,	Oglesby,	Teller,
Coke,	Grover,	Paddock,	Whyte,
Conover,	Hamlin,	Patterson,	Windom,
Davis of Illinois,	Harris,	Plumb,	

NAYS—24.

Allison,	Dawes,	Jones of Florida,	McPherson,
Anthony,	Eaton,	Kernan,	Matthews,
Beck,	Edmunds,	Kirkwood,	Merrimon,
Booth,	Hereford,	Lamar,	Saulsbury,
Burnside,	Hill,	McCreery,	Wadleigh,
Cockrell,	Hoar,	McDonald,	Wallace,

ABSENT—17.

Barnum,	Dennis,	Morgan,	Sharon,
Blaine,	Ingalls,	Morrill,	Thurman,
Bruce,	Johnston,	Randolph,	Voorhees,
Chaffee,	Jones of Nevada,	Saunders,	Withers,
Conkling,			

So the report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPENCER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate do recede from its amendments numbered 3, 8, 9, 13, 14, 21, 26, 27, 37, 39, 40, 41, 48, 62, 65, 77, 86, 91, 93, 96, 101, 107, 108, 113, 126, and 127.

That the House do recede from its disagreement to the amendments numbered 1, 2, 4, 5, 6, 7, 10, 11, 12, 15, 16, 17, 18, 19, 20, 22, 23, 25, 28, 29, 31, 32, 33, 35, 36, 38, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 76, 78, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 94, 95, 97, 98, 99, 100, 102, 103, 104, 105, 106, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 128, 129.

That the House recede from its disagreement to the amendment numbered 24, with an amendment as follows:

Strike out in lines 19 and 20, page 4 of the bill, the words "two hundred and fifty thousand" and insert in lieu the words "two hundred thousand."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 34, with an amendment as follows:

Strike out from line 7 to line 12, both inclusive, page 7, the whole paragraph, and insert in lieu as follows:

"For improving Mississippi River from Saint Paul to Des Moines Rapids, \$100,000: *Provided*, That not exceeding \$50,000 thereof may be used by the Secretary of War, in his discretion, in making a practical test of the flume invented by M. J. Adams, said test to be made under the supervision and direction of said Adams,

but without compensation to said Adams for his services: *And provided further*, That such test shall not be made until the right shall be secured to the United States to use said flume in the event of the favorable result of said test, upon terms satisfactory to the Secretary of War."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 61, with an amendment as follows:

Add after the word "chain," on line 18, page 10, the words "and not exceeding \$100,000 on the Davis Island dam."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 72, with an amendment as follows:

Strike out on line 21, page 12, the words "seven thousand" and insert in lieu the words "five thousand."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 74, with an amendment as follows:

Strike out in line 25, page 12, the words "twelve thousand" and insert in lieu the words "seven thousand."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 79, with an amendment as follows:

Strike out in line 20, page 13, the letter "s" from the word "rivers."

And the Senate agree to the same.

That the Senate recede from all of its amendment numbered 92, except on line 17, page 15, the word "fifty."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 125, with an amendment as follows:

Insert before the words "Saint Mary's," in line 14, page 22, the words "approaches from Lake Superior to."

And the Senate agree to the same.

GEO. E. SPENCER,

S. J. R. McMILLAN,

M. W. RANSOM,

Managers on the part of the Senate.

JOHN H. REAGAN,

JNO. E. KENNA,

JAY A. HUBBELL,

Managers on the part of the House.

The report was concurred in.

EDUCATION OF THE BLIND.

Mr. BURNSIDE. I ask consent to call up the bill (H. R. No. 4228) to promote the education of the blind.

Mr. McDONALD. I hope the Senator from Rhode Island will allow me to call up a resolution which I offered before the recess. It will take but a moment, and it has to go to the House.

Mr. BURNSIDE. I cannot yield. This bill was before the Senate by unanimous consent on one occasion, and it has been postponed from time to time. I insist upon the consideration of the bill unless a majority of the Senate refuse to take it up.

Mr. McDONALD. I am sure the matter I desire to have considered will not take any time at all.

Mr. BURNSIDE. I cannot yield.

The VICE-PRESIDENT. The Secretary will report the bill.

The bill was read by its title.

The VICE-PRESIDENT. This bill has once been read at length.

Mr. EDMUNDS. Let it be read again for information.

The VICE-PRESIDENT. It will be read at length.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4228) to promote the education of the blind; and it was read.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. There is considerable fitness in passing this bill perhaps just at this time, but I am not able to perceive how the Constitution of the United States warrants the passage of such a bill at all, and I am not able to perceive where the money is to come from, unless it is to come from the same great stream that flows out of the Treasury where no stream flows into it. I shall content myself simply with asking for the yeas and nays on the third reading of the bill, which will settle the question.

The yeas and nays were ordered; and being taken, resulted—yeas 40, nays 7; as follows:

YEAS—40.

Anthony,	Coke,	Jones of Florida,	Morgan,
Bailey,	Dennis,	Jones of Nevada,	Oglesby,
Beck,	Dorsey,	Kellogg,	Patterson,
Blaine,	Eustis,	Lamar,	Plumb,
Booth,	Ferry,	McCreery,	Rollins,
Bruce,	Garland,	McMillan,	Saunders,
Burnside,	Gordon,	McPherson,	Shields,
Cameron of Pa.,	Grover,	Matthews,	Teller,
Cameron of Wis.,	Harris,	Maxey,	Wadleigh,
Chandler,	Howe,	Mitchell,	Whyte,

NAYS—7.

Davis of Ill.,	Edmunds,	Kirkwood,	Merrimon,
Davis of W. Va.,	Hereford,	McDonald,	

ABSENT—29.

Allison,	Dawes,	Morrill,	Thurman,
Barnum,	Eaton,	Paddock,	Voorhees,
Bayard,	Hamlin,	Randolph,	Wallace,
Butler,	Hill,	Ransom,	Windom,
Chaffee,	Hoar,	Sargent,	Withers,
Cockrell,	Ingalls,	Saulsbury,	
Conkling,	Johnston,	Sharon,	
Conover,	Kernan,	Spencer,	

So the bill was ordered to a third reading.

It was read the third time.

Mr. DAVIS, of West Virginia. I wish to say one word on this bill. I notice that the bill appropriates \$250,000 to provide for the issuing

of Government bonds to support a printing house for the blind, which is a very charitable and a very proper object. My opinion, however, is that we have no right whatever to appropriate money from the Treasury in that way. I wish to make this explanation simply why I voted nay on the third reading.

Mr. HOAR. I think perhaps it is proper to say, before this bill passes, that it contains one clause which in my judgment is clearly beyond the constitutional authority of the United States to pass, and that is a provision that certain persons shall be added to a Kentucky corporation. I think it ought to be put upon record that the bill is passed with the expectation that the assent of that corporation and of the Legislature of Kentucky will be obtained to the act before any other action is taken under the bill. I desire to ask the Senator from Kentucky if it is not his assurance that that will be done?

Mr. BECK. It is, both by the corporation and by the Legislature, immediately.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2518) granting jurisdiction and authority to the Court of Claims in the case of the schooner Don Pedro; and it was thereupon signed by the Vice-President.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. BRUCE. I ask the present consideration of House bill No. 4318. The bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands, was read by its title.

Mr. EDMUNDS. Is the bill before the Senate?

The VICE-PRESIDENT. It is not. The Senator from Mississippi asks that it may be brought before the Senate. It will be reported and objections asked.

The Secretary read the bill.

The VICE-PRESIDENT. Are there amendments?

Mr. EDMUNDS. I believe the bill has not yet been taken up. I should like to vote on the question of proceeding to the consideration of the bill.

The VICE-PRESIDENT. The bill has been reported at length. The Senator from Mississippi asked unanimous consent.

Mr. EDMUNDS. I should like to vote upon it. He has a right to move it.

Mr. KELLOGG. It does not require unanimous consent.

The VICE-PRESIDENT. The Senator from Mississippi asked unanimous consent.

Mr. BRUCE. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WINDOM. I desire to suggest several amendments to the bill, and as they are marked on a paper, I will ask the Clerk to report them.

The VICE-PRESIDENT. The Secretary will report the first amendment proposed by the Senator from Minnesota.

The SECRETARY. On line 5, section 1, it is proposed to strike out "five" and insert "seven;" so as to read:

That there is hereby created a commission, to be called the Mississippi River improvement commission, to be composed of seven persons.

Mr. DAVIS, of West Virginia. I should like to hear further how the commission is to be appointed before that amendment is agreed upon.

Mr. WINDOM. They are to be appointed as provided for by the bill. The amendment does not change the manner of appointment.

Mr. DAVIS, of West Virginia. I will say to the Senator from Minnesota that I understand the number is five in the bill now as read, three from the Engineer Corps, and two civilians. If you add two, how are they to be appointed; in what proportion?

Mr. WINDOM. That will be stated in a moment.

Mr. COCKRELL. Let all the amendments be read.

The VICE-PRESIDENT. All the amendments proposed by the Senator from Minnesota will be read.

Mr. BRUCE. Is not this amendment to be acted upon now?

The VICE-PRESIDENT. It is; but all the amendments will be reported. The Secretary will report all the amendments proposed by the Senator from Minnesota, [Mr. WINDOM.]

The Secretary read the proposed amendments, as follows:

Page 1, section 2, line 2, strike out "five" and insert "seven."

Section 2, line 3, after "commissioners," insert "one of whom he shall designate as president of the commission."

Line 5, section 2, strike out the word "Army."

Line 6, section 2, after the word "corps," insert "of the Army, one officer of the Coast and Geodetic Survey."

Strike out all of lines 6 and 7 after the word "corps," except the word "and" in the seventh line.

Page 2, line 8, after the word "two," insert "eminent civil engineers not in the employment of the United States, and one."

Mr. DAVIS, of West Virginia. I suggest that section 2 be now read as it is proposed to amend it.

Mr. WINDOM. If the Secretary will pass the list of amendments back to me I will state to the Senate precisely what those amendments mean in a moment. Perhaps that is the better way. The amendments are all meant to carry out one purpose.

The first amendment is to strike out "five" and insert "seven," and after "commissioners" to insert "one of whom shall be designated as president of the commission." The amendments to section 2 are, in line 2, before the word "commissioners," to strike out "five" and insert "seven;" after "commissioners" to insert "one of whom he shall designate as president of the commission;" in line 5, before the words "Engineer Corps," to strike out "Army," and after "Engineer Corps" to strike out "one of whom shall be designated by the President of the United States as president of the commission," and insert "of the Army, one officer of the Coast and Geodetic Survey;" in line 8, after the word "two," to insert "eminent civil engineers not in the employment of the United States, and one," and to strike out the word "persons" and insert "person."

As the bill now reads, it is:

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint five commissioners, and shall in like manner fill any vacancy or vacancies which may occur in said commission. Said commission shall be composed of three officers of the Army Engineer Corps, one of whom shall be designated by the President of the United States as president of the commission, and two persons from civil life, who shall be familiar with the navigation of said river, and with the effect of the overflow of said river upon the alluvial lands of the Mississippi Delta.

The amendments proposed are to make it read as follows:

The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, one of whom he shall designate as president of the commission, and shall in like manner fill any vacancy or vacancies which may occur in said commission. Said commission shall be composed of three officers of the Engineer Corps of the Army, one officer of the Coast and Geodetic Survey, two eminent civil engineers not in the employment of the United States, and one person from civil life, &c.

* It is simply to add these civil engineers to the present Army Engineers, and a person from civil life. That is the entire object of the amendment, and all the other amendments following that are to carry out that purpose, so that the Senate will understand in a moment what it means.

Mr. DAVIS, of West Virginia. I ask the Senator whether he provides for compensation?

Mr. WINDOM. That is contained in the original bill, and I was not present when it was read. I only desire that if the bill shall pass, it pass with this amendment. Two hundred and fifty thousand dollars, I believe, as the bill is reported by the Senator from Mississippi, [Mr. BRUCE,] is the amount appropriated.

Mr. COCKRELL. The provision is:

And for the services and duties hereinafter prescribed, the said Army officers shall receive no other or additional pay or compensation than is now allowed them by law, and the other two commissioners shall receive as pay and compensation each the sum of \$3,000 per annum.

Mr. DAVIS, of West Virginia. Is there a report with the bill?

The VICE-PRESIDENT. There is no report, as the Chair understands.

Mr. KELLOGG. It is a House bill.

Mr. WINDOM. I desire that the amendments offered by me should be reported by the Secretary and acted on now, since the object has been stated.

The VICE-PRESIDENT. The amendments will be reported.

The SECRETARY. It is proposed to amend section 2, at line 2, by striking out "five" and inserting "seven;" line 3, after the word "commissioner," insert "one of whom he shall designate as president of the commission;" in line 5, section 2, strike out "Army" before "Engineer Corps," and after "Engineer Corps" strike out "one of whom shall be designated by the President of the United States as president of the commission," and insert "of the Army, one officer of the Coast and Geodetic Survey;" in line 8, after the word "two," insert "eminent civil engineers not in the employment of the United States, and one," and in the same line strike out "persons," and insert "person;" so as to make the section read if amended:

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, one of whom he shall designate as president of the commission, and shall in like manner fill any vacancy or vacancies which may occur in said commission. Said commission shall be composed of three officers of the Engineer Corps of the Army, one officer of the Coast and Geodetic Survey, and two eminent civil engineers not in the employment of the United States, and one person from civil life who shall be familiar with the navigation of said river and with the effect of the overflow of said river upon the alluvial lands of the Mississippi Delta. And for the services and duties hereinafter prescribed, the said Army officers shall receive no other or additional pay or compensation than is now allowed them by law, and the other two commissioners shall receive as pay and compensation each the sum of \$3,000 per annum. Said commissioners appointed as above shall remain members of said board, subject to removal by the President of the United States.

In section 3 insert at the beginning of line 12 the words "and the Secretary of the Treasury respectively," and in line 13, after the word "Army," insert "or from that of the Coast and Geodetic Sur-

vey;" in line 16, before the word "control," insert "their respective," and before the word "deemed," in line 17, insert the words "by the commission;" so as to make the section read:

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the city of Alton, in the State of Illinois, and mouths of said river, as may now be in progress, and to make such additional surveys, examinations, and investigations, hydrographical and topographical, as may be deemed necessary by said commission to enable it to perform its duties and to carry out the objects of this act with the greatest advantage to the public interests, and to enable said commission to complete such surveys, and to make such additional surveys, examinations, and investigations; and the Secretary of War and the Secretary of the Treasury respectively shall, when requested by said commission, detail from the Engineer Corps of the Army or from that of the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under their respective control and may be by the commission deemed necessary; and the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

In section 4, line 16, strike out "Secretary of War" and insert "President of the United States."

In section 5, line 4, after the word "shall," insert "by direction of the President of the United States;" in line 7 strike out "Secretary of War" and insert "President of the United States;" so as to read:

SEC. 5. If such plans and estimates, or such plans, shall be approved by the Congress of the United States, then the construction and completion of said works according to such plans shall, by direction of the President of the United States, be conducted and carried on by the Secretary of War; and said commission shall annually, prior to the commencement of each regular session of Congress, make and submit to the President of the United States, to be by him submitted to the Congress of the United States, full and detailed reports of their proceedings and actions, and of all works and improvements done, and the cost thereof, and of the progress and effects of such works, and of estimates of the necessary amounts of appropriations for successfully and efficiently carrying on the construction of said works and improvements, and also for the completion of such works and improvements according to the said plans.

In section 6, line 4, strike out "Secretary of War" and insert "President of the United States;" in line 6 strike out "Secretary of War" and insert "President of the United States;" in line 17 strike out "Secretary of War" and insert "President of the United States."

In section 7, line 5, strike out "Secretary of War" and insert "President of the United States;" in line 7 strike out "Secretary of War" and insert "President of the United States;" in line 11 strike out "Secretary of War" and insert "President of the United States;" in line 16, after the word "thereupon," insert "the President of the United States shall direct;" and in line 17, after the words "Secretary of War," strike out "shall" and insert "to;" so as to read:

And thereupon the President of the United States shall direct the Secretary of War to contract and let said work, &c.

In the same section, line 37, strike out "Secretary of War" and insert "President of the United States."

In section 8, line 1, strike out "Secretary of War" and insert "President of the United States;" in line 2, after the words "United States," insert "or from the Coast and Geodetic Survey;" so as to make the section read:

SEC. 8. The President of the United States may detail from the Engineer Corps of the Army of the United States, or from the Coast and Geodetic Survey, any officer who may be selected and recommended by said commission, or a majority thereof, to act as secretary of said commission.

In section 9, line 1, strike out "Secretary of War" and insert "President of the United States;" and in line 2 strike out "fifty" and insert "twenty-five;" so as to read:

SEC. 9. The President of the United States is hereby authorized to expend the sum of \$225,000 for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, and in maturing and perfecting and reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. The question is on the amendments proposed by the Senator from Minnesota.

Mr. HEREFORD. I should like the attention of the Senator from Minnesota, who has given this bill some attention. As I have shown by my votes, I am willing to make very liberal appropriations for the improvement of the Mississippi River, but I desire the bill to be more guarded, so that we may know what we are about. What I desire to call the attention of the Senator from Minnesota to is whether under this bill this commission or the Secretary of War has the power to make any contract or contracts for the improvement of the river?

Mr. WINDOM. I want to say to the Senator from West Virginia, and all others, that I did not report this bill; I did not have it in charge. I have only desired to offer the amendments which I have submitted. The Senator from Missouri [Mr. COCKRELL] or the Senator from Mississippi [Mr. BRUCE] can explain fully my parts of the bill. I can explain the amendments I have offered.

Mr. COCKRELL. I will answer the question the Senator from West Virginia propounds.

Mr. HEREFORD. I have not propounded my question yet; the Senator will wait a moment. I desire to call the attention of the gentlemen who have the bill directly in charge and of the Senate to whether this bill taken as a whole gives this commission or the Secretary of War the power to enter into contracts and thereby bind the General Government before an appropriation is made therefor. It seems to me that they would have that power almost *ad libitum*,

and that there is but one restriction on it. I will read the seventh section:

SEC. 7. When said commission shall have so prepared and matured such plans for and estimates of the cost of a general system of works for the purposes aforesaid, and shall have so reported and submitted the same to the Secretary of War, and the same or said plans shall have been so approved by the Congress, as herein provided for, then it shall be the duty of the Secretary of War—

Now this is the particular part to which I call attention—to cause said works and improvements to be constructed and completed as rapidly as the appropriations made by Congress therefor shall justify.

It seems to me that under that they would have a right to go on and make contracts prior to the appropriation. I do not believe that the friends of this bill designed any such thing. If that is not the wish of the friends of the bill they will vote for the amendment which I propose to offer, to come in after the word "justify," in section 7, line 10, as follows:

Provided, That no contract shall be let before an appropriation shall be made therefor.

The VICE-PRESIDENT. Is it an amendment to any of the amendments offered by the Senator from Minnesota?

Mr. HEREFORD. No, sir; it is an additional amendment.

The VICE-PRESIDENT. The amendments of the Senator from Minnesota are first in order. After that the Chair will recognize the Senator from West Virginia. The question is on the first amendment proposed by the Senator from Minnesota.

Mr. COCKRELL. Just one moment. I desire to state, in answer to the Senator from West Virginia, that while I regard the bill as guarding specifically against the exercise of a power which he fears the Secretary of War or the President may undertake, yet I am perfectly willing for his amendment to go in.

Now I will call the attention of the Senate to the third section, which provides what this commission shall do; that they shall take examinations and surveys already made, and "make such additional surveys, examinations, and investigations" as will enable them to complete a plan for the improvement of the river. Then, in section 4, they are to do certain things; and that section says that their action must be reported to Congress and approved by Congress. Then, section 5, which explains section 7, says:

If such plans and estimates, or such plans, shall be approved by the Congress of the United States, then the construction and completion of said works according to such plans shall be conducted and carried on by the Secretary of War.

Now I hold that under this bill as it is, not one solitary contract can be made for the improvement of the river or the construction of any works; but I want the bill carried, and therefore I will accept the amendment of the Senator from West Virginia; that is, I will make no objection to it when it comes up in its time. This bill is for a survey of the river, a completion of the survey, and the devising of a plan, a system, to be reported to Congress before a dollar is expended in pursuance of that plan. That is the object of it; that is the intention of it; we want nothing more; and therefore the amendment of the Senator from West Virginia will not be opposed, because we want the approval of Congress to whatever plan may be determined on.

Mr. FERRY. I ask the Senator from Missouri if he succeeds in obtaining the approval of Congress, does it not follow that Congress will make an appropriation to carry out whatever may be reported by the commission?

Mr. COCKRELL. Not at all.

Mr. FERRY. Is it not binding on a future Congress when the approval is made?

Mr. COCKRELL. Not at all. It is precisely like every other river or harbor improvement in the United States; not one dollar can be contracted or expended without an appropriation.

Mr. FERRY. That is true; but the fact of a survey implies the following fact of an appropriation.

Mr. COCKRELL. Not at all. I am astonished to hear the Senator from Michigan make such a statement as that. We have hundreds and thousands of surveys made by the Engineer Corps of the Army where no appropriation follows.

Mr. FERRY. I have had some experience in that respect, and I think the river and harbor bill reveals the fact I am stating that preceding appropriations are generally surveys. When a survey has been made an appropriation generally follows. Now, if this is a proposition to survey the whole river and adopt a system of improvement, it involves substantially the improvement of that river, and the Senate must judge as well as myself of the magnitude of the enterprise.

Mr. COCKRELL. That is all very true; but I desire to know if the Senator is unwilling to improve that great inland sea.

Mr. FERRY. I reply to the Senator that I am willing. I have shown a liberality beyond that of many Senators on this floor in regard to the improvement of harbors; but I question the propriety of appropriating for all the rivers of the country because I take into consideration the size of the purse of the nation, and the Senator can with myself judge of that. Are we prepared to go into a general system of the improvement of that river which will involve more than the nation can contend with under its present financial condition.

Mr. COCKRELL. Mr. President, it contemplates nothing of the kind. It is to know why and for what purpose appropriations are made, for what object they are expended, and whether the object is being attained or not. It is to save the annual appropriations which

are made for the improvement of the river. Those interested in that river desire a system for it just as you have plans and systems for the improvement of your harbors, of your smaller streams, of your single harbors upon the lakes and the ocean. We desire that the plan shall state what work is to be done; the probable cost of the work, and what will be accomplished when the work is done. Then we shall ask Congress to make a reasonable appropriation, if that plan is approved, to start that work, and each year we shall have a report and then we shall know whether the appropriation is doing good or not, and if the expenditure of the money is not accomplishing what was planned, what was intended to be accomplished, Congress will certainly stop the appropriation.

Now, as to all the harbors you have a plan, you have a system. You commence a work to accomplish a specific thing. You have reports each year as to how that work is progressing, and what is being accomplished. When you find that the system, the plan, the method that you are pursuing is not accomplishing what you want, you abandon it and take another. But we have had no system, no plan for the Mississippi River, the great inland ocean. We want a plan which does not involve—and I speak knowingly, and I know the facts whereof I speak when I say it does not involve the expenditure of forty or fifty million dollars, nor of \$30,000,000.

I desire to say to the Senate that there are only about fifteen places between Cairo and the mouth of the river where there is shallow water; and all in the world that we ask of the Senate now is to give us a plan for deepening the channel, improving the navigation of the river. Let us have that grand stream confined in execution of its own laws. Let us construct works over these shoals which will give the channel of the river the same uniform width that is above and below, and we know that the river will scour out its own depth and give good navigable water.

Mr. MITCHELL. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. MITCHELL. How much appropriation does this bill provide for in order to make this survey?

Mr. COCKRELL. The bill provides for \$250,000, and that we reduced by the amendment of the Senator from Minnesota [Mr. WINDOM] to \$235,000.

Mr. MITCHELL. We passed the river and harbor bill here.

Mr. COCKRELL. And not one solitary dollar in it for the survey of the Mississippi River.

Mr. MITCHELL. We passed the river and harbor bill here last Sunday, yesterday, and the sum total appropriated for surveys, if I remember aright, was \$165,000 or \$175,000, all told, for the survey of all the rivers and all the harbors in this country. Why was not this made a part of the river and harbor bill?

Mr. COCKRELL. I will explain to the Senator from Oregon why it was not. Take your Book of Estimates and you will find over \$150,000, my recollection is \$158,000, recommended for the completion of the surveys of the Mississippi River. It was entirely omitted in the bill. I offered an amendment providing for an additional appropriation, but the committee did not put it upon the bill; and, as this separate bill was pending, I did not insist upon the amendment to the river and harbor bill.

Mr. MITCHELL. What committee was this reported from?

Mr. COCKRELL. From the Select Committee on the Levees of the Mississippi River.

Mr. FERRY. Now the Senator from Missouri will allow me a word. He has a very fascinating way of inviting us to the support of this proposition by the initiative step of a survey, which as I now repeat involves finally an appropriation, and the Senator has disclosed the magnitude of the enterprise by saying that the banks of the Mississippi are to be protected, to what extent he does not tell; but to the fullest extent must necessarily follow in order to make the appropriation effectual. I think Congress has been very liberal in regard to the mouth of the Mississippi River, and I as a member of this body have been ready to vote with the Senator from Missouri to appropriate a sufficient amount for the improvement of that river. It was only yesterday in framing the river and harbor bill that we began to modify the contract with Captain Eads to enable him not only to go on with his contract but to pay him more liberally than the original agreement with him provided. We have been ready to vote an amount exceeding \$5,000,000 for the improvement of the mouth of the Mississippi. Now I say to the Senator from Missouri, after that having been done by Congress, to invite us to larger contributions for the purpose of improving that vast river is an enterprise before which I hesitate, liberal as I have been in regard to appropriations for rivers and harbors.

Mr. COCKRELL. We simply want just what the Senator from Michigan has up at the springs which start the Mississippi River. He asks for surveys, he asks for plans. We want to know what system shall be introduced in the improvement of the navigation of the Mississippi River. We have had appropriations of \$50,000 and \$75,000, but we have had no system, no plan. It is the fault of Congress. We want a survey now, we want these gentlemen to say to Congress what system will improve the navigation of the river, what system will deepen the channel and afford deeper water. Now, give us the system, give us the estimates, and a statement of what will be accomplished by it. That will be submitted, and then if Congress approves of that it will make annual appropriations sufficient to construct the works and see whether they will accomplish the end intended.

Mr. EATON. Will my friend permit me to make a suggestion?

Mr. COCKRELL. Certainly.

Mr. EATON. I am very anxious, as I said last year, to join with all the Senators from the valley in the support of a proposition of this character; but I desire to say to my friend from Missouri, and to all the Senators who are interested in this matter, that this bill is a very defective and incorrect one in my judgment, and I will proceed to state in a word why.

As I understand from my friend from Missouri, all that he desires, and certainly all that the Senate can contemplate, is the institution of a commission, and an appropriation of money, as much as may be necessary, one or two or three hundred thousand dollars, to accomplish a particular purpose; and now what is that purpose to be? That purpose should be to report to Congress at the next session, if possible, the plans that are necessary to carry out this work, with all the estimates accompanying them. Therefore there is no necessity for the machinery in this bill which provides for contracts or which provides for the Secretary of War letting any contracts. That is not the way to proceed. It is beginning at the wrong end of the steeple to build it at the top; you had better begin at the bottom.

Now let this bill be so amended as to do exactly what my friend desires, no matter what the amount of money may be, \$250,000, or so much thereof as may be necessary to effect exactly what he desires, to examine the delta, to examine the river, to make plans and submit estimates to the Congress of the United States, and then we shall know whether either to defeat those plans or carry them out. That, if I understand the Senator from Missouri, is exactly what he desires.

Mr. COCKRELL. And precisely what the bill does.

Mr. EATON. Oh, no, Mr. President. It goes on to say that the Secretary of War may make contracts with A, B, C, and D.

Mr. COCKRELL. Will the Senator excuse me? He has certainly no such authority in the bill, as I have already agreed to accept the amendment of the Senator from West Virginia, [Mr. HEREFORD,] a proviso that shall put in a positive prohibition of any contract of any kind.

Mr. EATON. But there is no such machinery as this necessary in the bill; it does not belong to a bill of this character. I cannot vote for these sections; it is impossible that I could do it.

Mr. HARRIS. Will the Senator from Connecticut allow me to ask a question?

Mr. EATON. I am now trespassing upon my friend from Missouri. I shall be glad to answer with his permission.

Mr. COCKRELL. Certainly.

Mr. HARRIS. This bill provides for a survey, for plans and specifications of certain improvements. It also authorizes certain officers to ascertain what sort of plans can be made. But before one dollar can be expended, before one shovel of earth can be removed, before any work, however small, or any liability to pay for work, however small the amount may be, can be contracted, it must be approved by the Secretary of War and reported to Congress, and my friend from Connecticut and all of us will sit in judgment upon the propriety or the impropriety of making the contract that is recommended by this board and by the Secretary of War. I do not think the bill could be better guarded than it is, because a contract can never be made so as to be binding upon any one until my honorable friend has had an opportunity of searching it and determining whether it is proper or not.

Mr. EATON. I am at a great loss to see where the question comes in. [Laughter.] The argument of my friend from Tennessee is quite weighty; but I supposed he desired to ask me a question.

Mr. HARRIS. If my friend will pardon me, I will ask the question. Is he not willing to have this additional safeguard of the Secretary of War passing his judgment on it, and submitting not only the plan but submitting also information as to the character of the contracts to be made? That is the question that I had intended to ask, and thought I had asked of my honorable friend.

Mr. EATON. That is a question, and a question which I will answer with a great deal of pleasure. I say no. I do not desire any contracts entered into. I do not desire any jobs entered into by anybody. I desire just exactly with regard to the Mississippi River what I would require in regard to any harbor or river improvement in my own section of country, for it is all my country. Your valley is mine as much as it is yours, and in its prosperity I have as great an interest as you and an equal interest with you. Now, then, appropriate as much money as may be necessary, and I will vote for it; appropriate as much money as may be necessary to make these examinations of the river; have your accomplished engineers, as many as may be required, and let the estimates of cost be made, and let all that be reported to the Congress of the United States, and not to the Secretary of War, but let the report come here; let us know what is about to be required at our hands to be expended in order to perfect this navigation. If they desire, as my friend does, red-tape, red-tape be it, and let the report be made to somebody else; but I cannot vote for any bill that would look like a letting of contracts.

Mr. COCKRELL. Why, Mr. President, the Senator from Connecticut is advocating this bill in every one of its features. The Secretary of War can do nothing until Congress has acted, and where the words "Secretary of War" occur in the bill the Senator from Minnesota has proposed to strike them out and insert the "President of the United States."

Mr. EATON. That does not help it any, in my judgment.

Mr. COCKRELL. Look at section 4:

And when so prepared and matured and approved by the president of said commission, to make and submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans and estimates for the purposes aforesaid, to be by him transmitted to Congress.

Mr. EATON. That is an amendment that I do not know anything about.

Mr. COCKRELL. It is not an amendment, it is in the bill.

Mr. EATON. I thought you said it was an amendment of the Senator from Minnesota.

Mr. COCKRELL. No, it is in the bill; and I say that every solitary thing which the Senator from Connecticut has advocated as proper is already in this bill. Everything has to be submitted to Congress and approved by Congress before anything can be done. I want to prove that to my friend. Go to section 4, and everything has to be reported to the President and by him submitted to Congress. Now, go to section 5:

If such plans and estimates or such plans shall be approved by the Congress of the United States, then the construction and completion of said works according to such plans shall, by direction of the President of the United States, be conducted and carried on by the Secretary of War.

Now, go to section 6, and it says:

And if such plans, specifications, and estimates shall be approved by the Congress of the United States, then the President of the United States—

Shall do so and so.

Then go to section 7:

And the same or said plans shall have been so approved by Congress as herein provided for, then it shall be the duty, &c.

Not one step can be taken in the construction of any work, in the execution of any plan or any system or method of improvement until Congress has approved it and made the necessary appropriation. When Congress has approved it, it will make the appropriations which it thinks are necessary. There are works to-day under construction where the cost is estimated at \$10,000,000 that was the surveyed estimate. Now, Congress does not bind itself because it has a survey and estimate of \$10,000,000 as necessary to complete the work to appropriate all that money. Not at all.

Mr. BLAINE. I will tell how I think my friend from Missouri can improve this bill, to which I feel very well disposed. The defect in the fourth, fifth, sixth, and seventh sections is in attempting to lay down by law what Congress will do in case it approves something at a future day. If you leave it open so that when Congress comes to the point of making the appropriation it can then determine by law what shall be done, instead of attempting to-night to determine by law what Congress will do four years hence, it will make the bill more lucid and remove a great many of the objections that I think my friend will point out.

Mr. COCKRELL. We do not desire to bind anybody. I am sure my friend from Connecticut coincides with my ideas of precisely what I understand this bill accomplishes.

Mr. EATON. I do not so understand it.

Mr. COCKRELL. There is the difference. It is a difference in the understanding of the bill. I say it means what the Senator wants.

Mr. EATON. I say it does not.

Mr. COCKRELL. There is the difference of opinion; yet we both want the same object.

Mr. EATON. Then place it exactly as my friend from Maine has suggested. Perhaps I was obtuse and did not make myself thoroughly understood; but he certainly has made my views of this matter understood. Let us confine ourselves now to the appropriation necessary for all these estimates and go no further, but let a future Congress determine in regard to the work.

Mr. HOWE. Mr. President, let me make a suggestion in the way of promoting the economy of time. While the Senators are conferring on the amendment conceded to be necessary I ask unanimous consent to let the matter be laid aside informally not to lose its place, and that the Senate proceed to the consideration of a bill which will not lead to debate.

Mr. HARRIS. I hope we shall come to a vote immediately upon this bill, and not lay it aside. It need not provoke debate to any extent.

The PRESIDING OFFICER. (Mr. HOAR in the chair.) The Chair understands the Senator from Tennessee to object to the proposition.

Mr. HARRIS. No, I do not want to object; but I want to have some disposition made of the pending bill. I had hoped the Senate would come to a vote on this bill in a very short time. If that cannot be secured, of course I shall not stand in the way of the wish of the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the pending measure be laid aside informally not to lose its place, in order that a measure may be taken up.

Mr. SAULSBURY. We want to have some information as to what the measure is.

Mr. HOWE. You will know in a moment. It will be reported from the desk. It will not lead to any debate.

The PRESIDING OFFICER. Will the Senator from Wisconsin state the title of the bill.

Mr. HOWE. It is a bill for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman, a bill reported from the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none.

Mr. COCKRELL. I make no objection if the Senator from Mississippi [Mr. BRUCE] will make no objection to laying aside the levee bill temporarily.

The PRESIDING OFFICER. That has already been done.

Mr. COCKRELL. We will call it up when we have an opportunity.

Mr. BRUCE. I presume the bill called up by the Senator from Wisconsin will not be debated.

Mr. HOWE. Certainly not.

WILLIAM H. WATERMAN'S SURETIES.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman.

Henry T. Fuller, Thomas Dickenson, Albert G. Knight, H. T. Taylor, John Elkins, and the estates of John Heath and Thomas Falvey, deceased, and each of them, are by the bill released and discharged from any and all liability as the sureties upon the official bond of William H. Waterman, formerly superintendent of Indian affairs for Washington Territory, and upon the judgment rendered and docketed on the 4th of January, 1879, in the circuit court of the United States for the eastern district of Wisconsin, in favor of the United States of America, plaintiff, and against the parties named as defendants, for the sum of \$5,662.92 damages, and \$32.05 costs as taxed; the release and discharge to take effect upon the payment of the legal costs as taxed in the judgment.

Mr. GARLAND. Is there a report accompanying this bill?

Mr. HOWE. Yes, sir.

Mr. GARLAND. I should like to have the report read, or perhaps the Senator from Wisconsin can explain the matter.

Mr. HOWE. If the Senate will allow me, I will state the grounds on which this bill is recommended by the Judiciary Committee. The report was presented by the Senator from Illinois, [Mr. DAVIS.] There are three grounds: first, that the principal on this bond died within ten days after he resigned his office, and could not superintend the settlement of his own accounts; second, that the sureties had no notice of his death until nearly a year afterward, and had no notice that any deficiency was claimed in his accounts until many years afterward, when several of the co-sureties were either dead or insolvent; and, third, that upon an inspection and re-examination of Waterman's accounts it is as palpable as anything in accounts can be that instead of his being in default the Government owes him a thousand or two of dollars.

Mr. DAVIS, of West Virginia. Do I understand the Senator to say that the bill comes from a committee and is on the Calendar?

Mr. HOWE. It passed the House and comes from the Judiciary Committee, being reported by the Senator from Illinois, and has been on the Calendar for some time.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

A. F. WHITMAN.

Mr. BAILEY. I ask unanimous consent that House bill No. 4564, which was reported by the Committee on Finance, may be taken up and disposed of. It is very short and will occupy but a moment.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent for the present consideration of the bill indicated by him.

There being no objection, the bill (H. R. No. 4564) for the relief of A. F. Whitman, administrator *de bonis non* of Samuel Kimbro and E. V. Kimbro, was considered as in Committee of the Whole. It provides for the payment to A. F. Whitman, administrator *de bonis non* of Samuel Kimbro, deceased, and administrator of E. V. Kimbro, deceased, \$3,414, in full payment of a draft drawn by the Treasurer of the United States in favor of the intestate of Whitman, on the First National Bank of Washington, District of Columbia, for \$3,414, dated March 9, 1867, and which has not been paid.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. ROLLINS. Mr. President—

Mr. COCKRELL. I call for the regular order, which was laid aside informally.

Mr. BRUCE. I insist on the regular order. Let us go on with the bill.

The PRESIDING OFFICER. The Senator from Mississippi and the Senator from Missouri insist on the regular order being proceeded with. The bill for the organization of the Mississippi River improvement commission is before the Senate as in Committee of the Whole.

Mr. DORSEY. I am as anxious as the Senator from Missouri to secure the passage of the pending bill; but it seems to me if the friends of that measure propose to debate it all night, they are sure to defeat it. There is other pressing business that a great many Senators desire to bring before the Senate; and I give notice that unless the vote be taken on the bill pretty soon I shall move to lay it on the table, though I am for it just as earnestly as the Senator from Missouri.

Mr. COCKRELL. I am very thankful for the advice of the Sen-

ator from Arkansas. I have consumed less time of this Senate than any other member of the body, and I do not propose to consume time to-night. I now desire to call the attention of the Senate to the suggestions and amendments offered by the Senator from Connecticut and the Senator from Maine. The committee will agree to striking out sections 5, 6, and 7.

Mr. EATON. That is right.

Mr. COCKRELL. Then if there be no objection the proposition is to strike out sections 5, 6, and 7.

The PRESIDING OFFICER. But there are amendments already pending, being those of the Senator from Minnesota, [Mr. WINDOM.]

Mr. COCKRELL. This will be an amendment to those amendments, because it is perfecting the text. It is striking out certain provisions that he proposes to amend. One will not interfere with the other.

Mr. EATON. This will not interfere with the previous amendments.

The PRESIDING OFFICER. If no objection is made, the Chair will first state the question on the motion of the Senator from Missouri which is the most convenient form. It is to strike out sections 5, 6, and 7.

Mr. SAULSBURY. I desire to say a word about this bill. I have no special objection to striking out these particular sections; but after that is done, the bill to my mind is a very objectionable measure. It proposes the establishment of a commission composed of ten persons I believe, as amended by the Senator from Minnesota—

Mr. KELLOGG and others. Seven.

Mr. SAULSBURY. Well, seven, styled the Mississippi improvement commission. The third section provides:

It shall be the duty of said commission to direct and complete such surveys of said river, between the city of Alton, in the State of Illinois, and mouths of said river, as may now be in progress, and to make such additional surveys, examinations, and investigations, hydrographical and topographical, as may be deemed necessary by said commission, to enable it to perform its duties and to carry out the objects of this act with the greatest advantage to the public interests, and to enable said commission to complete such surveys, and to make such additional surveys, examinations, and investigations; and the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary; and the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

To accomplish that purpose the bill proposes to appropriate "\$250,000 for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys." The proposition, therefore, is after these sections are eliminated to appoint a commission to complete surveys already commenced, and to make such additional surveys and investigations in relation to the improvement of the Mississippi River as this commission may judge necessary and proper; and we are now, perhaps to enable them to carry out that scheme, to appropriate for the purpose of these surveys a quarter of a million of money. After placing, I had almost said, the entire Army at their command, authorizing the Secretary of War to put in their hands such vessels procured by purchase, or otherwise, as may be necessary to enable them to make these surveys, we appropriate \$250,000 in less than twelve hours after having passed a river and harbor bill, appropriating some \$9,000,000 out of the public Treasury!

I have in my hand a letter from the Secretary of the Treasury stating that there is apprehended a deficit of \$27,000,000 in the revenues of this country for the next fiscal year, giving a detailed statement of what will be the receipts into the public Treasury, what will be the expenditures, already provided for; and yet with that full knowledge, with that information coming from the head of the Treasury Department that revenues of this country are to be deficient the next twelve months \$27,000,000, we, after having passed a river and harbor bill appropriating \$9,000,000 as I understand, gravely propose now to supplement that with another river and harbor bill appropriating \$250,000 for the investigation of what improvements are necessary in one particular river.

The Mississippi is a great national highway and I understand that there are very large appropriations in the bill which passed this morning or last night, some two or three million dollars if I am correctly informed, appropriated for improvements upon that river and its tributaries; and yet we now propose to complete a survey there to find out where we may spend money. That river is a very important river, one of which the whole American people are proud, one of the greatest rivers on the globe. No one denies the importance of it to the general commerce of the country. But is there to be no limit to our appropriations? Are we to go on and take from the public Treasury money after money for the purpose of improving one particular natural highway when there are other and almost innumerable natural highways in the country which deserve attention?

Why is it that the great Susquehanna River, running through the State of Pennsylvania, the very bowels of which are filled with mineral wealth, receives no appropriation to improve its navigation, to take the rocks out of its bed and set commerce afloat from the New York line down through the States of Pennsylvania and Maryland until it gets into the Chesapeake Bay? Why is it that the headwaters of the Delaware River are not improved so that a stretch of river some three or four hundred miles long, which is now comparatively

useless to commerce, may be utilized? Why is it that the Columbia River, second only to the Mississippi I believe, is only navigable some one hundred and fifty miles from its mouth because of obstructions, and we only appropriate \$100,000 to the building of a canal through the Cascades, so that the Upper Columbia River, with its immense treasures of wealth, running nearly two thousand miles from its mouth cannot have the great commerce of that country flow down its current? We appropriate money to build a canal through the Cascades seven miles long, those Cascades being one hundred and fifty miles from the mouth of the Columbia, and we allow the mere pittance of \$100,000. And yet in this bill we propose for a mere survey, in order that we may find out where we may spend money, the sum of \$250,000 for one river, and appoint a board. Ah, I am afraid of these boards; I am afraid of all these commissions. I want to see no other offices created in this Government of this character. We have tried these commissions and these boards in this city. They are an expensive luxury.

We ought to pause in view of the present condition and the apprehended condition of the Treasury and not put our hand deeper down into it. Every dollar that we take out of the Treasury is put there by taxation of the people. There is not a single dollar that goes into the Treasury, except, perhaps, occasionally a small pittance from the sale of some public land, but what is drawn from the pockets of the people by taxation. I say to you, Mr. President, that the people of this country have borne the yoke almost long enough. I fear the day will speedily come when we shall hear the tocsin of a readjustment of the public debt, when the honor of your country may be involved on account of the extravagances which are being indulged in at present. I ask Senators to pause, and not to squander away the sweat from off the brow of the people that has been extorted by taxation and placed in dollars in the public Treasury. Let us have some regard for the men we represent.

Why, sir, there is more than one-half of the people of this country to-day that can scarcely raise the money necessary to pay the taxes that are imposed upon them. There are hundreds and thousands of families that are now taxed to contribute to the public Treasury who can scarcely obtain the necessities of life, and have to stint and limit themselves; and will no voice in the Senate be raised in behalf of them? Shall we go on recklessly squandering the money which they pay into the public Treasury? I hope we shall at least, within a few hours of the adjournment of the Senate of the United States, come to the conclusion that we have spent enough at present, and that the people shall have a little rest from this continual drain on their resources.

I will not trouble the Senate further with this matter at present. I hope the Senate will not consider this bill one of such a character as to demand the hasty action that is now required upon it.

Mr. McDONALD. I want to ask the Senator from Mississippi to give way for a moment, to enable me to have a joint resolution considered that has come from the House.

Mr. BRUCE. If this bill can be called up as soon as that is disposed of, I shall not object.

Mr. COCKRELL. I must insist on the regular order. It will only take a minute now. The Senator from Connecticut, in line 2, section 9, proposes to insert:

Or so much thereof as may be necessary.

Mr. EATON. The usual limitation.

Mr. COCKRELL. In section 9, line 2, after the word "dollars," insert "or so much thereof as may be necessary." That amendment is accepted. Now let us have a vote on the amendments proposed by the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection to the amendment suggested by the Senator from Missouri to strike out sections 5, 6, and 7?

Mr. COCKRELL. Let them be stricken out. I thought the vote had been taken on that.

The motion to strike out was agreed to.

Mr. CHANDLER. Mr. President, I am very glad the vote has been taken on striking out sections 5, 6, and 7. I desire now to improve the bill by striking out sections 1, 2, 3, 4, 8, and 9; and then we shall have a bill for which I think all Senators can vote. [Laughter.] This is a bill not to improve the navigation of the Mississippi River; it is a bill to reclaim what are known as the delta lands of the Mississippi River. It speaks of the survey of that river. Mr. President, if there is one inch of the Mississippi River from its entrance into the Gulf to two hundred miles above the Falls of Saint Anthony that has not been surveyed, I do not know where that inch lies; and not only has it been surveyed, but resurveyed and surveyed over again.

This morning we voted, I think about \$4,000,000 for the improvement of the navigation of the Mississippi and its branches; and now on the same day we are asked to appropriate \$250,000 to resurvey the Mississippi River, which, to my certain knowledge, (for I have been on the Committee on Commerce, and was its chairman for fourteen years,) has been surveyed and resurveyed over and over again, so far as navigation is concerned, from year to year.

Mr. President, as I said a moment ago, this bill is for the reclamation of the lands of the delta of the Mississippi River; and what about those lands? Thirty-two million acres of those delta lands have been donated by this Government to the States wherein they lie,

and now, after the Government has given these lands to the States, they come with great modesty and ask us to make the lands we have given them valuable by protecting them. Sir, we gave them the lands for the very purpose of building these levees. Putting those lands at \$10 an acre, we have already donated to them \$320,000,000 to build the very levees that they now ask us for \$250,000 to survey. I might as well come here and ask Congress to pay for the ditches on my marsh farm. It would be just as proper a petition to make to this body as to ask money to reclaim the lands that this Government has donated to the States for the very purpose of building these levees.

I move, sir, that what is left of this bill lie upon the table.

The PRESIDING OFFICER. The Senator from Michigan moves that the bill do lie on the table.

Mr. EUSTIS. Mr. President—

The PRESIDING OFFICER. The motion is not debatable. For what purpose does the Senator from Louisiana rise?

Mr. EUSTIS. I desire to correct a statement made by the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Louisiana can proceed only by unanimous consent. Is there objection?

Mr. CHANDLER. I withdraw the motion, if the gentleman wishes to make any statement.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. EUSTIS. Mr. President, of the lands which the honorable Senator tells the Senate are to be reclaimed under the provisions of this bill, by the creation of this commission, not one acre, where they are on the Mississippi River, is of lands which were donated by the United States Government to the State of Louisiana. Those lands are not situated on the Mississippi River.

Mr. KELLOGG. Let us vote.

Mr. COCKRELL. Let us vote on the motion of the Senator from Michigan.

Mr. CHANDLER. I renew the motion.

The PRESIDING OFFICER. The Senator from Michigan moves that the bill lie on the table.

Mr. CHANDLER called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired with the Senator from Indiana, [Mr. VOORHEES,] who is detained by sickness.

The roll-call was concluded.

Mr. EDMUNDS. My colleague [Mr. MORRILL] is absent on account of illness. If he were present, he would vote to lay this bill on the table.

The result was announced—yeas 18, nays 34; as follows:

YEAS—18.

Anthony,	Ferry,	Matthews,	Sanders,
Booth,	Hamlin,	Plumb,	Teller,
Burnside,	Hoar,	Rollins,	Wadleigh,
Chandler,	Kirkwood,	Sargent,	
Edmunds,	McMillan,	Saulsbury,	

NAYS—34.

Bailey,	Dennis,	Ingalls,	Oglesby,
Barnum,	Dorsey,	Jones of Florida,	Patterson,
Bayard,	Eaton,	Kellogg,	Shields,
Beck,	Eustis,	Lamar,	Spencer,
Bruce,	Gordon,	McPherson,	Whyte,
Butler,	Grover,	Maxey,	Windom,
Cockrell,	Harris,	Merrimon,	Withers,
Coke,	Hereford,	Mitchell,	
Conover,	Hill,	Morgan,	

ABSENT—24.

Allison,	Davis of Illinois,	Jones of Nevada,	Randolph,
Blaine,	Davis of West Va.,	Kernan,	Ransom,
Cameron of Pa.,	Dawes,	McCreery,	Sharon,
Cameron of Wis.,	Garland,	McDonald,	Thurman,
Chaffee,	Howe,	Morrill,	Voorhees,
Conkling,	Johnston,	Paddock,	Wallace,

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendments proposed by the Senator from Minnesota, [Mr. WINDOM.]

Mr. BRUCE. I hope the vote will now be taken on the pending amendment and the bill be disposed of. It has been discussed sufficiently, I think. Besides, there is much legislation coming from conference committees, and I should be very glad to have this bill disposed of and out of the way. I accept the amendments offered by the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Mississippi, who has charge of the bill, accepts the amendments offered by the Senator from Minnesota. Does the Senate give its consent to the amendments?

Mr. EDMUNDS. I should like to hear them reported, and I should like to vote on every amendment.

The PRESIDING OFFICER. The Senator from Vermont objects to the incorporation of the amendments as part of the bill.

Mr. EDMUNDS. It will only take a minute to put the vote.

The PRESIDING OFFICER. The Secretary will report the first amendment of the Senator from Minnesota.

The SECRETARY. In section 1, line 5, it is moved to strike out "five" and insert "seven;" so as to read:

That there is hereby created a commission, to be called "The Mississippi River improvement commission," to be composed of seven persons.

Mr. BURNSIDE. I should like to call attention to the relations of

the amendment to this bill. As it came from the House it creates a commission of three engineer officers and two civilians, and as it is proposed to be amended it puts in two civilians and takes out the feature which makes one of the engineer officers the president, and allows the president to be appointed from any member of the board. I have no objection to a board entirely of civilians or entirely of engineer officers, but I have some objection to mixing up things in this way, because I am satisfied that this is done for a purpose, and some such purpose as has actuated action heretofore in reference to other bills. The Engineer Corps of the Army have charge of surveys of the rivers and harbors, and we of the East ask for no commission. We are satisfied with the surveys that the Engineer Corps have made. We consider that that corps is composed—

The PRESIDING OFFICER. The Senator from Rhode Island will suspend until the rules of the Senate are observed. Gentlemen standing in the rear of Senators' seats will be seated.

Mr. BURNSIDE. It does not disturb me at all. I will try to speak loud enough for everybody to hear me; but if gentlemen do not want to hear me they may talk, and it will not disturb me.

The PRESIDING OFFICER. Persons on the floor of the Senate should observe its rules and preserve order.

Mr. BURNSIDE. The Engineer Corps is composed of men who are educated at the expense of the Government; it is a corps kept up at considerable expense to the Government now, and the officers of that corps are recognized all the world over as intelligent, scientific, industrious men, well fitted for the duties for which they were educated, and well fitted for the duties which they are performing; and no people in any section of this country that I know of demand any other officers to attend to such duties as are contemplated in this bill but those officers. They have already made surveys of the Mississippi River, and can make just as many more as Congress will order, or as the President of the United States or the Secretary of War may order. They are ready for that kind of work, and fully capable of performing it. Now, they do not come here into the lobbies of the Senate and button-hole members of Congress with a view of getting appropriations for work they are upon; they act as soldiers and as gentlemen, and remain about their duties at their posts or in their offices; and when Congress appropriates money to make surveys they go to work and make them. The Senate will remember that at the Congress before this, when we were asked to relieve a certain lot of capitalists that formed what is called the Eads Jetty Company by a donation of \$500,000, I said at that time that that would not be the last time we should be called on, that the precedent would be similarly followed by other and other demands on Congress; and we have another demand this very session to the extent of one and three-quarter million dollars, or what will ultimately result in that, if not at once.

Mr. CAMERON, of Wisconsin. I desire to call the attention of the Senator from Rhode Island to the fact that Congress has made no donation to Captain Eads. It is true that a payment which, according to the terms of the original contract, was to be paid to him when he had attained a certain depth and width of channel, was by the act of last June anticipated a short time and only a very short time. Captain Eads did not ask any donation.

Mr. BURNSIDE. Mr. President, I will ask the Senator from Wisconsin if Captain Eads does not receive all the money that is due him for performing all the work that he agreed to do? I ask that question.

Mr. CAMERON, of Wisconsin. Captain Eads does not receive any more money than Congress by the original act agreed to pay him.

Mr. BURNSIDE. Is Captain Eads required to do the work which he agreed to do for that money?

Mr. CAMERON, of Wisconsin. He is required to do the work he agreed to do for that money.

Mr. BURNSIDE. Is Captain Eads required to have a channel of thirty feet width such as the contract contemplated with him?

Mr. CAMERON, of Wisconsin. That is another question altogether.

Mr. BURNSIDE. No; it is not another question. If I agree to shovel out a million cubic yards of earth for so many dollars, and my employer comes to me and says "I will give you those dollars if you have shoveled out seven hundred and fifty thousand cubic yards," I say he has made a donation to me for the two hundred and fifty thousand cubic yards that I have not done. That is exactly what Congress has done with Captain Eads; I predicted it. Here a bar had formed at the mouth of the Mississippi. You agreed with Captain Eads to take that out. He is not able to take it out. The men who have put this money into their pockets, dividing their interests, should have been made to carry out the contract; they were capitalists; they agreed to do this work for the Government of the United States, and before it was done they found there was a deficit and that they had paid out many millions and showed it to Congress, and they said that we had finished that work, and we need relief. That was the great work at the mouth of the Mississippi. I am not going to depreciate it in the least degree. I do say, and I say it without fear of contradiction, that the Government of the United States agreed to pay Captain Eads for a depth of channel which is not procured, and a width of channel which is not procured, and which is in the original contract.

I am perfectly convinced—I think every Senator on this floor will

be convinced, if he examines this subject—that the Engineer Corps is amply able and capable of doing the very work contemplated in this bill. They are educated for that purpose; they are paid for that purpose, and can be detailed by the President of the United States to do that work without any additional pay. It is work that belongs to their corps. I told General Humphreys the other day if he did not look out, and come up here to Congress and button-hole and log-roll, he would find himself high and dry, with nothing to do, in ten years' time.

We have here an amendment on the sundry civil bill that I never saw before; I never heard it read; I never had time to discuss it. It has never been before the Senate in a proper way; it has never been considered by any committee, to my knowledge. I certainly never have considered it. Yet Senators complained that a little Army bill of eighteen pages was too long to discuss and must be put off until next winter, after it had been handled by men who considered themselves experts at least during the whole summer. That had to be put off until next Congress; but at the very last hours of the session a committee of three members of this Senate and of three members of the House can meet together and attach to the sundry civil appropriation bill one of the most important measures that has been passed this whole session. I will not say anything about pressure or anything of that kind; but at any rate, under the spur of the moment I will say it has passed, and we have to sit here with our tongues silent in our mouths and let it pass.

I do not propose that this measure shall pass without my protest and without my prediction that it is simply an entering-wedge to have a bill which authorizes a certain amount of work to be done. You form this commission with three engineers of the Army corps and two civilians. You put in two more civilians, take away the presidency from the Engineer Corps, organize a commission, and put in a man cut and dried who hangs around the lobby. Then you will have inserted in the sundry civil appropriation bill two lines to the effect that the survey of the Mississippi River improvement commission is approved, and all the money necessary to carry it out is appropriated within three or four days of the close of the session, and those three lines will cost millions of dollars. I say the whole thing is a piece of management to say the least of it. It came in here by arrangement.

Mr. WINDOM. Has the Senator any reason for asserting that Captain Eads ever appeared in the sundry civil appropriation bill?

Mr. BURNSIDE. I do not know what he did. I know he has appeared in other things, and I am afraid he will appear there; and I know he will if you pass this provision. I have nothing to say against Captain Eads except that I would like him better if he would keep away from lobbying and keep his agents away. They do not come to me much. They tried it when I first came here; and they are very respectable lobbyists, too, I can tell the Senator from Minnesota. It is necessary to speak plainly because the time is short. I would be more civil if I had two or three days to discuss this matter and an opportunity to make another speech, but I have got to speak plain sense. I say this measure ought not to pass. There is plenty of time next winter to consider this proposition. You put off the Army reorganization bill, and you can put this off and take it up next winter and discuss it. I say it is unfair to the American people to pass a measure of that kind here in the last hours of the last session.

Mr. WINDOM. I have nothing to say as to the passage of this bill and very little to say in reply to the Senator from Rhode Island. He has been wandering over a wide territory considering that he felt himself so limited as to time. If he had confined himself to any one subject or class of subjects, the limited time he had at his command would have enabled him to discuss it as he says in a somewhat more courteous manner than he adopted. He has chosen to go back into the matter recently enacted on the sundry civil bill. I am entirely prepared to discuss that subject if the Senate desires it. I did not discuss it when it was before the Senate for the reason that I admitted that through inadvertency an amendment had been placed on the bill which was not strictly in accordance with the rule, and that there was a technical objection to it. I admitted that it was through an inadvertency that it was placed there so that it did violate the rule; but that it is an amendment in which there is the slightest danger, that it was an amendment which the Senate had not before it and had not time to read, is not true.

Mr. President, the Senator from Rhode Island says that he had not read it. I will guarantee that he has not read one bill in twenty that have passed the Senate during this session. I will guarantee that not one in a hundred bills has the Senator from Rhode Island read which have passed the Senate; and yet, because a measure was brought in here and was under discussion by the Senate, printed, and laid on our tables, on the sundry civil bill and on the legislative bill, and the Senator from Rhode Island did not see proper to read them, he comes here and makes a charge against the committee of conference that they have done a very wrong thing; and because the Senator from Rhode Island did not see the clause of which he complains and read it, therefore the bill ought not to pass, and Captain Eads is a skunk! Mr. President, the Senator's logic is about as defective as his courtesy. I have nothing more to say on that subject. I am perfectly willing to discuss that matter that has gone by. I am perfectly willing to stand upon it. The Senate has agreed to the conference report, agreed to it without any urgency of mine; and I did not urge it, simply because of the technical rule which had been violated by mistake. I

think it is not proper for the Senator from Rhode Island to drag that matter again before the Senate for debate, when we are so limited for time in discussing the question under consideration.

As to what Captain Eads has done in the improvement of the Mississippi River, as to the amount of money that has been paid him, I stated the other day, and I restate in the presence of the Senator from Rhode Island, that Captain Eads has saved this Government from twelve to fifteen million dollars by the contract he took. We should have entered upon the construction of a canal that would have cost under the engineering service of this Government—and the expenditure would have been made under it—from twelve to fifteen million dollars before it would have been completed, and we should not have had as good a channel to the Gulf to-day as we have by paying a little less than \$4,000,000.

This is the sort of jobbery of which the Senator from Rhode Island complains. This is the result of the lobby which, as he says, is hanging around these halls. I have never seen anybody as lobbyist in that matter connected with the improvement of the mouth of the Mississippi River. Captain Eads, as I said a day or two ago, came before the Senate when this matter was under consideration by the Committee on Transportation Routes to the Seaboard and presented the plan he had prepared for the improvement of the mouth of the Mississippi River. It was adopted by the Congress of the United States, and by its adoption the Government has saved from ten to twelve million dollars. That is all there is in that case.

Mr. BURNSIDE. Mr. President, I desire to ask the Senator from Minnesota if the amendment of which I spoke had been attached to any bill prior to its attachment to the sundry civil bill?

Mr. WINDOM. Every one of the amendments to which the Senator refers was either in the sundry civil or in the legislative bill and before the Senate.

Mr. BURNSIDE. I speak of the amendment with reference to the transfer of the surveys.

Mr. WINDOM. The amendment with reference to the transfer of the surveys—every one was in one or the other of those bills.

Mr. EDMUNDS. And had been struck out of both of them.

Mr. WINDOM. The Senator from Vermont says that it had been stricken out of both of them. That is true; the amendment was stricken out at the instance of the Committee on Appropriations, and yet it was before the Senate precisely as every other amendment is which is stricken out, and yet it is the subject of settlement in the conference committee. It cannot be said not to have been brought to the attention of the Senate, any more than any other proposition which has been struck out and has been upon our tables in any other bill, so that the Senator cannot say he had not had a chance to read it. It had been reported, passed by the House of Representatives, laid upon his table, so that if he did not read it it was his own fault.

Mr. BURNSIDE. The Senator from Minnesota is quite right in saying I do not read every bill presented and considered in the Senate. He is quite right as to that. I exercise probably as much industry as any other Senator in reading bills and in looking after them. If this amendment was before the committee and considered in the committee and stricken out, very likely I did not read it. It certainly was not brought before the Senate and discussed and brought to my attention. I do not read all portions of bills stricken out in committee. The Senator is right to that extent, and I am willing to say I am wrong; but I insist that it was not before the Senate, and I was not called upon to act upon it in any way, because it was stricken out by the committee.

With reference to my decorum, I am perfectly willing to leave that to the Senate. In fact I checked myself when I found my language was becoming too strong. I have felt very strongly about methods of legislation sometimes, and I think I have a right to express myself strongly, but I do not confess at all in the least degree that I have been discourteous to the Senator or anybody else. I am perfectly willing to leave that to the Senate.

Mr. WINDOM. The Senator himself spoke of a lack of time for compelling him to speak in that way, and I was referring to that.

Mr. BURNSIDE. Not lack of time compelling me to speak discourteously. That I beg to say I have never done with reference to any Senator on this floor in open session.

Mr. WINDOM. Not intentionally, but still the same in effect in the mode in which the Senator referred to the action of the Senate.

Mr. BURNSIDE. I beg pardon. If I ever said anything discourteous to any Senator, I simply beg pardon for it.

Now, I was speaking of this amendment in the second section. When it comes to the other amendments I propose to speak to them. I made my objection to this, and simply drew a parallel to the legislation. That was all I did. I simply desired to warn the Senate by referring to an accident of legislation of the danger of amending these sections in that way. That is what I did, and I think I have a right to draw parallels and I have a right to make an instance.

Mr. EDMUNDS. I think it desirable and indispensable that there should be a short executive session, and I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS.]

The question being put, it was declared that the yeas appeared to prevail.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.] I do not know how he would vote on this question, and therefore I shall not vote.

The roll-call having been concluded, the result was announced—yeas 16, nays 34; as follows:

YEAS—16.			
Anthony,	Chandler,	Edmunds,	McMillan,
Booth,	Conover,	Ferry,	Plumb,
Burnside,	Davis of Illinois,	Hamlin,	Sargent,
Cameron of Wis.,	Dorsey,	Hoar,	Teller.
NAYS—34.			
Bailey,	Eustis,	Lamar,	Rollins,
Barnum,	Garland,	Matthews,	Saulsbury,
Beck,	Gordon,	Maxey,	Shields,
Blaine,	Grover,	Merrimon,	Spencer,
Bruce,	Harris,	Morgan,	Wallace,
Cockrell,	Hereford,	Oglesby,	Whyte,
Coke,	Hill,	Paddock,	Withers.
Dennis,	Jones of Nevada,	Patterson,	
Eaton,	Kellogg,	Ransom,	
ABSENT—26.			
Allison,	Dawes,	McCreery,	Sharon,
Bayard,	Howe,	McDonald,	Thurman,
Butler,	Ingalls,	McPherson,	Voorhees,
Cameron of Pa.,	Johnston,	Mitchell,	Wadleigh,
Chaffee,	Jones of Florida,	Morrill,	Windom.
Conkling,	Kernan,	Randolph,	
Davis of W. Va.,	Kirkwood,	Saunders,	

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Minnesota, [Mr. WINDOM,] in line 5 of section 1, to strike out "five" and insert "seven;" so as to read:

To be composed of seven persons.

Mr. BURNSIDE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EATON. Is this perfectly satisfactory to the southern Senators?

Mr. COCKRELL. I hope the amendment will prevail.

Mr. BURNSIDE. I hope the amendment will not prevail. I think as good a commission could come from the War Department as we have now.

Mr. EDMUNDS, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. HARRIS.] If he were present, he would vote "yea" and I should vote "nay."

Mr. McDONALD, (when his name was called.) On this bill I am paired with the Senator from Oregon, [Mr. MITCHELL.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 23; as follows:

YEAS—26.			
Bailey,	Cameron of Wis.,	Ferry,	Shields,
Barnum,	Cockrell,	Grover,	Spencer,
Bayard,	Coke,	Hamlin,	Whyte,
Blaine,	Dennis,	Hereford,	Windom,
Bruce,	Dorsey,	Hill,	Withers.
Butler,	Eaton,	Kellogg,	
Cameron of Pa.,	Eustis,	Lamar,	
NAYS—23.			
Allison,	Conover,	McPherson,	Ransom,
Anthony,	Davis of Illinois,	Matthews,	Rollins,
Beck,	Davis of W. Va.,	Maxey,	Sargent,
Booth,	Garland,	Merrimon,	Saulsbury,
Burnside,	Gordon,	Morgan,	Teller.
Chandler,	Hoar,	Plumb,	
ABSENT—27.			
Chaffee,	Johnston,	McMillan,	Saunders,
Conkling,	Jones of Florida,	Mitchell,	Sharon,
Dawes,	Jones of Nevada,	Morrill,	Thurman,
Edmunds,	Kernan,	Oglesby,	Voorhees,
Harris,	Kirkwood,	Paddock,	Wadleigh,
Howe,	McCreery,	Patterson,	Wallace.
Ingalls,	McDonald,	Randolph,	

So the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the next amendment offered by the Senator from Minnesota, [Mr. WINDOM.]

Mr. TELLER. I think as we go along we ought to have an amendment to the next section. I do not know whether or not it is intended to go through the bill regularly; if not, I will offer an amendment.

Mr. EATON. Let the other amendments of the Senator from Minnesota be voted on and perfect the bill in this particular before we consider other amendments.

Mr. TELLER. I understand the amendment has been disposed of.

The PRESIDING OFFICER. The Senator from Minnesota offered several amendments, all designed to carry out one purpose.

Mr. TELLER. Then I shall wait until we get through with those amendments.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Minnesota will be reported.

The SECRETARY. In section 2, line 5, it is proposed to strike out "five" and insert "seven."

The question being put, there were on a division—ayes 14, noes 20; no quorum voting.

MESSAGE FROM THE HOUSE.

The PRESIDING OFFICER. The Chair will receive a message from the House of Representatives.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4579) concerning street railroads in the District of Columbia.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes; and

A bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. No. 393) for the relief of the widows and heirs of Rodrick Shelton and others;

A bill (S. No. 934) for the relief of H. M. Billingsley;

A bill (S. No. 959) to grant additional rights to homestead settlers on public lands within railroad limits;

A bill (S. No. 1087) to provide additional regulations for homestead and pre-emption entries on the public lands;

A bill (S. No. 1685) to provide for taking the tenth and subsequent censuses; and

A joint resolution (S. R. No. 31) approving the decision of the Commissioner of the General Land Office in the claim of Anna M. Clarke.

LEVEES OF THE MISSISSIPPI RIVER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) On the motion to amend the bill in the second section the vote discloses no quorum.

Mr. EDMUNDS. Since which we have received a message from the House of Representatives.

Mr. BRUCE. There is evidently a quorum present. I suggest that the vote be again taken by a division.

The PRESIDING OFFICER. Is there objection?

Mr. EDMUNDS. I should like the Chair to ascertain whether there is a quorum here, since it appears that we had no quorum and received a message from the House of Representatives and are proceeding to debate. I wish the Chair would count the Senate or do something to have it appear that a quorum is present, if it is of any constitutional consequence.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. For what purpose does the Senator rise?

Mr. HARRIS. House bill No. 4579, that has just been returned from the House of Representatives—

The PRESIDING OFFICER. The last vote disclosed the absence of a quorum.

Mr. HARRIS. I was not aware of that.

The PRESIDING OFFICER. The Chair understands unanimous consent was given to taking the vote again.

Mr. MAXEY. Let the amendment be reported again.

The PRESIDING OFFICER. The amendment is on page 1, section 2, line 2, to strike out "five" and insert "seven."

Mr. MAXEY. That has been already adopted.

Mr. COCKRELL. That was adopted on a yea and nay vote.

Mr. EATON. No; that has not been adopted.

The PRESIDING OFFICER. The question is on the motion to amend the bill in the second section. No action has been taken on that amendment.

Mr. EATON. I simply desire to say to the members of the Senate that, having adopted the amendment changing the word "five" to "seven," in line 5 of section 1—

The PRESIDING OFFICER. Debate proceeds by unanimous consent. The last vote taken disclosed the absence of a quorum. Unanimous consent has been given to a new division for the purpose of ascertaining the presence of a quorum.

Mr. EATON. I hope the Senate will allow me to state the fact—

The PRESIDING OFFICER. The Senator from Connecticut will proceed, no objection being made.

Mr. EATON. I simply wish to state that if the Senate are disposed to keep in the amendment they have already made in the first section, they will proceed to vote as they did before for the amendment in the second section, for it merely makes the commission consist of the same number of officers named in the first section. That is all. It is the same thing.

The PRESIDING OFFICER. The question is on the amendment to the second section.

The question being put, there were on a division—ayes 21, noes 10; no quorum voting.

Mr. HARRIS. I ask for a call of the Senate.

Mr. GORDON, (to Mr. HARRIS.) Call for the yeas and nays. That is better.

Mr. ANTHONY. There is manifestly a quorum present. I think if the Senate will divide again and Senators be called on to vote, it will develop a quorum.

Mr. HARRIS. Is it in order to demand the yeas and nays on this question?

The PRESIDING OFFICER. The Senator from Tennessee demands the enforcement of the rule, as the Chair understands it.

Mr. EDMUNDS. I thought the rule required that the Chair should call the Senate.

Mr. HARRIS. I rise to a parliamentary inquiry. Is it in order to ask for the yeas and nays on this motion at this time?

The PRESIDING OFFICER. It is not, except by unanimous consent.

Mr. HARRIS. Then I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will proceed to call the roll of the Senate.

The Secretary called the roll, and fifty-two Senators answered to their names.

The VICE-PRESIDENT. On the amendment of the Senator from Minnesota to the second section the yeas and nays are demanded, the Chair understands.

The yeas and nays were ordered.

Mr. EDMUNDS. I ask leave to present at this time a report, not for debate, but to go on the files.

The VICE-PRESIDENT. To which the Chair hears no objection.

Mr. HILL. There was an intention of the Senate some time ago to pass all the bills removing disabilities; but there was one omitted. I should like to ask unanimous consent to take it up and pass it. It is the bill (H. R. No. 5333) for the removal of the political disabilities of John McIntosh Kell, of Georgia.

The VICE-PRESIDENT. The Chair will recognize the Senator from Georgia after the Senator from Vermont.

BENJAMIN P. RUNKLE.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, which was instructed by a resolution of the Senate of the 10th of January, 1878, to inquire into certain questions of law relating to one Benjamin P. Runkle and his connection with the Army of the United States, to return the resolution with the report and sundry papers, that I have sent to the Secretary's office, as they are too bulky to present here. I ask that the report and accompanying papers be printed and placed in the files.

The VICE-PRESIDENT. The report and the accompanying papers will be printed and placed in the files.

Mr. McDONALD. I desire to state in connection with the report just made that it is made by a majority of the committee. There were members of the committee who did not agree to the report.

WITHDRAWAL OF PAPERS.

On motion of Mr. BECK, it was

Ordered, That C. P. Birkett have leave to withdraw from the files of the Senate the papers in his case subject to the rules of the Senate, the matter having been referred to the Court of Claims.

DISTRICT STREET RAILROADS.

Mr. COCKRELL. I hope the levee bill which we have had under consideration will be completed. It will only take a few moments to pass it.

Mr. HILL. It will only take a few moments to consider the disability bill I have referred to. I do not know how long the Senator's bill will take.

Mr. HARRIS. I rise to a privileged question. The committee of conference on the disagreeing votes of the two Houses on House bill No. 4579 have agreed on a report, and the report has been concurred in by the House. I ask the Senate to disagree to the report, further insist upon its amendments, and ask for a new conference, for the reason that I find the clerk of the committee has made a mistake in the lines at which certain amendments should come in, and it is necessary that the report should be corrected.

Mr. EDMUNDS. What is the bill?

The VICE-PRESIDENT. The report will be laid before the Senate. The Secretary read the following report:

The committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. No. 4579) concerning street railroads in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend that the House recede from its disagreement to the amendments of the Senate to sections 1 and 2, and the Senate recede from its amendment to section 3, with the following amendments:

Section 3, line 20, after the word "same," insert the word "proportionate."

Section 3, line 20, strike out the words "or less."

Section 3, line 20, after the word "charged," insert the following: "or may hereafter be charged."

ISHAM G. HARRIS,
E. H. ROLLINS,
A. S. MERRIMON,
Managers on the part of the Senate.
WILLIAM CLAFLIN,
JO. C. S. BLACKBURN,
G. W. HENDEE,
Managers on the part of the House.

The VICE-PRESIDENT. The Chair understands the Senator from Tennessee to ask the Senate to disagree to this report, that the House

may be advised of the fact of disagreement and a new conference appointed.

Mr. HARRIS. The chairman of the committee of the House is already advised of the fact and desires that we should disagree and ask for a new conference in order that we may correct the mistake that has been made.

Mr. EDMUNDS. I wish to call attention to what I heard read there in the form in which the action of the committee is put, where the Senate recedes from its own amendment and agrees to it in a different form. That, I submit to the honorable Senator from Tennessee, is entirely irregular and undoubtedly it was an accident in making up the report. The statement should be, if you wish to accomplish the object, that the House recedes from its disagreement to the amendment and agrees to it modified so and so; but the Senate cannot recede from its own amendment and agree to it in some other form. I dare say that also is a mere accident of the clerk.

Mr. HARRIS. It is.

Mr. EDMUNDS. I merely call attention to it at this time because the report has to go back.

The report was non-concurred in.

The VICE-PRESIDENT. Shall a message be sent to the House of Representatives with a request for a new conference? The question is on that motion.

The motion was agreed to.

LEVEES OF THE MISSISSIPPI RIVER.

The VICE-PRESIDENT. The Senate, as in Committee of the Whole, resumes the consideration of the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands. The pending question is on the amendment of the Senator from Minnesota, [Mr. WINDOM,] in line 2, section 2, to strike out "five" and insert "seven."

Mr. COCKRELL. I only desire to say that the adoption of this amendment will be in consonance with the amendment already adopted. It will put into this commission two civil engineers. I hold in my hand a communication from the most eminent civil engineers in the United States, addressed to the chairman of the committee reporting this bill, [Mr. BRUCE,] suggesting substantially the identical amendments which have been proposed by the Senator from Minnesota. This letter is signed by Thomas Doane, Isaiah S. P. Weeks, Edward S. Philbrick, Albert H. Howland, George L. Rice, Ernest W. Bowditch, and Joseph P. Davis, the engineers who constructed the Hoosac tunnel, and the consulting engineers of the city of Boston and State of Massachusetts, and it is no reflection upon the Army engineers; it is simply for the Army engineers and the Coast Survey to complete the work, and the civil engineers to aid them in devising the plan, in approving the plans and details of their work, and in making suggestions, and there is no conflict with and no reflection upon the Army engineers. I hope the Senate will now vote and adopt these amendments of the Senator from Minnesota.

The VICE-PRESIDENT. The Secretary will call the roll on the amendment of the Senator from Minnesota.

Mr. BURNSIDE. I should like to have the amendment reported.

The VICE-PRESIDENT. The amendment is in section 2, line 2, to strike out "five" and insert "seven."

The Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired on this bill with the Senator from Oregon, [Mr. MITCHELL.] If he were present, I should vote "nay" on this amendment.

Mr. SARGENT, (when his name was called.) I am paired on this bill with the Senator from South Carolina, [Mr. BUTLER,] otherwise I should vote "nay."

Mr. McDONALD, (when the name of Mr. VOORHEES was called.) My colleague [Mr. VOORHEES] is paired with the Senator from Massachusetts, [Mr. DAWES.] My colleague is detained at his room by illness.

The roll-call was concluded.

Mr. JONES, of Florida. I am paired with the Senator from Vermont, [Mr. MORRILL.] I do not know how he would vote.

The VICE-PRESIDENT. On agreeing to the amendment of the Senator from Minnesota the yeas are 25, the nays are 12. No quorum has voted.

Mr. WADLEIGH. Is my vote recorded?

The VICE-PRESIDENT. It is not.

Mr. WADLEIGH. I voted "yea."

Mr. DAVIS, of West Virginia. I ask that my vote be recorded. I vote "nay."

The VICE-PRESIDENT. The Chair cannot receive votes. The vote has been announced.

Mr. DAVIS, of West Virginia. Excuse me.

Mr. SARGENT. Does not the vote of the Senator from New Hampshire make a quorum?

The VICE-PRESIDENT. It does not.

Mr. SPENCER. May I vote, Mr. President?

The VICE-PRESIDENT. It is too late.

Mr. SARGENT. I ask that the roll be called again.

The VICE-PRESIDENT. The Chair will state that the roll was

called through on this question and the result announced, disclosing no quorum. There is evidently a quorum here.

Mr. DAVIS, of Illinois. Two or three Senators have come in since the vote was taken. There can be no objection to their voting.

Mr. EDMUNDS. I object.

The VICE-PRESIDENT. Objection is made.

Mr. EDMUNDS. I made the objection, because I do not believe in this notion of sporadic voting, and if you do it in one instance you will in another. I think it is well, even on the last day of the session, to pay some slight regard to the rules of procedure.

Mr. SARGENT. The friends of the bill are so much in favor of it that they have paired with those who are disposed to stay here and do the business of the Senate. I am unable to vote because some friend of the bill who wanted to go off has paired with me, and I think there are other Senators in the same position.

Mr. GARLAND. Mr. President—

The VICE-PRESIDENT. There is not a quorum of the Senate present according to the last vote.

Mr. GARLAND. I move a call of the Senate to see whether there is a quorum here.

The VICE-PRESIDENT. The roll will be called for that purpose.

The Secretary called the roll, and forty-six Senators answered to their names.

The VICE-PRESIDENT. A quorum is present. The question recurs on the amendment offered by the Senator from Minnesota, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) On this bill I am paired with the Senator from Oregon, [Mr. MITCHELL.] If he were present, I should vote "nay."

The Secretary resumed and concluded the calling of the roll.

Mr. McDONALD. That there may be a quorum I shall vote. I vote "nay."

Mr. SARGENT. I will vote as the Senator from South Carolina [Mr. BUTLER] would vote if he were here. I vote "yea."

The result was announced—yeas 33, nays 10; as follows:

YEAS—33.

Bailey,	Eustis,	Kernan,
Barnum,	Garland,	Lamar,
Beck,	Gordon,	McPherson,
Bruce,	Harris,	Maxey,
Cockrell,	Hereford,	Merrimon,
Coke,	Hill,	Paddock,
Conover,	Jones of Florida,	Patterson,
Dorsey,	Jones of Nevada,	Sargent,
Eaton,	Kellogg,	Shields,

NAYS—10.

Anthony,	Conkling,	McMillan,	Teller.
Booth,	Edmunds,	Matthews,	
Burnside,	McDonald,	Rollins,	

ABSENT—33.

Allison,	Davis of W. Va.,	Johnston,	Ransom,
Bayard,	Dawes,	Kirkwood,	Saulsbury,
Blaine,	Dennis,	McCreery,	Saunders,
Butler,	Ferry,	Mitchell,	Sharon,
Cameron of Pa.,	Grover,	Morgan,	Thurman,
Cameron of Wis.,	Hamlin,	Morrill,	Voorhees.
Chaffee,	Hoar,	Oglesby,	
Chandler,	Howe,	Plumb,	
Davis of Illinois,	Ingalls,	Randolph,	

So the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

The message also announced that the House had passed a concurrent resolution directing the Clerk of the House to make a correction in the enrollment of the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, in the clause relative to the transportation of the mails by railroad; and also directing him to correct the conference report on said bill to conform therewith.

REPORT OF A COMMITTEE.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4872) granting a right of way across Water Shops Pond in Springfield, Massachusetts, to the Springfield and New London Railroad Company, reported it without amendment.

POST-OFFICE APPROPRIATION BILL.

Mr. DORSEY. I present the report of the committee of conference on the Post-Office appropriation bill.

The VICE-PRESIDENT. The Senator from Arkansas rises to a privileged question, the report of the conference committee on the Post-Office appropriation bill; which will be read.

The Secretary proceeded to read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the year ending June 30, 1880, and

for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 9, 10, 12, 13, 14, and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 16, and 18.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same, with an amendment as follows:

Add at the end of said amendment the following: "Provided further, That from and after the passage of this act Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, may send and receive through the mail free all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December following the expiration of their respective terms of office."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same, with an amendment as follows:

In lieu of the sum proposed, insert "\$425,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same, with an amendment as follows:

In lieu of the sum proposed, insert "\$90,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same, with an amendment as follows:

In lieu of the sum proposed, insert "\$9,150,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same, with an amendment as follows:

Strike out all of the matter proposed to be inserted by said amendment.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same, with an amendment as follows:

In lieu of the sum proposed, insert "\$5,457,376.10."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same, with an amendment as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. The Postmaster-General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed.

SEC. 4. That all cars or parts of cars used for the railway mail service shall be of such style, length, and character, and furnished in such manner, as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies.

SEC. 5. That the Postmaster-General shall deduct from the pay of the railroad companies, for every failure to deliver a mail within its schedule time, not less than one-half of the price of the trip, and where the trip is not performed, not less than the price of one trip, and not exceeding, in either case, the price of three trips: *Provided, however*, That if the failure is caused by a connecting road, then only the connecting road shall be fined. And where such failure is caused by unavoidable casualty, the Postmaster-General, in his discretion, may remit the fine. And he may make deductions and impose fines for other delinquencies.

SEC. 6. That the Postmaster-General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts, and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same; and he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable.

SEC. 7. That mailable matter shall be divided into four classes:

- First, written matter;
- Second, periodical publications;
- Third, miscellaneous printed matter;
- Fourth, merchandise.

SEC. 8. Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing, except as hereinafter provided.

SEC. 9. That on mailable matter of the first class, except postal cards and drop-letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof; postal cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture; and drop-letters shall be mailed at the rate of two cents per half ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each half ounce or fraction thereof where free delivery by carrier is not established. The Postmaster-General may, however, provide by regulation for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery.

SEC. 10. That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections 12 and 14.

SEC. 11. Publications of the second class, except as provided in section 25, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at two cents a pound or fraction thereof, such postage to be prepaid, as now provided by law.

SEC. 12. That matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject: *Provided*, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.

SEC. 13. That any person who shall submit, or cause to be submitted, for transportation in the mails, any false evidence to the postmaster relative to the character of his publication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall for every such offense be punished by a fine of not less than \$100 nor more than \$500.

SEC. 14. That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation or for circulation at nominal rates.

SEC. 15. That foreign newspapers and other periodicals of the same general char-

acter as those admitted to the second class in the United States may, under the direction of the Postmaster-General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States. Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States.

SEC. 16. That publishers of matter of the second class may, without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication.

SEC. 17. That mail matter of the third class shall embrace books, transient newspapers, and periodicals, circulars, and other matter wholly in print, (not included in section 12.) proof-sheets, corrected proof-sheets, and manuscript copy accompanying the same, and postage shall be paid at the rate of one cent for each two ounces or fractional part thereof, and shall fully be prepaid by postage-stamps affixed to said matter. Printed matter other than books received in the mails from foreign countries under the provisions of postal treaties or conventions shall be free of customs duty, and books which are admitted to the international mails exchanged under the provisions of the universal postal union convention may, when subject to customs duty, be delivered to addressees in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster-General.

SEC. 18. That the term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such when the date and the name of the addressee and of the sender shall be therein written, nor by the correction of mere typographical errors in writing.

SEC. 19. That "printed matter" within the intendment of this act is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence.

SEC. 20. That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail-bag, or harm the person of any one engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or official matter emanating from any of the Departments of the Government or from the Smithsonian Institution, or which is not declared non-mailable under the provisions of section 393 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

SEC. 21. That all matter of the fourth class shall be subject to examination and to a postage charge at the rate of one cent an ounce or fraction thereof, to be prepaid by stamps affixed. If any matter excluded from the mails by the preceding section of this act, except that declared non-mailable by section 393 of the Revised Statutes as amended, shall, by inadvertence, reach the office of destination, the same shall be delivered in accordance with its address: *Provided*, That the party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster-General. If the person addressed refuse to give the required information, the postmaster shall hold the package subject to the order of the Postmaster-General. All matter declared non-mailable by section 393 of the Revised Statutes as amended, which shall reach the office of delivery, shall be held by the postmaster at the said office subject to the order of the Postmaster-General.

SEC. 22. That mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index figures of subscription-book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end. Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address thereon, with the word "from" above and preceding the same, and in either case may make simple marks intended to designate a word or passage of the text to which it is desired to call attention. There may be placed upon the cover or blank leaves of any book or of any printed matter of the third class a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence. Upon any package of matter of the fourth class the sender may write or print his own name and address, preceded by the word "from," and there may also be written or printed the number and names of the articles inclosed; and the sender thereof may write or print upon or attach to any such article by tag or label a mark, number, name, or letter for the purpose of identification.

SEC. 23. That matter of the second, third, or fourth class containing any writing or printing other than indicated in the preceding section, or made in the manner other than therein indicated, shall not be delivered except upon the payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed to such matter; and any person who shall conceal or inclose any matter of a higher class in that of a lower class, and deposit, or cause the same to be deposited, for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall, for every such offense, be liable to a penalty of \$10; *Provided, however*, That nothing herein contained shall be so construed as to prevent publishers of the second class and news-agents from inclosing in their publications, bills, receipts, and orders for subscriptions thereto; but such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer.

SEC. 24. That the Postmaster-General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first-class postage, so that the contents of such packages may be easily examined; and no package the contents of which cannot be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class.

SEC. 25. That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section 13 of this act; *Provided*, That the rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at one cent each; periodicals weighing more than two ounces shall be subject, when delivered by such carriers, to a postage of two cents each, and these rates shall be prepaid by stamps affixed.

SEC. 26. That all mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery; but postmasters, before delivering the same, or any article of mail matter upon which prepayment in full has not been made, shall affix, or cause to be affixed, and canceled, as ordinary stamps are canceled, one or more stamps equivalent in value to the amount of postage due on such article of mail matter, which stamps shall be of such special design and denomination as the Postmaster-General may prescribe, and which shall in no case be sold by any postmaster nor received by him in prepayment of postage. That in lieu of the

commission now allowed to postmasters at offices of the fourth class upon the amount of unpaid letter-postage collected, such postmasters shall receive a commission upon the amount of such special stamps so canceled, the same as now allowed upon postage-stamps, stamped envelopes, postal cards, and newspaper and periodical stamps, canceled as postages on matter actually mailed at their offices: *Provided*, The Postmaster-General may, in his discretion, prescribe instead such regulation therefor at the offices where free delivery is established as, in his judgment, the good of the service may require.

SEC. 27. That any postmaster or other person engaged in the postal service who shall collect, and fail to account for, the postage due upon any article of mail matter which he may deliver, without having previously affixed and canceled such special stamps, as hereinbefore provided, or who shall fail to affix such stamp, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of \$50.

SEC. 28. That any person who shall use, or attempt to use, in payment of postage, any canceled postage-stamp or postage-stamps, whether the same have been before used or not, or who shall by any means remove, or attempt to remove, or assist in removing, marks from any postage-stamp or postage-stamps, with intent to use the same in payment of postage, or who knowingly shall have in his possession any postage-stamp or postage-stamps canceled, with intent to use the same, or from which such cancellation marks have been removed, or who shall sell or offer to sell any such stamp or stamps, or who shall use or attempt to use the same in payment of postage, or who shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to again use the same for a like purpose, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than \$100 nor more than \$500 for each offense, or by both such fine and imprisonment, in the discretion of the court.

SEC. 29. The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail matter transmitted between any of the officers of the United States, or between any such officer and either of the Executive Departments or officers of the Government, the envelopes of such matter in all cases to bear appropriate indorsement containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail matter sent from the Smithsonian Institution: *Provided*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses for postage.

SEC. 30. That section 3955 of the Revised Statutes be, and the same is hereby, amended so as to read as follows: "The Postmaster-General, whenever he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety."

SEC. 31. Any person performing the duties of postmaster, by authority of the President, at any post-office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster; and all services heretofore rendered in like cases shall be paid for under this provision.

SEC. 32. That so much of this act as is embraced in sections 4 to 30, both inclusive, shall take effect from the 1st day of May, 1879; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

S. W. DORSEY,
T. W. FERRY,
WILLIAM A. WALLACE,
Managers on the part of the Senate.
JAMES H. BLOUNT,
HIESTER CLYMER,
JOHN H. BAKER,
Managers on the part of the House.

Mr. DORSEY. Mr. President, the conference report that the Secretary is reading is precisely the bill that was passed by the Senate and reported from the Committee on Post-Offices and Post-Roads. I suggest that the reading be dispensed with.

Mr. EDMUNDS. Mr. President, this is a very extraordinary conference report; it is either introducing an entire new scheme from that which was in the Senate amendments, or else the report itself is stranger than any one I ever heard. I do not think that we ought to have any such headlong haste that we shall not know what the conference put in in that way. Whether what is now being read was in the bill before in that form, I do not know. The Senator from Arkansas says that part of it was there and part of it is left out. I think it would not be perhaps asking too much before we swallow it, that we should hear it.

The VICE-PRESIDENT. The Senator has a right to have it read.

Mr. FERRY. There is here nothing more than was passed by the Senate. I reiterate what was stated by the Senator from Arkansas. It is simply the classification. The registration has been stricken out; the provision for compensation to railroads upon space instead of weight has been stricken out in order to accord with the House, so that it leaves simply the classification of mail matter.

Mr. DORSEY. That is left exactly as the Senate passed it.

Mr. EDMUNDS. If we could put the conferees into the Journal so as to have the everlasting proof of this fact, then it would do. As it is, I should be glad to hear it.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

SEC. 24. That the Postmaster-General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first-class postage, so that the contents of such packages may be easily examined; and no package the contents of which cannot be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class.

SEC. 25. That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section 13 of this act.

Mr. EDMUNDS. I should like to know if the bill about which this report is being read is in possession of the Senate?

The VICE-PRESIDENT. It was not sent up with the report.

Mr. EDMUNDS. Then I make the point of order that we cannot

agree to the report until we have the bill, so as to see whether we can recede.

Mr. SARGENT. What is the point of order?

Mr. EDMUNDS. The point of order is that we cannot agree or disagree to this report until the bill is in our possession.

The VICE-PRESIDENT. The Chair is informed by the Secretary that the papers are in the possession of the House of Representatives for enrollment.

Mr. BLAINE. So far as this is concerned, the printed bill will answer.

Mr. EDMUNDS. I should like to see the record upon which we are voting, if that is in order.

The VICE-PRESIDENT. It is entirely in order. No principle of parliamentary law is better settled than that every Senator is entitled to have that read upon which he is called to vote.

Mr. EDMUNDS. I do not know what easy ways we have fallen into in the last days of this liberal Congress that we have got to a point that we are not permitted even to have the bill in possession of the body to vote upon, and dispense with the reading of the report that the committee make upon it when we have not got the bill. I do not wish to be very particular; but we should have some semblance of observance.

Mr. BLAINE. Of course this part is not in the bill now; it is proposed to add this to the bill. If the Senator from Vermont had the bill on his desk it would not facilitate his understanding of what is being read. It is not in the bill at all.

Mr. FERRY. Oh, yes; it is.

Mr. BLAINE. Not originally, not in the postal bill that came from the House. You propose to add this to the bill.

Mr. FERRY. This is in the Senate bill.

Mr. BLAINE. But not in the engrossed bill of the House.

Mr. McMILLAN. If there is nothing before the Senate, I have a bill—

The VICE-PRESIDENT. There is something before the Senate, the consideration of a conference report.

Mr. FERRY. Do I understand that the Senator from Vermont insists upon the bill being present, or insists upon the reading of the report?

Mr. EDMUNDS. I insist upon the bill being present. I make the point of order that it is entirely irregular to proceed with the reading of this report without the bill being in the possession of the Senate.

The VICE-PRESIDENT. The point of order is well taken.

Mr. EDMUNDS. So that we may know how the conference committee has agreed, and what has been done with the bill.

Mr. HOAR. What is before the Senate? If the point of order be well taken, that ends this conference report.

Mr. BLAINE. We are waiting for the bill to come in.

The VICE-PRESIDENT. If Senators will be seated the Chair will state what is before the Senate.

Mr. DORSEY. I fear that it is now utterly impracticable to get this bill enrolled to-night.

The VICE-PRESIDENT. The engrossed bill is called for; and in the mean time the Senate will resume the consideration of the matter upon which it was engaged when this conference report was made.

LEVEES OF THE MISSISSIPPI RIVER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. WINDOM] to the bill as reported by the Senator from Mississippi [Mr. BRUCE] from the Select Committee on the Levees of the Mississippi River. The amendment will be reported.

The SECRETARY. In line 3 of section 2 it is proposed to insert the words "one of whom shall be designated as president of the commission;" so as to read:

The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, one of whom shall be designated as the president of the commission.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will report the next amendment offered by the Senator from Minnesota, [Mr. WINDOM.]

The SECRETARY. In line 6 of section 2, after the words "Engineer Corps," it is proposed to insert the words "of the Army, one officer of the Coast and Geodetic Survey."

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment offered by the Senator from Minnesota will be reported.

The SECRETARY. In line 8 of section 2, after the word "two," it is proposed to insert the words "eminent civil engineers not in the employment of the United States, and one;" so as to read:

Two eminent civil engineers not in the employment of the United States, and one person from civil life.

Mr. PLUMB. I should like to amend by inserting after "United States" the words "or a contractor;" so as to read:

Two eminent civil engineers not in the employment of the United States or a contractor, and one person from civil life.

The VICE-PRESIDENT. If there is no objection the amendment will be agreed to.

Mr. DORSEY. Before the question is put I should like to inquire if that would exclude Captain Eads from serving on this commission? If it does, I object to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Minnesota, [Mr. WINDOM.]

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. As amended, will the Committee of the Whole agree to the amendment of the Senator from Minnesota, [Mr. WINDOM.]

The amendment, as amended, was agreed to.

The VICE-PRESIDENT. The next amendment of the Senator from Minnesota will be reported.

The SECRETARY. In line 11, section 3, it is proposed to insert the words "and the Secretary of the Treasury respectively;" so as to read:

And the Secretary of War and the Secretary of the Treasury respectively shall, when requested by said commission, detail, &c.

Mr. TELLER. It seems to me another amendment ought to be adopted.

Mr. COCKRELL. The Coast Survey is under the control of the Secretary of the Treasury.

Mr. TELLER. This section puts the entire War Department under the control of this commission, and I should certainly think it would be proper to also put the Navy under its control. If they have control of the War Department, they ought to have control of the Navy. In line 11 you will notice it is provided that—

The Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary.

Then follows:

And shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

I think that the amendment is exceedingly proper; but if this commission are to have entire control of the Army they also ought to have entire control of the Navy. I think the friends of the bill have been a little remiss in regard to this provision. This commission is established now in perpetuity. There is a good fair sum appropriated, \$250,000, for salaries and fees, and I think they ought to have something to do. If the proposition is now to put the Army, the Engineer Corps, the rank and file, and everybody under the control of this commission, I want the whole thing done magnificently and properly, and I want the Navy put under it, and also the Treasury Department, and everything else. I am for this amendment, and if its friends wish to insert any other provision that will increase the power of this commission, it strikes me we ought to put it in without any hesitation.

POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT. The engrossed Post-Office appropriation bill having been returned from the House of Representatives, the Secretary will resume the reading of the report of the committee of conference.

Mr. EDMUNDS. Let me take the bill and see it. [The bill was handed.] Before the Secretary proceeds I should like to say a word, because it may facilitate the final disposition of this matter, which I wish to do.

The VICE-PRESIDENT. The Senator from Vermont.

Mr. EDMUNDS. Following this conference report, and with the message by which the House of Representatives announced its agreement to the report of the conference committee, comes this resolution from the House of Representatives for the concurrence of the Senate:

Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House, in the enrollment of the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, be directed to enroll the clause of said bill making appropriations for the transportation by railroad of the mails so as to read as follows:

"For transportation by railroad, \$9,150,000; of which sum \$150,000 may be used by the Postmaster-General to maintain, secure," &c.—

From railroads necessary transportation, and then certain things about clerks and so on, entirely different, of course, and as I am told by the chairman of the conference committee, from the report of the conference committee that the House of Representatives has agreed to and that the Senate is asked to agree to, because it is stated that the conference report has not been made up in the way that the conference intended, or in the way that the House wanted it.

Mr. President, in my humble judgment this is entirely irregular. If the Senate wishes to agree to this conference report making this appropriation \$450,000 instead of \$150,000 of the nine million, which does not take any more money but in its distribution, then it is agreed to. I shall object to the present consideration of this resolution, and it must lie over for a day, which of course ends that, and the bill will go as it is passed. I make this apparent difficulty in order that the Senator having charge of the bill may take the regular course, if he desires it, of having these papers returned to the House of Representatives, that they may take such action as they see fit, by reconsideration and recommitment, to correct this error. This is altogether too irregular and too loose to be tolerated.

Mr. DORSEY. This is undoubtedly irregular.

Mr. HOAR. Will the Chair be kind enough to state the question of order raised by the Senator from Vermont?

Mr. EDMUNDS. I do not raise any question of order at this moment, because we are on the question of agreeing to the conference report, which is perfectly straight; but I gave notice as I thought I ought to do, in order that the Senate might not lose time, that this resolution from the House of Representatives to change the report supposed to have been agreed upon by both Houses so as to allow the bill to be enrolled differently from the form and substance in which it was passed, is irregular, or if not irregular, as I think it is, it is a resolution which under our rules on one objection must lie over for one day. I give notice that I shall make that objection in order that the mistake may be corrected in the proper way.

Mr. BLAINE. I do not often agree with the Senator from Vermont on points of formality, but I think there is a great deal of substance in that objection, and that this attempt ought to be met on the threshold with disapproval. There is nothing in the shape of committee power so great as a conference committee. They ought certainly to include in their report all that is to be submitted to the body and let us vote upon it squarely.

Mr. DORSEY. I am glad that the Senators from Maine and Vermont have discovered that error. For six years I have been here and there never has been a session when errors of this sort have not been corrected by a joint resolution. This is an error of the clerk in making up the conference report. These errors occur in many bills at nearly every session, but this was not discovered in time.

Mr. BLAINE. I doubt the statement that errors occur in every bill.

Mr. SARGENT. There were two at the last session in one night.

Mr. DORSEY. It is not doubted at all. Looking over the conference report on my desk I discovered this error. The House had acted on the conference report, and were ready to transmit it to this body. Notice was immediately sent to the chairman of the committee of conference on the part of the House, and a joint resolution was passed by that body and brought to us. It is a matter of convenience to save time and to expedite the public business. I ask that the conference report be read and acted upon either favorably or rejected. If the Senator from Vermont wants to carry out his proposition to object, let him do so.

Mr. EDMUNDS. I certainly shall.

The VICE-PRESIDENT. The resolution goes over on objection.

Mr. DORSEY. I ask that the conference report be read and acted upon by the Senate.

The VICE-PRESIDENT. That is the order of business, and it is being proceeded with.

Mr. BLAINE. The course suggested by the Senator from Arkansas takes what he desires to have considered as a conference report outside the limits of privilege. The Senator from Vermont can object, of course, and I have known him sometimes, when he did object, to stick to it.

Mr. SARGENT. That is the whole amount of it.

Mr. BLAINE. We are passing as a conference report that which has not been agreed upon, and which the resolution shows has not been agreed upon; in other words, we are consenting to alterations in the bill which were never made, and the conference report does not present what was done by the committee of conference.

Mr. FERRY. I ask the Senator from Maine how he can make the last statement in the face of the statement of the chairman of the conference committee who makes the report that this is simply a correction of an error, and simply restoring the fact agreed upon by that committee?

Mr. BLAINE. I say until that resolution is agreed to you do not get before the Senate what you actually agreed to in conference. Am I not right in that?

Mr. FERRY. That is a different statement.

Mr. BLAINE. That is what I state. We vote to agree to the conference report, and we vote to agree to that which is imperfect and which does not represent what the conferees did. Then the conferees tell us, "You will get it exactly as we agreed upon it provided you pass the resolution;" but the resolution is not privileged, and the Senator from Vermont says "I object," and where are we? You have a conference report agreed upon which does not represent what the conferees agreed to.

Mr. HOAR. There is no possible evidence of what the conferees agreed to except their written report. The oral statement of the chairman of the committee of conference is not evidence before the Senate.

Mr. ALLISON. But they have prepared a resolution showing that there was an omission.

Mr. FERRY. The resolution declares there was an error, and the resolution and the report are nothing more than one.

The VICE-PRESIDENT. The Chair thinks they are two independent, distinct documents, and that the discussion of the resolution is premature.

Mr. BLAINE. If the Chair will allow me to say one word, I submit that the resolution does not show that there is any error in the conference report; it does not purport to say so. It chooses to direct the Clerk of the House to enroll a different bill from the one that the conferees of the two Houses have agreed upon; it does not recite that there is any error. I do not think it would be quite right

to the House of Representatives that we should proceed to agree to this report, and thus bind them when we cannot agree to the resolution, because it is objected to, and we cannot agree to that. I believe it is too irregular to proceed in this way.

The VICE-PRESIDENT. The resolution is not before the Senate for its action.

Mr. BLAINE. I know that, Mr. President.

The VICE-PRESIDENT. The report of the conference committee is before the Senate.

Mr. BLAINE. But in view of the fact that we know it is in our presence and on our table I make this motion, and anybody may object to it if he will, that these papers be returned to the House with a message that in the judgment of the Senate this method of correction is irregular or undesirable, in order that they may recommit it and have the error corrected in the right way.

Mr. DORSEY. I suggest that the better way to do to correct this matter speedily is to reject the report of the committee of conference and return it immediately to the House.

The VICE-PRESIDENT. The Chair thinks that would be the better course.

Mr. EDMUNDS. That is a better suggestion. I withdraw my suggestion. That made by the Senator from Arkansas is much better.

Mr. SARGENT. Those of us who think it is much better not to lose the Post-Office bill, if we are not compelled to reject it, should have the privilege of voting to concur in it. I object to any general understanding that it shall be rejected. I intend myself to vote to sustain this report if I can get the opportunity.

The VICE-PRESIDENT. The Chair thinks that the regular order of proceeding is to consider this conference report independent of the resolution.

Mr. SARGENT. I call for the reading of the report.

The VICE-PRESIDENT. The reading of the report will be resumed.

Mr. DORSEY. To save time, I suggest that action be taken without reading. I ask unanimous consent to that.

The VICE-PRESIDENT. Is there unanimous consent that the vote be taken on this conference report without further reading?

Objection was made, and the Secretary resumed and concluded the reading of the report, as given above.

Mr. EDMUNDS. I should like to say a word. I wish to appeal to the fair duty that I think the Senate owes to the House of Representatives. The House of Representatives taking their resolution that we know exists here have evidently fallen into an error in supposing that the corrections which they think ought to be made will be, and have sent the conference report here agreed to with that understanding. I do not think it would be right toward the House of Representatives to agree to this report when a single objection, that we know will be made, will prevent them from having the error corrected as they desire to have it, if our conferees are willing to agree to have it in that condition. Therefore I hope as a duty of fair dealing to the House of Representatives, that we shall disagree to this report.

Mr. SARGENT. If we agree to the report, and then if the Senator sees fit to prevent the correction of this error in the very proper way the House of Representatives proposes to us to do, it is his fault and not the fault of the Senate. I trust the Senate will save this bill and agree to this report.

The VICE-PRESIDENT. The question is on concurring in the report.

Mr. EDMUNDS called for the yeas and nays; and they were ordered.

Mr. BLAINE. A single question. Is the question now to agree to the report as it stands?

The VICE-PRESIDENT. As it stands, independent of the resolution.

Mr. BLAINE. I want the Senate's attention. Does the Senator from California wish that report agreed to with positive certainty that the resolution cannot be agreed to?

Mr. SARGENT. I do not know that anybody has a right to get up and threaten the Senate that he will take some course or another on the resolution, in order to overawe us to vote down this report. I am not influenced in my vote by any such threat. I am a Senator with equal rights with any other Senator; but I will make no threat as to my course. I simply think it is right to adopt the report; and I think it is right then to adopt the resolution; and if I have a chance I shall vote for both.

Mr. BLAINE. The Senator will observe that in the proper order the resolution should come first, because if you adopt the resolution first, then when you adopt the report you have a perfect account of what has been done; but if you agree to the report first, and the resolution is not adopted, you have not got a correct record.

Mr. SARGENT. It is a matter of taste. I am in favor of adopting both the report and the resolution, and shall vote for the one I have an opportunity of doing first.

Mr. FERRY. According to the statement of the Senator from Vermont (and he was correct in that respect) the report now before the Senate is a privileged question and comes first. The resolution is another matter, as stated by the Senator from Vermont, to which he proposes to make exception.

The VICE-PRESIDENT. The Chair so understands and has stated it repeatedly. They are independent propositions.

Mr. EDMUNDS. I want to say a word in reply to the good-natured observation of the Senator from California about my supposed attempt to overawe the Senate. It is an attempt to deal fairly. Supposing the House had not sent that resolution here at all and we had been told by our own committee that the report as presented contained a statement that had not been agreed upon in the committee, that it had been agreed upon differently but was written out and sent in not according to the truth but differently from the truth, and that the House of Representatives had acted upon that not knowing that fact, is there any Senator who would vote to adopt the report of the conference committee, agreeing to it under such circumstances? And yet that is the exact truth which appears here except that the House had information of the fact and thought they would try to correct it in a particular way. But the House of Representatives understand that this conference report that they have adopted does not contain the thing they want to have the law. We now understand, independent of that entirely, the resolution not being before us, that this conference report is not made according to the truth of the agreement of the two committees; and yet the Senator from California talks about people being too objective and overawing, when the Senate is asked not to agree to what is not according to the truth. The two committees, it is confessed, have never agreed to the provision as it stands in the conference report written, and that the Senate is asked now to agree to.

Mr. FERRY. The Senator from Vermont does not state precisely the fact. As stated by the Senator from Arkansas, the report proper states the truth as far as it goes; it is just what the conference have agreed to; but it does not state the whole truth, and the resolution added covers the whole truth. So far as the report is concerned, it is precisely what the conference agreed to as far as they went, and the resolution is a part of the report correcting the error that occurred, not adding matter that the conference did not agree to, but only correcting the report so far as to complete the expression of what the conference did agree to.

Mr. BLAINE. Then my friend from Michigan merely makes it that this is a sin of omission and not of commission. Here are ten sections, two of which are left out, and he says this is a true report as far as it goes, but the trouble is it does not go far enough. Nobody has intimated that something has been interpolated in the report that the conferees did not agree upon. The only point urged is that something which they did agree upon has been left out of the report, and therefore it is just as much a change as though something false had been put in, and it changes, as the Senator from Vermont well suggests, the entire character of the report. My honorable friend from Michigan will of course see at once that to omit is just as bad as to commit; and the report is far from being a truthful report of what the conferees agreed to do.

Mr. FERRY. I take exception to what the Senator states. I say that a point of omission corrected by resolution is far different from a statement in the report that was not agreed to by the conference; using the words of the Senator, an act of commission in that respect would be entirely irregular, because it would be stating what the conference committee had not agreed to. So far as the report proper is concerned, the conference committee have agreed to it. Now there has been an omission, not an omission of agreement, but a clerical omission, and the resolution is to correct the clerical omission, so that the two cover all that has been agreed to by the conference committee.

Mr. BLAINE. Oh, no; the Senator apparently fails to observe the offense against what is correct. It is just as great in the case of an omission as a commission. What was done last year in the case of the Hot Springs amendment was that they left it out; they did not put anything in; they just dropped out a sheet; that was all.

Mr. FERRY. Let me say to the Senator that did not vitiate the report so far as it went.

Mr. BLAINE. But it vitiated the legislation.

Mr. FERRY. It only left the report incomplete; it made the report contrary to the fact.

Mr. HOAR. They only left the "nots" out of the commandments. [Laughter.]

Mr. DORSEY. I hope in order to expedite the public business that this conference report will be disagreed to.

The VICE-PRESIDENT. The yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 7, nays 43; as follows:

YEAS—7.			
Dawes, Ferry,	Hamlin, McDonald,	Maxey, Sargent,	Shields.
NAYS—43.			
Allison, Anthony, Barnum, Bayard, Beck, Blaine, Booth, Bruce, Burnside, Butler, Cameron of Pa.,	Cameron of Wis., Cockrell, Dennis, Dorsey, Eaton, Edmunds, Enstis, Garland, Gordon, Grover, Hill,	Hoar, Jones of Florida, Kellogg, McMillan, Matthews, Merrimon, Mitchell, Morgan, Oglesby, Paddock, Patterson,	Plumb, Ransom, Dennis, Saulsbury, Saunders, Spencer, Teller, Wallace, Whyte, Windom.
ABSENT—26.			
Bailey, Chaffee,	Chandler, Coke,	Conkling, Conover,	Davis of Illinois, Davis of W. Va.,

Harris,
Hereford,
Howe,
Ingalls,
Johnston,
Jones of Nevada,
Kernan,
Kirkwood,
Lamar,
McCreery, McPherson, Morrill, Randolph, Sharon, Thurman, | Voorhees, Wadleigh, Withers. |

So the report was non-concurred in.

The VICE-PRESIDENT. Shall the House of Representatives be advised of this fact, a new conference be solicited, and the same conferees appointed on the part of the Senate? To these several propositions the Chair hears no objection, and they are adopted.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MITCHELL. I ask the Senate—

Mr. BRUCE and others. Regular order!

Mr. WINDOM. I present the report of the committee of conference on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

WM. WINDOM,
W. B. ALLISON,
JAS. B. BECK,

Managers on the part of the Senate.
J. D. C. ATKINS,
M. J. DURHAM,
CHAS. FOSTER,
Managers on the part of the House.

Mr. WINDOM. Mr. President, the conference would have been able to agree on all the items of appropriation in the bill; the point of disagreement was the legislative provisions, those (to state them very briefly) relating to the test oath of jurors and the election laws or the appointment of deputy marshals and supervisors. With reference to these legislative propositions contained in the bill the conference was unable to agree, the conferees on the part of the House taking the position that the only condition upon which an agreement could be had was that the conferees on the part of the Senate should recede from all of its disagreeing votes on those points. The conferees on the part of the Senate could not accept those conditions.

I will say with reference to the condition of the public business so far as the appropriation bills are concerned, that all the bills have now been agreed to and passed by both Houses except the legislative bill, now pending, and the Army bill.

Mr. DORSEY. And the Post-Office bill.

Mr. WINDOM. And the Post-Office bill, of the condition of which the Senate is aware.

Mr. SARGENT. It perhaps will not pass now.

Mr. WINDOM. I presume there will be little difficulty in passing it. The Senate will observe that all the items of appropriation, all those portions of the bill relating to the money to carry on the Government have been agreed to or can be agreed to. The only ground of disagreement therefore is contained in the legislative provisions of this bill, and I believe that a similar disagreement has been made on the Army bill, and which is based wholly on the legislative provisions there.

Mr. CONKLING. What are the legislative provisions in the Army bill?

Mr. WINDOM. The Senator from Maine [Mr. BLAINE] can state that more accurately than myself; he had charge of the Army bill. He will state it in a few minutes, as I desire to occupy the attention of the Senate only a moment longer.

Mr. President, I move that the Senate further insist upon its amendments to the legislative bill. I do that for the purpose of testing the sense of the Senate upon that subject. The conferees on the part of the Senate do not believe that it is possible to reach an agreement upon the legislative provisions, and therefore move to insist upon the amendments.

The VICE-PRESIDENT. The Senator from Minnesota moves that the Senate further insist on its amendments to the legislative, executive, and judicial appropriation bill.

Mr. BLAINE. One moment. I am not at liberty to report, because the first report is due in the House of Representatives, and it has not come from there. But I hold in my hand the second disagreeing report of the conference committee on the Army bill; and in answer to the Senator from New York I will state for the information of the Senate that the only point on which there was an irreconcilable difference was section 51 of the bill, and I will send that to the Clerk's desk to be read.

Mr. EATON. I understand the bill the Senator from Minnesota has in hand is the legislative bill. I hope they will not be mixed up.

Mr. BLAINE. I am not proposing action. I only ask to have it read for information.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota; but the Senator from Maine wants a section of the Army bill read for information.

The Secretary read section 51 of the Army appropriation bill, as follows:

SEC. 51. That section 2002 of the Revised Statutes be amended so as to read as follows:

"No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or

special election is held in any State, unless it be necessary to repel the armed enemies of the United States."

And that section 5529 of the Revised Statutes be amended so as to read as follows:

"Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than \$5,000 and suffer imprisonment at hard labor not less than three months nor more than five years."

Mr. BLAINE. The change this makes in the statutes, well known to the Senate, is that at the end of each of the provisions quoted they strike off the words "or to keep the peace at the polls." The conferees differed on that. The House insisted that they would not go on with any question of organization or with anything else unless assured that we agreed with them on that section. Of course I did not feel authorized to speak definitely for the Senate without bringing it hither to have a review and decision if desired. I offered in the conference that I would take the liberty of receding if the House conferees would produce the name of a single man in the United States who had ever been hindered, obstructed, or in any way interfered with in his right to vote by the Army of the United States. The conferees on the part of the House admitted that there was no practical trouble, though it had been there sixteen years. They anticipated no practical trouble; but theoretically and sentimentally they would not agree to have it there under any condition whatever. I thought I was representing the Senate in saying that if that was the spirit of it the Senate did not see the necessity at this particular moment, the last week of the session, and now the last day of the session, of suspending appropriations for the Army of the United States upon a peremptory demand to change a statute sixteen years old at the dictation of one branch upon the other, which nobody had suffered from, and which they said they did not anticipate anybody would suffer from.

Mr. EATON. May I ask my friend from Maine whether that great principle of English law which has obtained wherever the language has been spoken for the last one hundred and fifty years, except here within the last sixteen years, ought to continue the law of the land? I suppose that was the claim of the House.

Mr. BLAINE. The Senate conferees maintained that that great principle of English law which we had inherited ought also to be maintained, that voting should be without intimidation and free everywhere, and that the Government ought to be strong enough to see that it was so.

Mr. EATON. This Senate nor its conferees have ever undertaken to say, I apprehend, that there was not some other way to maintain that great principle of English and American law without the use of armed soldiery.

Mr. WITHERS. I can say that a portion of the conferees on that committee believed that the presence of armed men at the polls was itself incompatible with the freedom of elections.

Mr. BLAINE. Does the Senator from Virginia mean to be understood that this section gave permission or does now give permission for troops to be at the polls in the sense of their being there when matters were going on peaceably, or that in any case except of the rarest and most exceptional character there has ever been intimidation by troops at the polls anywhere?

Mr. WITHERS. I mean to intimate simply that the presence of armed soldiery at the polls during the progress of an election is itself incompatible with the freedom of election, and itself and of itself constitutes intimidation.

Mr. BLAINE. The exception is that the Army of the United States may be present to repel the armed enemies of the United States. Do you propose to leave that in?

Mr. WITHERS. Certainly; that is a case which no person desires to interfere with; but it is well known to the Senator from Maine and to every other Senator on this floor that there is no difficulty at all in securing a pretext to keep the peace at the polls when it may be desirable to have soldiery there.

Mr. BLAINE. Does the Senator mean to imply that pretexts of that sort have been sought?

Mr. WITHERS. I do.

Mr. BLAINE. Where?

Mr. WITHERS. I have brought it before the attention of the Senate in one case in my own State.

Mr. BLAINE. And just one.

Mr. WITHERS. And just one.

Mr. BLAINE. Just exactly the Petersburg case; and according to the theory of the Senator, if Petersburg had been in possession of an armed mob and the city in conflagration in the hands of an armed mob, he would not have permitted soldiery to appear there to command the peace and save property and preserve life.

Mr. WITHERS. I believe that would have been a much less evil than the recognition of the principle that the Government has the right at any time, upon an allegation that the peace may be in danger at the polls, to march its soldiers there and dominate the people in exercising the first privilege of a free people.

Mr. BLAINE. But the Senator states an imaginary case, one that for sixteen years under the operations of the law for that period has never occurred, and it is certainly not likely to occur; and as we are on the very eve of a Congress, democratic in both branches, holding probably the sentiments the Senator does, we did not feel exactly as

though the crisis was so imminent just at this moment that we must surrender at the dictation of the House.

Mr. BECK. Mr. President—

The VICE-PRESIDENT. The Chair desires to remind Senators that the pending question is on the motion of the Senator from Minnesota in relation to the legislative, executive, and judicial appropriation bill. The Senator from Kentucky.

Mr. BECK. Mr. President, I was one of the conferees on the legislative, executive, and judicial appropriation bill when two earnest efforts were made to agree, but we found it impossible. The Senator from Minnesota has stated correctly that upon all questions pertaining to the appropriations, the great probability is that we could have agreed, though I believe we did not finally agree even as to them. He is also correct in stating that the House conferees insisted upon retaining that portion of the bill to which he has alluded, but it was also equally certain that the majority of the Senate conferees with equal pertinacity insisted upon the Senate amendments and maintained that each and all the provisions inserted by the House should be stricken out. There was no attempt at any division of the subjects and no proposition looking to any modification was considered. Not desiring to revive any political animosities or any discussion at this late hour, I will only state very briefly what seemed to be the condition of things: the House insisted that the armed soldiers of the United States should not be allowed to approach the polls for the mere purpose of keeping the peace, that there should be an honest jury obtained in the courts of the United States in all cases where the rights and liberties of citizens were involved, and that the States should be allowed to conduct their own elections in their own way, free from all Federal interference, and the democratic conferees on the part of the House seemed determined that unless those rights were secured to the people in the bills sent to the Senate they would refuse, under their constitutional right, to make appropriations to carry on the Government if the dominant majority in the Senate insisted upon the maintenance of these laws and refused to consent to their repeal.

They seemed further to agree, and I agreed with them, that if an extra session must be called, much as it is to be regretted, the very moment it is called the committees of both Houses would be organized and separate bills would be framed and passed as soon as possible asking the President of the United States to agree with the representatives of the States and people in repealing all laws that authorize the soldiers of the Republic to be sent by any authority whatever to the polls at State elections under the pretense of keeping the peace, and in repealing all laws that prevent men who are by intelligence and interest in the public welfare fit and competent to do justice between citizens and between the United States and citizens in the jury-box from exercising that right, thus depriving the courts of the benefit of fair jurors, and they will promptly pass another bill declaring that the United States shall not, either through supervisors, marshals, or deputy marshals, interfere with the States in conducting the elections held within the States. We insist that those matters pertain solely to the States and are part of their absolute right and that they are perfectly competent to attend to them fairly and honestly. When these three laws are submitted to the President for his approval, as they will be, and are approved by him, as they ought to be, the next Congress will in my opinion be ready to pass every appropriation bill, just as it is now, adjourn, and go home without attempting before next December to perfect any further legislation. If, however, the President of the United States, in the exercise of the power vested in him, should see fit to veto the bills thus presented to him, which I repeat will simply be, to keep soldiers from the polls, to allow proper jurors to serve who will try cases honestly, and allow the States to control their own elections, then I have no doubt those same amendments will be again made part of the appropriation bills, and it will be for the President to determine whether he will block the wheels of government and refuse to accept necessary appropriations rather than allow the representatives of the people to repeal odious laws which they regard as subversive of their rights and privileges. We have the undoubted right to repeal them in any form and on any bills we choose. Most of them were imposed upon the country as parts of appropriation bills. Whether that course is right or wrong, it will be adopted, and I have no doubt adhered to, no matter what happens with the appropriation bills.

Mr. CONKLING. Before the Senator takes his seat I should like, if he will allow me, to understand one matter to which he alludes. What is the section of the Revised Statutes which the Senator has in mind, standing in the way of men sitting upon juries who ought to sit there?

Mr. BECK. Sections 820 and 821 of the Revised Statutes.

Mr. CONKLING. What is the number of the section repealed by the bill which on the Senator's motion was taken up and passed some weeks ago?

Mr. BECK. Section 820.

Mr. CONKLING. The section then to which reference is now made is that which commits to the discretion of the court on the motion of the prosecuting attorney power to exclude in certain cases certain persons. Is it to that section the Senator refers?

Mr. BECK. My recollection is that section 821, which was not repealed, gives the district attorney the power to apply an oath to jurors, independent of the acts specified in section 820.

Section 820 was repealed by the Senate on the last day before the recess in December. Section 821 was not repealed, and on motion of the district attorney it still authorizes that oath to be required, although the section which includes the men who cannot take it was repealed.

If the Senator will look at the two sections he will observe, I think, that I have stated them correctly. I have endeavored to do so.

Mr. CONKLING. Section 821 provides that:

At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman, or talesman, in said court, the following oath or affirmation.

Then follows the oath.

Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

That is one section to which the Senator refers.

Mr. BECK. Section 821.

Mr. CONKLING. That is 821.

Mr. BECK. The Senator will observe section 820 would seem to make that oath improper, because no man can be excluded from the jury, even if he cannot take that oath, if section 820 is repealed.

Mr. CONKLING. To apprehend the Senator exactly, I will read section 820 of the Revised Statutes, before referring to section 821. I read now section 820, a section already repealed by the Senate:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely, without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

That section, if I understand aright, declares that the reasons it recites shall be absolute grounds of challenge to jurors; so that, a challenge being interposed the only issue is the truth or falsity of the challenge, and every man found to have done any of the acts denounced, must necessarily be excluded from the jury.

Section 821 is quite different. It is as follows:

SEC. 821. At every term of any court of the United States, the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation.

This section vests a certain discretion in the courts.

Mr. GARLAND. "The court in their discretion."

Mr. CONKLING. Yes, the district attorney has power, if he thinks it his duty to do so, to move at any term of a court, or, speaking of the petit jury, when any particular cause is moved, that the jury in that cause or at that term shall be required to take a certain oath, and the court is clothed with discretion to pass upon that motion; in other words to decide that in that particular instance, the prescribed oath ought or ought not, as the court shall for cause shown, determine, to be administered. The Senator from Arkansas as clearly as any Senator, will see the wide distinction between the repealed section, and the section about which he now inquires; the first section making either of the causes specified an absolute ground of challenge, which ground, being supported in fact, the challenged jurors must all stand aside, no discretion, no proceeding being permitted to leave them in the panel; the other committing to the court the discretion, on hearing, by motion in open court, for reasons assigned, to determine whether in that particular instance a particular oath should be administered or not.

Mr. BECK. Section 822 is not sought to be repealed by the House bill.

Mr. CONKLING. Then I need not read it.

Mr. BECK. Sections 820 and 821 are the sections to be repealed.

Mr. CONKLING. The Senator must remember that we have already repealed section 820.

Mr. BECK. I beg pardon; it was repealed by the Senate and never by the House. What is running in the Senator's mind, I presume, is that in 1870 it was repealed by both Houses and the repeal approved by the President, but inadvertently it was replaced in the Revised Statutes after being repealed.

Mr. CONKLING. Surely the Senator from Kentucky and myself will understand each other and will not differ on this point if he will hear me. Section 820 is the section repealed by a bill which some time ago at the present session, on the motion of the Senator himself, was adopted by the Senate. Am I not right?

Mr. BECK. It was repealed by the Senate, sent to the House, but the House has never been able to act on the Senate bill.

Mr. CONKLING. The Senator from Kentucky anticipates me, but he does so by a statement not warranted I think, and to which, on reflection, he will not adhere. The Senator who was long a distinguished member of the House, understands the rules of that body, and he will not on reflection repeat that the House, thereby meaning a majority,

"has not been able," during the days and weeks which have elapsed since the Senate passed the bill, to act upon it. The Senator from Kentucky will hardly say that. On the contrary he will be compelled to say simply that the House has not acted upon it—that his party friends have not chosen to act.

Mr. BECK. The Senator will allow me to remark that I believe I am correct in saying they have not been able to do so, because the Committee on the Judiciary endeavored to do so several times, and on motion to suspend the rules, in order to do so, they failed to get two-thirds. The effort has been made in the House on several occasions.

Mr. CONKLING. It is not in order, probably it would not be profitable, for the Senator from Kentucky or for me to assume to inform the Senate of the efforts which have been made or professed by motions or otherwise in the House to reach a particular result; I venture however to restate, and as positively as I can, that the Senate will not and cannot believe, that no Senator on reflection will insist, that during the two months, if it be two months, and I will ascertain that in a moment, which have elapsed since the Senate passed a bill—a bill so brief as to be read in one minute, the House of Representatives has not been able to act upon it. The House has not acted, and that fact will, I think, yet play a larger part than it is likely to play at this moment, should an extra session be brought about with section 820 as one of its pretexts. As I understand the posture of these two bills, to one of which this amendment is attached, the House of Representatives means that one of three things shall occur: either the wheels of Government shall stop, or the Senate shall forthwith surrender its convictions of duty, or an extra session shall be forced at which the Executive shall be summoned to succumb to party majorities in the two Houses as the condition on which the Government shall be allowed to proceed. These if I understand the Senator from Kentucky are the only alternatives, and I cannot hear and think of their pretexts without amazement at their audacity, and wrong. Long ago the law-making power enacted in substance that there should be committed to the courts of the nation a discretion under which men who had levied war against the Government of the United States might in a given instance, and for good cause shown, be excluded from a jury. Years have since elapsed, and one Congress after another has met and finished all legislation deemed wholesome and needed, and has never disturbed this enactment, and now a democratic majority in the House of Representatives, boldly tells the Senate that unless this discretion is instantly taken from all courts, and men lately in rebellion allowed to sit as jurors to try any and every cause, it will refuse to pass a bill to maintain the Army, and another bill to maintain the courts and the executive department; and the Senator from Kentucky with rather a deprecating bluntness, partly probably in justification, and partly, perhaps in apology,—I know not,—tells us that if an extra session is brought on, the House aided by a Senate which will be democratic also, will present to the Executive for signature a bill separately demanding a repeal of this statute; and he says, if I understand him, that unless the Executive submits, the two Houses will refuse to allow appropriations without which the operations of the Government must cease. The Senator informs us that the same course will be adopted touching the law under which piracies of the ballot-box are punished, a law without which there would not have been a fair election or a count of votes approaching honesty in the larger cities of the State in which I live since that law was enacted. It was enacted to guard the ballot-box in the city of New York, and the returns of elections from the thugs and the thieves of Tammany Hall, and it has in large measure guarded the ballot-box from these marauders.

Mr. President, at this moment I shall not stop to discuss the question whether some commissioner or officer or functionary with the powers of a police magistrate has ever issued a warrant, or process in a case in which he should not have issued it. Blunders, or overzeal, or even bias in administering a law, prove nothing against the law itself. If any Senator could point out an instance in which the election law has been strained or perverted in its administration, or an instance in which it has been executed with unwarranted rigor, he would not advance one step in proving that it ought to be repealed.

Do you know, Mr. President, anything human which has not been abused? Does any Senator know a law intended to curb the conflicts of men which individuals have not tried to evade or twist? I know of none; and it is not pertinent to my purpose to inquire whether either of these laws has ever been subjected to an attempt to pervert or overstrain it. When that question is pertinent, I shall be ready, however, to discuss it, and to deny some at least of the allegations we have heard. It is not pertinent now.

We are told that unless these wholesome needed laws are repealed, no more of the appropriation bills shall pass at this fast-ebbing session, and that at the next session a majority of the two Houses will virtually take the Government by the throat and refuse to let it breathe unless these safeguards are surrendered. Mr. President, for one, now and here in this presence, and hereafter in presence of the people, I am ready to meet such an issue. There will be no repeal by my vote, and especially under such affronting duress, be an extra session brought on or not.

Mr. GARLAND. Will section 820 not be repealed by the vote of the Senator from New York?

Mr. CONKLING. Mr. President, I should not have forgotten to speak again of section 820 if the Senator had not reminded me to do

so, and as he wishes me to do it at this moment, I will comply with his wish. When called upon to render an account of my stewardship in resisting this usurping attempt, I shall be sure to remember section 820. I shall not find it necessary to argue that section 820 should be maintained as a statute, or even to vindicate its original enactment; I shall find better employment for my time. I shall be able to state that the Senate, with a supposed republican majority, did weeks ago repeal section 820, and did, at the same time, by a separate vote on the same day, record its judgment that section 821 ought not to be repealed; that the act repealing section 820 went forthwith to the House—if either of the gentlemen at the desk can tell me from the Journal the day on which it went, I should like to state it now.

Mr. BECK. The 21st day of December, 1878.

The SECRETARY. The 20th day of December, according to the Journal.

Mr. EDMUNDS. It passed on the 20th, the Journal shows.

The PRESIDING OFFICER. (Mr. FERRY in the chair.) The Secretary has the Journal, which shows the 20th of December.

Mr. CONKLING. The 20th day of December, 1878. Making no account of the residue of December and deducting the holiday recess, January and February passed, during any day of which the democratic majority in the House, had it chosen so to do, could have insured action upon the bill, and during these months the House has acted finally on many bills, and bills reported by the Committee on the Judiciary, to either of which it would have been competent to move the bill in question as an amendment, which amendment would have been concurred in by the Senate, as everybody knew, because the judgment of the Senate stood recorded. And having all the time the power to remove from the statute-book this obnoxious section that, too, is made by the House one of the make-weights and pretenses to justify this revolutionary proceeding.

Mr. MERRIMON. What revolutionary proceeding?

Mr. CONKLING. The revolutionary proceeding prefigured by the honorable Senator from Kentucky, and which has in part passed before our eyes; that revolutionary proceeding of which any majority, any coalition, any combination, in either House, is guilty, whenever it dares to say that the wheels of the Government shall be blocked, that appropriations required by the Constitution to carry on the Government shall be refused and prevented unless the other House and the Executive under menace and dictation surrender convictions and rights. That is revolutionary, and destructive, and a plain attempt at anarchy, and disorder.

Such a conspiracy is more flagrant and astounding when its purpose is to uncover and expose the ballot-box to violence and fraud, and by striking down just barriers to open a way to wrest the Government of the country from the hands of honest and rightful majorities in the States.

It will be the more memorable because it is an act in the drama to clutch the National Government in all its branches and to subdue it to the purposes and dominion of those who by dint of fair and free elections would be baffled in the future as they have been in the past. It will be more than revolution—it will be triumphant and successful revolution when the way to dominance and empire shall be paved with just laws trampled down by the usurpation of a congressional majority.

The proceeding is an assault by main force upon the rights, and the very existence of constitutional authority.

Mr. President, he who now wields the powers deposited by the Constitution with the executive branch of the Government was not the nominee of the democratic party; he was the nominee of the republican party. If he was sincere or honest, he incarnated the creed and the purposes of the republican party. He accepted a nomination from a delegated party convention. He stood upon the declaration of principles announced by that convention, and in accepting such a nomination, he took upon himself plain, unmistakable, and high obligations. They were not technically formulated in a written contract. The more sacred obligations of man are commonly not set down and signed and sealed. The requirements of honor and trust are not those usually stated in agreements in writing, attested by a subscribing witness, stamped with a revenue-stamp, drawn technically so as to be good within the statute of frauds, and so as to leave no hole to creep out of.

The more cherished and revered duties are unwritten and taken for granted; they rest in the conscience, the honor and the understanding of those concerned. The trust assumed by one who accepts the nomination of a political organization having a creed and a faith, is of the nature I have mentioned—it is a plain and sacred trust. Whoever cannot subscribe to the creed of a party is bound to say so, and to refuse to become its exponent and representative.

If the nominee of the republican party concealed nothing, betrayed nothing, he held its tenets, and he pledged his faith to maintain them. He incarnated the principles of that organization, and those who voted for him voted against the policy, the purposes, and the doctrines of the democratic party so-called, and voted for the policy, the purposes, and the doctrines of the republican party.

Mr. EATON. "So called!"

Mr. CONKLING. My honorable friend from Connecticut knows that no such qualification is needed in speaking of the republican party. To be sure the republican party from the beginning has preserved among its principles all that was valuable and patriotic of the

creed of the old and genuine democratic party, but being the only party now extant which cherishes such principles and traditions nobody can possibly take it for anything but itself.

Mr. EATON. I do not think anybody can.

Mr. CONKLING. There I knew we should agree. He must be young or untaught indeed who does not know the emergency of which that party came. Its history is too great, its achievements too many and too recent, its record too unlike that of latter-day democracy, to leave it possible for any one to confound it with any other political organization, last of all with that which having discarded the substance of democracy still trades upon its name. If anything was understood in 1876, or is understood now as inwrought in the principles and purposes of the republican party, it is every citizen's right and liberty to vote and have his vote counted, it is the equality of all before the law, it is protection of the political and legal rights of every man high or low—in one word it is in the privileges and rights guarded and defended by laws which the democratic party so-called has now marked for destruction at any cost, and any peril.

Mr. GARLAND. Sections 820 and 821?

Mr. CONKLING. My friend is, like Polonius, "still harping on his daughter." [Laughter.] Section 820! If that section were really dead, I could understand why its ghost should constantly haunt the honorable Senator from Arkansas; but the statute still lives, because a democratic House will not let it die a natural death. The Senate has repealed it, but a democratic House keeps it alive and stores it up as one of the makeshifts, one of the pretexts, one of the chief items of the sum it presents as its excuse for inflicting an extra session of Congress upon the country. No, Mr. President, I am not talking about section 820.

Mr. GARLAND. What is it then?

Mr. CONKLING. I thought I had indicated that I am speaking now of the election laws as they are called, the same laws spoken of by the Senator from Kentucky. I was in act to say that when these two Houses pass under the sway of democratic majorities, and they summon the executive branch to help prostrate these laws, they will insultingly ask the Executive to say that the people who nominated and voted for him were deceived into believing that his election would establish during his term in respect of his acts the creed, the purposes, the principles of the organization which chose him to bear its standard. Could I suppose that the present Executive will surrender at such a dishonoring summons, could I believe it possible that after the 4th of March has ended this Congress and its successor comes in, he will submit to the affronting behest of a majority in the two Houses and consent to the overthrow of these statutes as a condition on which the Government may proceed and its officers be paid, I should feel that we stood only on a narrow neck of time, on an isthmus hardly wider than a hair, and that the difference would be paltry between witnessing this degrading sacrifice of principle and of right now, or postponing it for a few days.

I shall reject such foreboding. I shall act in the belief that a majority of two-thirds—that being the majority necessary to set at naught the executive power—that a majority of two-thirds in both Houses representing the ideas of the democratic party will be necessary to overthrow these statutes, and therefore that the next Senate and the next House of Representatives attempting such proceedings as the Senator from Kentucky has foretold, will be arrested by the fact that the Constitution has deposited with the President of the United States one-sixth part of the law-making power of the nation. The question, therefore, is not for a day, not a question of mere temporary expediency; it is the broad question, the whole question whether the representatives of the republican party which placed upon the statute-book the provisions now in question, shall submit to their destruction, not when they are compelled to, but when they have a right to expect and believe that they will have the power ultimately to save them from overthrow.

Mr. President, for one, much as on many accounts I should deplore an extra session of Congress, I have no apprehension of it in respect of the game, for such it is, of politics, ambition, and power in which this rash and daring experiment is to be tried. As to political and party results, republicans need not fear to go to the country upon the issue which will then be made up. That a special session of Congress, called some time in the indefinite future, called to occur after the end of the fiscal year, will inflict great injury upon the country, I know too well not to deplore it. Such an arrangement is a provision for uncertainty, suspense, disquiet, perturbation—a provision for derangement in commerce, paralysis in enterprise and industry, and therefore it is to be deeply regretted—still more to be regretted if a call is to be postponed until autumn or mid-summer. But, be it early or be it late, I have no hesitation for my own part in taking up the gage which has been flung down. I have no hesitation in sitting here day after day and night after night, inconvenient as it is, objectionable as it is, owing to the haste of legislation incident to such sessions; I have no hesitation in remaining here until the gavel falls under the direction of the Constitution, ready to vote for all fair accommodations, for all reasonable arrangements, for all honest adjustments in making up the appropriations necessary to carry on the Government. When all such efforts fail, when I have done all things intended by the Constitution and the laws, I will stand, and refuse under threat to debase the statutes of the land, in order that by usurped legislative power a discredited political party may be assisted to regain the

sword and the purse of the nation. Whatever may be the attitude of others, and even if a Senator or a committee can point out an example of the abuse of existing laws, still I will stand by those laws—stand by them first because I believe they are right, and second because did I believe they needed modification or deserved repeal, I would not be driven to consider them on appropriation bills under unlawful duress and menace. And there, Mr. President, I will stand, there I am willing for the present to leave this ill-judged and baneful proposition.

Mr. BECK. Mr. President, this Congress expires at twelve o'clock to-day, and it is now nearly three. Many votes have yet to be taken on important bills. I have nothing more to add to what I have already stated except this: reference having been made to the bill that passed here on the 20th of December, the day before the recess, repealing section 820, I am advised by a very well-informed member of the House that it went at once to the Committee on the Judiciary of the House; that committee has never been called from that day to this, and, therefore, has been unable under the rules of the House to report it back. Twice on Mondays, when alone motions can be made to suspend the rules, the republicans have had enough members in that body to prevent the democrats from obtaining the necessary two-thirds to suspend the rules. Therefore that bill has not been acted on.

I desire to say that my information is equally reliable that while section 821 could not properly be applied to any citizen if section 820 was repealed, yet the practice, at least in Louisiana, is, and it is being done every day, to exclude jurors who cannot take that oath. I am told that Mr. Leonard, district attorney in the city of New Orleans, a few days ago in a case where forty-five persons were charged with an offense applied it, and the jurors were driven from the box because they could not take this test oath, although section 821 had been repealed as early as 1873 and was illegally inserted in the Revised Statutes as every judge and district attorney in the United States well knows, and every Senator and Representative in Congress knows it equally well. Yet it is maintained and enforced contrary to law and justice.

As to the revolutionary measures that it is said may be attempted if an extra session is had, I have said what I believe will be done. I only speak for myself. I know nothing positively as to what the democratic Congress will do. But after they have fairly tendered to the President, as they have the undoubted right to do, acts repealing the sections that authorize soldiers to go to the polls to keep the peace, and that authorize deputy marshals to order them to go there under any pretense, and acts repealing all the test oaths in reference to jurors, so that men can have honest juries before whom to try their cases, and acts repealing the authority given to the marshals and supervisors at the polls to control the elections, if the President, in the exercise of his constitutional authority, shall see fit to veto measures so just and so fair, so necessary to free government as those laws are, then I for one would again make them part of the appropriation bills and let him exercise his veto power if he determines to perpetuate these wrongs on the bills that appropriate the money necessary to maintain the Government, and let him be responsible by his veto for stopping the wheels of the Government, as he would be if he determines that such measures as these are sufficiently important to keep on the statute-book for partisan purposes to block the wheels of Government. Then the Executive and his aiders and abettors would be responsible to the country, and not the Congress that gave him the opportunity to attach his signature to necessary appropriation bills. I will not occupy the time of the Senate any longer.

Mr. THURMAN. Mr. President, I wish the Chair would state what is the question now before the Senate?

The PRESIDING OFFICER. The question is, Shall the Senate insist on its amendments to the legislative, executive, and judicial appropriation bill?

Mr. THURMAN. I wish to inquire whether a motion to recede from one or more of the amendments made by the Senate would not now be in order and take precedence of the motion to insist?

The PRESIDING OFFICER. It would.

Mr. THURMAN. So I supposed. I move that the Senate recede from the amendment by which it struck from the bill of the House the two clauses beginning on line 2170 and ending on line 2203. There are two clauses in that matter which the Senate struck out; one relates to juries, the other relates to the election law; the one in relation to juries ends with the word "repealed," in line 2194. The other clause relates to the appointment of supervisors and deputy marshals to exercise authority and power at elections. I move that the Senate recede from its amendments striking out those lines from the House bill.

Mr. President, I regret very much that the fatigues of night session after night session have rendered me almost, if not totally, unfit to discuss this question. I quite agree with the Senator from New York [Mr. CONKLING] that it is a question of the very greatest importance. Perhaps no greater question in the form we are brought to consider it was ever considered by the American Congress in time of peace; for it involves not merely the merits or demerits of the laws which the House bill proposes to repeal, but involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States. It is a vast question; it is a question whose importance can scarcely be estimated; it is a question that

never yet has been brought so sharply before the American Congress and the American people as it may be now. It is a question which sooner or later must be decided, and the decision must determine what are the powers of the House of Representatives under the Constitution, and what is the duty of that House in the view of the framers of that Constitution according to its letter and its spirit.

Mr. President, I should approach this question, if I were in the best possible condition to speak and to argue it, with very grave diffidence, and certainly with the utmost anxiety, for no one can think of it as long and as carefully as I have thought of it without seeing that we are at the beginning perhaps of a struggle that may last as long in this country as a similar struggle lasted in what we are accustomed to call the mother land. There the struggle lasted for two centuries before it was ultimately decided. It is not likely to last so long here, but it may last until every man in this Chamber is in his grave. It is the question whether or no the House of Representatives has a right to say "We will grant supplies only upon condition that grievances are redressed. We are the representatives of the tax-payers of the Republic; we, the House of Representatives alone have the right to originate money bills; we, the House of Representatives, have alone the right to originate bills which grant the money of the people; the Senate represents States; we represent the tax-payers of the Republic; we, therefore, by the very terms of the Constitution, are charged with the duty of originating the bills which grant the money of the people. We claim the right, which the House of Commons in England established after two centuries of contest, to say that we will not grant the money of the people unless there is a redress of grievances."

This course of the House of Representatives, should it continue, has been styled revolutionary. I think that every one who knows me knows that I am not disposed to extreme measures, but at the same time I am not alarmed, I have never been alarmed at the word. I shall not be frightened out of my propriety by the term "revolutionary." I shall not be frightened out of a calm, just consideration of this subject by loud words, much less by denunciation; and, therefore, I approach this question as coolly as I can possibly consider it, and I say once more the question is whether or no that power which the House of Commons has exercised for now centuries gone by can be exercised by the House of Representatives, modified to some extent only by the Constitution of the United States. Let us see if it is not a great power, and let us see what liberty owes to the exercise of that power.

Mr. President, when that great change came over the governments of Europe which resulted in making every one of them a despotic government but England alone, England was saved from despotism and an absolute monarchy by the exercise of the power of the House of Commons to refuse supplies except upon conditions that grievances should be redressed. When France became consolidated into an absolute monarchy, while Germany and Spain and Italy became in like manner absolute governments, England preserved liberty, and the only liberty that was found in the Old World, by the exercise on the part of the House of Commons of this right to say "We will not grant the money of the people of England except upon condition that grievances shall be redressed;" and, Mr. President, so firmly, so boldly, so persistently did the House of Commons insist on that right, so far did it carry it that not only the monarchs that ruled that land but the House of Lords too were compelled to submit. It is a mistake to suppose that it was a fight simply between the Throne and the Commons; it was equally a fight between the Lords and the Commons; and the result of two centuries of contest in England was the rule that the House of Lords has no right to amend a money bill. It must take it *in toto* or reject it *in toto*. It was not simply a fight between monarchy on the one side and the people on the other, but it was equally a fight between aristocracy and privilege on the one side and the people on the other. And so to this day does it stand in England, that the House of Lords has not the power even to amend a money bill from the House of Commons, but must take it entire or reject it entire.

That is somewhat changed by our Constitution, for we have followed the British constitution only so far as this: we have said in our Constitution that bills for raising revenue (which now by universal interpretation mean all money bills) shall originate in the House of Representatives; but we have not said, as it is said in England, that such bills shall not be amended in the other House of the Legislature; on the contrary, our Constitution has expressly provided that they may be amended by the Senate. The provision is this:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

That is all the change that our Constitution has made; it has secured to the Senate a right to propose amendments to such bills when passed by the House; it has provided that the Senate may concur with amendments in such bills; and in all other respects it has left us the precedent of the English Parliament as our guide; and, Mr. President, upon a necessity almost or quite as great as that which existed in England, and which led to the long contest to which I have referred.

Now, Mr. President, I agree that the Senate of the United States is not a precise counterpart of the House of Lords; I agree that the Senate of the United States is in many respects a representative body to a far greater extent than is the House of Lords; and yet there is a marked distinction between the Senate of the United States and

the House of Representatives, a distinction almost as broad as that between the Lords and the Commons. The Senate of the United States represents the States of the Republic. So emphatically and clearly does it represent those States that the smallest State in the Union has the same representation as the largest; Rhode Island has the same representation with New York, and no one wishes to change that; that is, no one who reads the history of this country rightly and thinks clearly wishes to change it. But while the Senate represents the States, the House of Representatives represents the numerical majority of the people of the United States. The House of Representatives, therefore, is the more complete representative of the tax-payers of the United States. The two Senators from Rhode Island, as I said, represent a small State with a population of one hundred thousand or so, while two Senators only on this floor (the same number that sit here from Rhode Island) represent the great State of New York, with more than four million tax-payers. This being the case, the Senate is not and never can be, so long as the Constitution remains what it is, such a representative of the tax-payers of the United States as is the House of Representatives. That fact was known to those who framed the Constitution; and those who will look into the history will find that when the formation of the Constitution almost failed because the small States insisted upon equal representation in the Senate, it was said in behalf of the small States that the majority of the people in the large States, the people themselves, would be protected by the power that was vested in the House of Representatives to originate all money bills; that there was no danger that the tax-payers of the country could be oppressed by this unequal representation in the Senate, because all money bills must originate in that House which represented the mass of the American people, the tax-payers of the land.

This thing was not done in a corner; this thing was not done without consideration. It was perfectly foreseen that to allow each State equal representation in the Senate was to give great advantages to the small States. It was perfectly foreseen that such a thing as that without some countervailing influence or power might result in great oppression to the majority of the people of the United States. But that countervailing influence, that countervailing power, was supposed to be found in the fact that all money bills must originate in the House of Representatives; that that House should hold the purse-strings, and should say, as our forefathers in England had said to the lords and to the king, "We will only grant supplies upon condition that grievances are redressed."

Mr. President, if there is anything revolutionary in that I fail to see it. I grant it may be an extreme measure for the House or Representatives to affix upon an appropriation bill such provisions as are contained in this bill, such provisions as have been affixed again and again upon appropriation bills, although it is no more revolutionary than it was for the Senate to affix, if my memory is not at fault, a portion, ten or eleven or twenty or twenty-one of these very sections here proposed to be repealed, in the hours of midnight, in this Senate of the United States, upon an appropriation bill. I do not see that this is that revolutionary measure which it has been described to be. And, therefore, I do not fear the result. I believe, on the contrary, that within the years that shall roll on this power of the House of Representatives to demand a redress of grievances as the condition on which it will grant the substance of those whom it represents is more likely to grow than it is to diminish.

Mr. President, it would not have been doubted, I think, seventy years ago that the House of Representatives exercised the influence in this country which the House of Commons exercises in England. We all know that according to the expectation of those who framed the Constitution, and according to the history of this Republic, in the early years of the Government the House of Representatives had the predominating influence in American legislation and with the American people. The Senate for eight or nine years sat with closed doors, even when considering legislative business, if my memory is not at fault, and I do not think it is, and it was not until the Senate opened its doors and considered legislative business in public that the great ability of its members began to give it an influence in the politics of America that it never before had possessed. The influence of the Senate went on increasing by means mainly of the extraordinary array of genius that sat in the Senate Hall, until the influence of the House of Representatives became dwarfed and amounted at last to very little in comparison with that of the Senate. I think I have seen in the last eight or ten years or more that the ancient power of the House of Representatives is being gradually restored, and the people of this country are beginning once more to look upon it as the House of Commons, the people's house in the Republic of the United States. I think it is likely to continue so to do, and that this power of the House, which has so seldom been exercised heretofore, is more likely to be exercised hereafter than it ever has been heretofore. Nor do I think that any danger is likely to result from its being so exercised. On the contrary, I think that it is much more likely to make this Government acceptable to the people, to make it a government of the people, to make it a government administered in the interest of the people, than it would be for the overshadowing influence of the Senate to continue to grow and the powers of the House continue to be diminished and dwarfed.

Now, Mr. President, having made these observations, and with no little pain to myself, for the reason I have mentioned, at this late

hour of the night, I wish now to look for a moment at what it is that is proposed by the House; and first in regard to jurors. We have three sections in the statute-book on the subject of jurors, sections 800, 820, and 821. Section 800, not to detain the Senate by reading it at length, requires that jurors in the Federal courts shall be drawn as nearly as practicable in accordance with the laws of the States providing for the drawing of jurors in the State courts. Section 820 makes it a principal cause of challenge in a suit on a bill of exchange drawn yesterday and payable at sight, drawn between two partners, drawn by a partner upon a partner, drawn by a subject of Great Britain upon a subject of Great Britain, or drawn by a citizen of New York upon a citizen of New York, drawn by my distinguished friend, the Senator from Rhode Island [Mr. BURNESIDE] who sits before me there, and whose service in the preservation of the Union his people have delighted to honor and to reward, upon my equally distinguished friend who sits on my right here, [Mr. SHIELDS,] who also shed his blood in defense of the Union, and who is here as a reward for his valor—on that bill drawn by the one of those men upon the other, if a suit be instituted, any man who was engaged in aiding or comforting, any man who gave to a hungry and suffering confederate soldier a crust of bread or a drink of water, is disqualified to sit on the jury. That is section 820. That bare fact, having in any way whatsoever aided rebellion, is made a principal cause of challenge which either of the parties may insist upon, and may thus drive from the jury-box a man who is called, and against whom the objection lies. That is section 820.

What is section 821? Mark it. Section 820 creates a principal cause of challenge. How can that be taken advantage of? Only by one of the parties to the suit. It only authorizes one of the parties to the suit to insist on that principal cause of challenge; but what is section 821? Section 821 provides that a person who is no party to the suit, a person who has no interest in the suit whatsoever, may intervene and may call on the judge to drive from the jury-box one man, not simply in that particular case to exclude a man from the jury-box, but to exclude from the grand-jury room and from the jury-box of the petit jury in all cases whatsoever every man who has given any aid or comfort to the rebellion against the United States; and, therefore, in the case I have supposed that my friend from Rhode Island has drawn his bill on my friend from Missouri and a suit is brought on that bill anywhere in the United States, in Rhode Island, in Missouri, in Virginia, in Louisiana, anywhere, and twelve men are called to sit as the jury, and both the parties, these two distinguished Union soldiers, are perfectly content with that jury, want the case tried by that jury, against their will, against their protest, a district attorney of the United States may ask the court to exclude from that jury-box, not only in that case, but for the whole term, every man who had given a crust of bread or a drink of water to a confederate soldier in the late rebellion. That is section 821, that a person not a party to the suit, in no wise interested in the suit, in a civil action, the cause of which accrued but yesterday, may ask a court to drive from the court-house every man who gave a crust of bread or a drink of water to a hungry or thirsty confederate soldier, sixteen, seventeen, eighteen years ago.

Mr. President, is that a law that ought to stand on this statute-book? Is that a law that any man in the world can defend with any shadow of propriety? I think not; and, until I shall hear some defense of it, I shall assume that such a law as that is a disgrace to our statute-book and a disgrace to our civilization.

But, Mr. President, suppose section 820 and section 821 were repealed? there would still be no security that impartial juries would be obtained in the Federal courts. And now I speak to be understood not alone in reference to the Southern States, but also in reference to every State in the Union; and I speak not simply in reference to the disqualifications contained in sections 820 and 821, but I speak in reference to matters that have nothing in the world to do with the rebellion. When I say that the repeal of those two sections will not remedy the evil, why do I say this? If Senators will do me the favor to listen to me for a few minutes, I think I will make it apparent to every one.

I said there were three sections relating to jurors, sections 800, 820, and 821, and that section 800 provided that juries in the Federal courts should be drawn, as nearly as practicable, in accordance with the laws of the several States. That, of course, is a general provision. Now, how is that executed, how has it been executed in any State ever since that law was passed? In Ohio the State system of providing juries is one of the most admirable that exists anywhere in the world. Each county in Ohio is divided into what are called townships; in New England they call them towns. Each township has a board of trustees to discharge certain duties of local administration and government in that township. Once a year the trustees in each township send up to the clerk of the court of common pleas the names of certain citizens having the qualifications of electors in that township to serve as jurymen during that year. It is considered a great honor to be selected as one of those jurymen, and the township trustees are extremely careful to send up the names of the very best men in the township. Those names are placed by the clerk in a box, and from that box he and the sheriff in public draw the names of fifteen persons to serve as grand jurors at each term of that court, and twelve persons to serve as petit jurors, or, if two or more panels are required, then on the order of the court they draw the number

necessary to constitute those two or three panels. In that way perfectly fair juries are obtained throughout the length and breadth of the State of Ohio. But how does the Federal court follow that example? The Federal court has no machinery by which it can select eight to ten men in each of the townships of the State of Ohio in each of the seventeen, eighteen, or nineteen hundred townships and wards of cities in the State of Ohio. It has no right to take the names out of the State boxes. What then did the Federal court do under the original of section 800 when it was enacted many years ago? They said, "We will follow it as nearly as practicable, but the only way in which we can follow it is to authorize certain persons to be named by order of the court who shall put in a box the names of a sufficient number of persons to constitute the grand and the petit juries in this Federal court," and consequently it was provided by order of the court that the marshal of the United States and the clerk of the court should once every year place in a box the names of a certain number of electors of the State of Ohio, and that from the names thus placed in the box they should at each term draw a grand jury, and also one or more petit juries as might be required. And that is the order and that is the procedure down to this day.

Very much that example has been followed so far as I know in almost every State of this Union. The Federal courts have supposed that that was the only way in which they could provide for a jury, in a mode as nearly as practicable like that provided for juries in the State courts by the State. That course is pursued down South as well as in the North, and what is the consequence? The consequence is that the constitution of the jury is absolutely dependent upon the will of the marshal of the United States and the clerk of the court; just such names as they place in the jury-box are drawn out of the jury-box and none others, and none others can be, for none others are put in it.

How is this power exercised? It is but two days ago that I received a letter from one of the most distinguished lawyers in the North telling me that a case in which I used to be counsel is about to come on for trial and asking me if possible to come on and assist at that trial, and saying that the only fear in the world that he had about that case was that the plaintiff was high in office as a distinguished republican, the defendant was a distinguished democrat, the judge was a republican judge, and that every man on the jury was a republican jurymen, because no other sort of jurymen were drawn from that jury-box, no names but the names of republicans were put in that jury box.

Mr. EDMUNDS. Does the Senator refer to the late trial in the Federal court in the northern district of Florida?

Mr. THURMAN. No, sir; I said a Northern State.

Mr. EDMUNDS. I thought the Senator was referring to the abuses under this law in the trial of the democratic fraud in Brevard County, Florida, where I am told the jury was made up of men of different politics and contained a due proportion of prominent democrats, and by whom under this law as it stands democratic perpetrators of fraud against one of the most sacred rights of liberty were found guilty,—although the Senator says that under this law no democrat can get on a jury in a Southern State.

Mr. THURMAN. I have not said that, but the fact stated by the Senator from Vermont shows that they can trust honest and honorable democrats.

Mr. EDMUNDS. And it shows that they can get them, so far as that statute goes.

Mr. THURMAN. But they do not get them. I could give the Senator instances to show that they do not get them, if we were to go into particulars. But if the Senator can show ever so many cases in which the juries have been fairly constituted under this law, it is a sufficient objection to the law that the power exists to make the jury partisan. That power should not exist at all, and should be taken away.

Here unfortunately we have had partisan feeling running extremely high. We have had it running so high that I have lived to see what would have absolutely amazed me beyond the power of expression some years ago, under a view that was then entertained by every lawyer in the United States of the powers of the Federal and the State governments. I have lived to see State judges indicted and drawn up in a Federal court and subjected to trial upon an alleged failure to perform their duties as judges of States.

Mr. President, that is the state of the case. Repeal section 820, repeal section 821, and you have only removed the disqualification of having aided the rebellion; but you have still left it in the power of a political judge, who may be one of the bitterest partisans, and I can name some who are, of a corrupt marshal and a corrupt clerk, to place no names in the jury-box but the names of partisans, and to make the drawing of an impartial jury absolutely impossible.

What is it that the House of Representatives ask of the Senate? Nothing else in the wide world but that we shall join with them in providing a mode by which a fair and a non-partisan jury can be obtained.

Mr. CONKLING. Do they propose to repeal section 800?

Mr. THURMAN. They propose to amend section 800. They propose to repeal sections 820 and 821.

Mr. ALLISON. And section 800.

Mr. THURMAN. And section 800, too, I hope; if not they have made a mistake.

Mr. ALLISON. They have.

Mr. THURMAN. They ought to have done so, for they have provided a fair mode, perhaps not the best that could have been devised by long study, but a perfectly fair mode, as far as it goes, for obtaining a jury fairly. What is the mode they have proposed? They have proposed that there shall be a jury-box in each Federal court; that not less than three hundred names shall each year be placed in that box; that one hundred and fifty of them shall be placed in the box by the clerk of the court; that the other one hundred and fifty shall be placed in the box by a commissioner of different politics from those of the clerk of the court, who shall be appointed by the court.

Mr. President, I was right in saying that section 800 is not proposed to be repealed by the House. On the contrary what the House proposes is simply to compel an observance of the true spirit of section 800. Section 800 contemplated that fair juries would be obtained by requiring the juries to be drawn as nearly as practicable according to the State laws. We know very well that in no State in this Union perhaps can a partisan jury be constituted under the State law. It was the meaning of section 800 that there should be no partisan jury in this country; and it was supposed the object would be effected by requiring the juries in the Federal courts to be drawn as nearly as practicable in accordance with the State law. But experience has proved that that section is not sufficient for that purpose, and therefore the House proposes simply to amend that section by providing machinery by which the spirit and object of the section shall be enforced.

I want to know what objection any fair-minded man can make to this provision that comes from the House. Here is a provision which declares that the names placed in the jury-box shall be placed, one-half of them by the clerk of the court, the other half by a jury commissioner to be appointed by the court, and that these two individuals shall be of different politics. Is the fact that it is provided that they shall be of different politics an anomaly in our laws? Not at all. This very clause in the law which is proposed to be stricken from the statute-book, this supervisor and deputy marshal clause recognizes the existence of opposite political parties in the country and requires supervisors to be appointed from the different political parties. There is scarcely a State, or at least I know that in very many States the same things exist. In my own State we have a provision requiring the judges of election to be of different political parties. You cannot ignore the fact that there are political parties in the country, and it is therefore perfectly correct legislation to provide that persons shall be from the different political parties. There is no anomaly in that; there is nothing strange in that; there is nothing dangerous in that.

Then, Mr. President, I say I am willing to go before the country upon this issue. The Senator from New York has expressed his willingness to go before the country upon it. I am perfectly willing to go before the country upon the question whether or no the people of the United States want their cases to be tried by honest non-partisan juries or by packed juries. I am perfectly willing to go before the people on that.

So much for the jury question. The other branch of the measure proposed by the House is to repeal sections 2011 to and including section 2031 of the Revised Statutes, the sections that relate to supervisors of election and to deputy marshals. As I said before, if I am not mistaken those very sections were placed on an appropriation bill in this body. The Senate set the example of placing them on an appropriation bill in the dead hours of the night if my memory is not at fault, if I am referring to the proper occasion. I never shall forget that night. We were under the five-minute rule, when these sections and some others were moved as an amendment to an appropriation bill.

Mr. CONKLING. What sections does the Senator now speak of?

Mr. THURMAN. Sections 2011 to and including 2031.

Mr. CONKLING. Does the Senator mean the election sections?

Mr. THURMAN. Yes. I think they were placed on an appropriation bill. That is my recollection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House further insisted upon its amendments to the twentieth amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, still further insisted on its disagreement to certain other amendments of the Senate, and still further insisted upon its disagreement to certain sections of the twentieth amendment of the Senate to the said bill insisted upon by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES H. BLOUNT of Georgia, Mr. HESTER CLYMER of Pennsylvania, and Mr. JOHN H. BAKER of Indiana, managers at the further conference on the part of the House.

POST-OFFICE APPROPRIATION BILL.

Mr. DORSEY. I ask the Senator from Ohio to yield to me to make a conference report.

The PRESIDING OFFICER. Does the Senator from Ohio yield for that purpose?

Mr. THURMAN. Certainly.

Mr. DORSEY. I submit the conference committee report on the Post-Office appropriation bill. I ask that the report be concurred in.

The PRESIDING OFFICER. Senators concurring in the report will say "ay."

Mr. CONKLING. I hope we shall not concur in that report quite so quickly. I should like to know one or two things about it myself. There was a defect in the report as it came before, touching a direction given in reference to a certain \$150,000. I assume that has been corrected. I should like to inquire of the Senator from Arkansas whether the report which we now have is the same in all other respects with the report we had, and if not in what respects it is different.

Mr. DORSEY. It is not precisely the same. One paragraph has been added in regard to postal cards; a paragraph which had passed in the bill in the Senate and had gone to the House and the House had refused to concur, so that it is entirely in order for it to remain in the bill. That paragraph has been added.

Mr. SARGENT. May I inquire what new light was shed upon that subject, and why the conferees agreed so readily upon that provision?

Mr. DORSEY. I do not know that I can say any new light was shed on the subject. The Senate has been steadily for it.

Mr. CONKLING. The Senate conferees gave it up before.

Mr. DORSEY. The Senate conferees gave it up before, and the House conferees now agree to waive their objection to it.

Mr. CONKLING. I should like to hear it read and see how it will sound.

The PRESIDING OFFICER. The section of the report called for will be read.

The Secretary read as follows:

SEC. 32. That the Postmaster-General is hereby authorized to take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage-stamps of the denominations now in use on ordinary envelopes shall be placed. And the Postmaster-General is also authorized to introduce and furnish for public use a double postal card, on which shall be placed two one-cent stamps, and said card to be so arranged for the address that it may be forwarded and returned, said cards to be sold for two cents apiece; and also to introduce and furnish for public use a double-letter envelope, on which stamps of the denominations now in use may be placed, and with the arrangement for the address similar to the double postal card; said letter-sheet and double postal card and double envelope to be issued under such regulations as the Postmaster-General may prescribe: *Provided*, That the appropriations for postal cards and letter envelopes for the years ending June 30, 1879 and 1880, shall be available for the purchase of said letter-sheet envelopes, double or return postal cards, and double-letter envelopes: *And provided*, That no money shall be paid for royalty or patent on any of the articles named.

Mr. SARGENT. I should like to inquire if the chairman of the conference committee knows whether on the double-card arrangement there is a patent? Is there any patent for it?

Mr. DORSEY. I understand not, and if there was the section particularly guards any payment to be made for a patent. This provision simply authorizes the Postmaster-General to issue these cards at his discretion; it does not require him to do so at all. If it is for the benefit of the Government and the interest of the Government to do so he can issue them; if not, he probably will not do it. I hope now the report will be concurred in.

Mr. SARGENT. I should like also to inquire whether the report went back to the committee of conference, in order that this might be fixed, or in order that the other matter might be fixed? I should like an answer to that question if it can be given.

Mr. DORSEY. The Senator was in the Senate at the time the conference report was rejected, and he knows quite as well as I do the reasons for its rejection. I cannot go into the motives of the Senators who voted to have it sent back.

Mr. SARGENT. If the question is inconvenient I shall not insist upon it.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House still further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The message also announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 4579) concerning street railroads in the District of Columbia, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM CLAFLIN of Massachusetts, Mr. J. C. S. BLACKBURN of Kentucky, and Mr. EPPA HUNTON of Virginia, managers at the conference on the part of the House.

DISTRICT STREET RAILROADS.

Mr. HARRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. No. 4579) concerning street railroads in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend that the House recede from its disagreement to the amendments of the Senate to sections 1 and 2, and that the House recede from its disagreement to the Senate amendments to section 3, with the following amendments:

Section 3, line 21, after the word "same" insert the word "proportionate."
Section 3, line 21, strike out the words "or less."

Section 3, line 21, after the word "charged" insert the following words: "or may hereafter be charged."
And the Senate agree to the same.

ISHAM G. HARRIS,
E. H. ROLLINS,
A. S. MERRIMON,
Managers on the part of the Senate.
WILLIAM CLAFLIN,
J. C. S. BLACKBURN,
EPPA HUNTON,
Managers on the part of the House.

The report was concurred in.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER. The Senate resumes the consideration of the report of the committee of conference upon the executive, legislative, and judicial appropriation bill, upon which the Senator from Ohio [Mr. THURMAN] is entitled to the floor.

Mr. THURMAN. Mr. President, I may have been mistaken in saying that those sections were placed on an appropriation bill; but I never shall forget the amendment to those sections that was placed upon an appropriation bill and the scene that occurred in the Senate on the night of the 6th of June, 1872, when the Senator from Louisiana who sits on the opposite side of the Chamber [Mr. KELLOGG] moved an amendment to an appropriation bill extending the provision of the election laws, which were then confined to cities of twenty thousand inhabitants and upward, to every district in the United States. When that was ruled to be in order, then, acting as we were under the five-minute rule, we who were in the minority at first scarcely knew what to do, what we could have the time to say in opposition to that proposition to which we were so much opposed, until fortunately it occurred to me that I could move the indefinite postponement of the bill and then the five-minute rule would not apply. I did move it and then we debated it until, if my recollection is right, the broad sunlight came through that door the next day. But it does not matter and I do not want to state upon surmise whether these sections were placed upon an appropriation bill or not. That is not the thing that I wish to discuss at all. I do not wish to stick in the bark. That is leather and prunella. I want to go to the substance of the thing; and that is, ought these sections to stand on the statute-book?

I gave the other day reasons why they ought not to stand, and I do not want to weary the Senate with repetition. I showed the Senate the other day from the reports from the Department of Justice that the money expended for these supervisors of elections and these deputy marshals, instead of being expended to protect the poor freedmen of the South in the exercise of the elective franchise, were in effect used as a bribery fund at the North to carry elections; that of \$202,000 expended (not two million as some of the papers got it in reporting my remarks) in the year just gone by \$110,000 were expended in the single State of New York; \$40,000 in the State of Pennsylvania; seven or eight thousand dollars, if my memory is correct, in the State of New Jersey, and five or six thousand dollars in one single county of the State of Ohio. And what was the result? The result was a gain of fourteen or fifteen republican members in the House of Representatives.

Mr. CONKLING. Will not that always happen at an honest election?

Mr. THURMAN. No, sir; it will not happen in an honest election, for the very testimony that I read the other day shows how this money is used. What I read the other day from the testimony taken in one of the contested elections from Missouri is but a sample by which you may know all the others. *Ex uno disce omnes.* What did that testimony show? The marshal of the United States at Saint Louis did not see fit to exercise this power himself. He placed it in the hands of a man named Bernard, a noted partisan; and how did Bernard exercise this power of appointing deputy marshals? He sent for democrats whom he supposed to be corruptible, and asked each one of them as he came, "If I appoint you deputy marshal and give you the compensation provided by law, will you work for the republican party and the republican nominee?" If the man said "yes," he was appointed; if he said "no," he was turned off. Thus ten hundred and twenty-odd marshals were appointed in the city of Saint Louis by one deputy marshal. To preserve the purity of elections? No, sir, to corrupt the election, bought up with the money of the United States. What was the result? That was in 1876. The result was that the republicans carried three districts in that State that were unmistakably, and always had been at every fair and honest election, democratic districts.

I say, and I say it in the utmost seriousness, with not the least disposition in the world to exaggerate, that the sections of the law which the House proposes to strike out simply provide an immense bribery fund, used to corrupt the elections and not to preserve the purity of elections. I do not see fit to go now, I have not the time to do it, into the transactions in the city of New York last November. I will wait until the report is made in the other House by the committee appointed to investigate that subject, and until a report is made, perhaps, by the committee appointed by this body, if it shall ever investigate that subject, as I hope it will. Its attention has been called to it enough, and I hope it will investigate it. Then we shall have something authentic upon which we can speak: but we do know by the petition that was presented in the House of Representatives un-

merously signed by respectable men, and I know by affidavit after affidavit to the number of ten or twenty which I myself sent to our committee, that there never was such a system of oppression and villainy inaugurated in any election in this country as was perpetrated in New York last November, if those affidavits tell the truth; not simply oppression, but barbarity. Talk about bulldozing, talk about intimidation, talk about preventing the poor colored man down South from exercising the free suffrage in this country, when in the greatest city in this land, the city that is the pride of the nation, the city that boasts itself as the exemplar of the civilization of America, such acts were done as never in the worst times, never in the highest party feelings, disgraced the annals of history.

Mr. President, I have much more that I could say upon this subject, and not a little evidence that I could lay before the Senate, but it is four o'clock in the morning. Eight hours from now this Congress will come to an end. I shall not weary Senators already fatigued by occupying more of their time. I thank the Senate most sincerely for the attention they have paid me under such adverse circumstances and at so much expense of time.

Several Senators addressed the Chair.

Mr. BLAINE. I wish to correct—

Mr. SARGENT. I was going to ask the Senate for a few moments' executive session. We can come out in five minutes.

Mr. BLAINE. As long as I am on my feet I will make this correction. There has been a good deal said to-night about the fact that section 820 in regard to the jury law, and I am addressing myself now particularly to the honorable Senator from Kentucky, [Mr. BECK,] which passed the Senate on the 20th of December, from some cause or other could not be passed in the House, and that is the reason why, not being able to pass it in the ordinary mode of legislation, they were justified in putting it on this bill.

Of course such comment on the proceedings in the House is not quite in order, but as it has been pretty freely indulged in I may be pardoned for stating that correctly which has been stated incorrectly.

I have here the CONGRESSIONAL RECORD. On the 25th of January, nearly five weeks after this bill passed the Senate, there was an entire evening of four hours given to the Judiciary Committee of the House. They had the entire evening given to them, and almost every member of that committee reported bills at length. There was not one solitary word heard about section 820 relating to the jury law. This section, to get rid of which the Senator from Ohio says a kind of revolution in our Government would be justifiable, the Judiciary Committee had five weeks before them, and had an entire evening given up to them, and they never even reported it back.

I beg the honorable Senator from Kentucky, who I know would not intentionally misrepresent anything, to observe that he has been led into an error on this subject, and that for some motive I know not what, and I do not pretend to say, they deliberately withheld and suppressed this bill. More than that, when this was reported on the sundry civil appropriation bill a Representative from Maine, a member of the Committee on Appropriations, stated that there was no need of incorporating it in the appropriation bill, because nobody objected to passing it. Now those are the facts.

Mr. BECK. Will the Senator from Maine allow me to say a word?

Mr. BLAINE. Certainly.

Mr. BECK. Having no knowledge of the facts personally, I relied upon a statement made to me by a member of the House, while I was speaking, as to the report. If I am in error, of course I stand corrected.

Mr. BLAINE. I did not impute the slightest intentional mistake, as the honorable Senator knows, to himself, but I was only correcting an error.

Mr. GARLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. BLAINE. Certainly.

Mr. GARLAND. As I expect to address the Senate upon this matter, I want to submit a question to the Senator from Maine in advance. As this section was repealed by a republican Congress and afterward found its way into the Revised Statutes by a republican reviser, why was it that the republican Congress did not hasten itself to repeal it at once?

Mr. BLAINE. Oh, I cannot tell you, but I know that that fact was also mentioned by Mr. HALE, of Maine, as an additional reason why nobody would object to its repeal.

Mr. ALLISON. Why did not the democratic House do it?

Mr. BLAINE. Why did not the democratic House do it? They have had a democratic House for four years, and for more than two years nobody objected.

Mr. GARLAND. I will take care of that.

Mr. BLAINE. I merely wanted to state the fact.

Mr. GARLAND. I merely wanted to state the fact, too.

Mr. BLAINE. The honorable Senator from Ohio [Mr. THURMAN] tells us, with a new interpretation of Government, that he has come to the conclusion that the House of Representatives has the right to put whatever they choose upon an appropriation bill, and that we have got to take it because the power to originate money bills belongs to the House, and that as it has been in the Kingdom of England so it must be in the Republic of the United States; that a redress of

grievances must be had upon money bills. The analogy is splendid. When the Commons were fighting a hereditary monarch with whose choice to the throne they had nothing to do, but who came to them through generations of descent, there was pith and point in this; but to the representatives of a people who have also chosen the President, and through the State governments have chosen the Senators—to that one branch you give the right when they reach Washington to coerce the other two, and the representatives of the people will say if it does not suit the Senate and the President to do exactly what they want there shall not be any Army.

Mr. EATON. I should like to ask my friend, if I do not interrupt him, which President he means? I know that the people chose one. Which one does he mean?

Mr. BLAINE. I do not mean the President who had his agents all through the South trying to buy up colored electors.

Mr. EATON. You mean the one who did buy them.

Mr. BLAINE. That is the one I do not mean. But I must say this is a most extraordinary presentation from a great constitutional lawyer, that the Representatives of the people will refuse to support the people's Government if some other agents of the people, deriving their authority from the same people, do not give in just as soon as the former ask them to put any amendment they may choose to attach to an appropriation bill, and upon the very principle which we have derived from the course of the Commons, although the Commons were compelled to it in order to extort something from a hereditary monarch. It is a new construction.

More than that, Mr. President, and I beg the attention of the Senator from Ohio to this, there is no justification whatever to be derived from the present attempt to force this through Congress from the fact that it was put on an appropriation bill when enacted. I believe I can show the difference. When this bill, or a part of it, was put on the act of 1872, there was a republican Congress, republican in the Senate, republican in the House, and a republican President, all three desiring it. It was the legitimate process adopted by the majority to secure itself against the filibustering of a minority. It is a very different question. When the House of Representatives of one shade of politics assumes to coerce a Senate of a different view of politics, it presents a wholly different question. The Senator from Ohio will find no analogy between what was done in 1872, what was done by concurring political majorities in harmony with the Executive availing themselves of an appropriation to legislate in an orderly and just manner, and the attempt of a House of Representatives governed by one political party to thrust upon an appropriation bill a measure obnoxious to another, and then to say, as the Senator from Ohio says they have the right to do, "If you do not give up your convictions, if you do not agree to misrepresent your States, if you do not agree to prove false to your trusts, if you do not agree to violate your oaths, if you do not agree to surrender your principles, this Government shall stop and there shall be no Army and no Navy." That is the constitution which the honorable Senator from Ohio chooses to uphold.

Mr. WHYTE. Will the Senator from Maine allow me to refresh his recollection?

Mr. BLAINE. Certainly.

Mr. WHYTE. The republican party, to which he belongs, in its incipency taught the democratic party the very tactics that they are performing in the other House.

Mr. BLAINE. Oh, no, they only tried; they did not succeed.

Mr. WHYTE. Yes, they were beaten at the game, that was the only difference. In 1856, as the Senator well knows, the House of Representatives put upon the Army bill a provision that the Army should not be used to keep the peace in Kansas, and tried to force the democratic Senate to come to their views, and Congress adjourned, leaving the Army without a dollar of pay for the soldiers and the officers who were on the frontier. They taught the democrats in the House to do the very thing that they are doing to-night.

Mr. CONKLING. Does the Senator think it was right?

Mr. BLAINE. That is what I want to know.

Mr. WHYTE. No, I do not think it is right. It is the effect of the bad example which you set to them in the House of Representatives.

Mr. CONKLING. Rather I think it is proceeding in the face of an awful warning, according to the Senator.

Mr. WHYTE. On the contrary, you were so badly whipped when Pierce called you back that the warning does not follow.

Mr. BLAINE. And the honorable Senator having, as he says, conquered the republicans by resisting it, proposes now to conquer them by adopting it. The honorable Senator reminds me of what was said of a great premier of England, that when he was engaged in a game of chess, and was cornered and nearly conquered, his opponent was called to look out the window and take a fresh breath of air, and he quietly turned the table around, and when the game was renewed he sat with the advantage which his opponent had enjoyed a moment before.

Mr. WHYTE. Precisely. We want to try, therefore, whether the republicans will not retreat from their position on these laws precisely as they retreated from their position on that law.

Mr. BLAINE. You will not find them retreating an inch; that is all.

Mr. WHYTE. And there is another example set by the illustrious Henry Winter Davis later, when he, with a band in the House of Representatives following him, put upon the Army bill the clause

that no man should be tried by a military court, and tried to force the Senate—republican then—to come to their conclusion, and Congress adjourned without being able to pass the Army bill.

Mr. BLAINE. Then, all the Senator calls by way of precedent is abortive attempts. It was tried in 1856, and disastrously failed; it was tried in 1865, and again failed; and now, the honorable Senator thinks out of two failures he can make one success.

Mr. WHYTE. I have made no such proposition. I have only ridiculed what the republican party did; that is all. I have only held you up to show that this is a hypocritical denunciation of the act of the House of Representatives.

Mr. BLAINE. Do I understand that the honorable Senator, differing from his political associates, is opposed to doing this thing?

Mr. WHYTE. I was opposed to doing it, I do not deny.

Mr. BLAINE. Are you now opposed? Do not use the imperfect tense. You say you were opposed.

Mr. WHYTE. I am now opposed to it.

Mr. BLAINE. I am glad we have got one recruit. The majority will be one greater by the Senator's statement.

Mr. WHYTE. I am opposed to it because I think we can accomplish our purpose without doing this, in due time.

Mr. BLAINE. I congratulate the honorable Senator. I hope we shall have recruits from that side of the Chamber.

Mr. WHYTE. But my friend cannot beg the question. I only wanted to call the attention of the Senate and of the country to the fact that this virtue is assumed and is not real; that the party that now shakes its hands in holy horror has set the example on two occasions, and it does not lie in their mouths to condemn the House of Representatives for its course.

Mr. SARGENT, (at four o'clock and five minutes a. m.) I wish to ask the Senate that we may have a few moments' executive session, and then we can return to legislative business. ["No," "no."]

Mr. BLAINE. Let us vote on this question.

Mr. SARGENT. No, it will run until morning; and there is no objection to its running after we have a short executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from California that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. SARGENT. I should like to make a remark. I have stayed here all night hoping we might get an executive session to act on a few nominations that have come in since dinner. I do not feel able to stay longer, and therefore will let the nominations go if I cannot have five minutes' executive session.

Mr. BLAINE. I think the Senator ought to be gratified.

Mr. CONKLING. So I think.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The galleries will be cleared, and the Senate will proceed to the consideration of executive business.

Mr. HILL. While the galleries are being closed, I move that the Senate proceed to the consideration of the bill (H. R. No. 5333) for the removal of the political disabilities of John McIntosh Kell, of Georgia. There is no objection to it. It was reported by the Judiciary Committee of the Senate.

Mr. HOAR. I think, after failing to supply the Surgeon-General's office with means, and having pensions stopped, we should not spend time in removing disabilities. I object.

Mr. HILL. I ask the Senator from Massachusetts to withdraw his objection.

The PRESIDING OFFICER. Does the Senator from Massachusetts insist on his objection?

Mr. HOAR. I object.

The PRESIDING OFFICER. Objection is made.

Several Senators addressed the Chair.

Mr. KERNAN. I ask simply to get some papers back from the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. KERNAN, it was

Ordered, That John Hunter have leave to withdraw his petition and papers now before the Committee on Claims.

SAMUEL B. STAUBER.

Mr. BAYARD. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. No. 1326) for the relief of Samuel B. Stauber and others; and I would state a single fact. Stauber and others are the constituents of the honorable Senator from North Carolina [Mr. MERRIMON] whose term expires a few hours hence. The claim has received the approval of the House and of the Senate Committee on Finance unanimously. It is a small matter of relief, which will be grateful to our friend who is about to leave us, and I hope there will be no objection to the consideration of the bill.

Mr. DAVIS, of West Virginia. Let it be read for information.

The bill was read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance, with amendments.

The first amendment was, in line 5, before the word "each," to

strike out "to," and after the word "each," to strike out the words "of them;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, required to refund and repay to Samuel B. Stauber, J. J. Petroe, and Adaline M. Shouse, widow of William Shouse, each the sum of \$262.50, which sum each of said parties has been required to pay, and has paid, into the Treasury of the United States, as special tax upon brandy, although they were released and discharged from the payment thereof by chapter 48 of the private acts of the Forty-fourth Congress.

The amendment was agreed to.

The next amendment was, at the end of the bill, to insert the following proviso:

Provided, That any taxes duly assessed outstanding and unpaid by the said parties respectively, shall be first deducted from the amount hereinbefore authorized to be repaid respectively to the said parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STEAMBOAT GENEVA.

Mr. CONKLING. There is on the table and on the Calendar a bill from the House, order of business 986, which I think will take but a moment, and I imagine nobody will object to it.

The PRESIDING OFFICER. Is there objection?

Mr. DAVIS, of West Virginia. I reserve all points of order. I want to hear in advance anything that comes from the House here to-day.

Mr. CONKLING. Oh no, this bill came weeks ago and is reported by the Committee on Commerce. Just hear it read for information. If anybody objects I will not press it.

The Secretary read the bill.

Mr. DAVIS, of West Virginia. Is that reported from a committee?

Mr. CONKLING. From the Committee on Commerce long ago.

Mr. DAVIS, of West Virginia. I have no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1475) granting American registry to the Canadian steam ferry-boat Geneva.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLDIERS' REUNION, CAMBRIDGE, OHIO.

Mr. EDMUNDS. I call for the regular order.

Mr. MATTHEWS. Mr. President—

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order, which is that the Senate proceed to the consideration of executive business.

Mr. MATTHEWS. I think upon a statement the Senator will not object. There was a House resolution passed authorizing the Secretary of War to send artillery and camp equipage to a soldiers' reunion at Cambridge, Ohio, which takes place this year.

Mr. EDMUNDS. I shall not object to that. I withdraw the objection for that purpose. After that is disposed of I shall object to everything but the regular order.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 207) authorizing the Secretary of War to send artillery and camp equipage to the soldiers' reunion at Cambridge, Ohio.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS DWIGHT.

Mr. DAWES. The Senator from Vermont withdraws his objection to my asking a favor of the Senate for a poor pensioner who is eighty years of age. The bill has come from the House, and I ask that it be passed.

Mr. WHYTE. Just let me correct a mistake of the Paymaster-General.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. EDMUNDS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. I insist that every Senator shall come to the front here, so that we can all have fair play.

The PRESIDING OFFICER. The point of order is well taken. Senators will resume their seats.

Mr. WHYTE. I ask the Senate to allow me to put on its passage the bill (H. R. No. 4565) for the relief of Lieutenant George M. Welles, of the Marine Corps. It is just to correct a mistake in the pay of Lieutenant Welles, of the Marine Corps, at the request of the Secretary of the Navy. It is a matter of \$200 only.

Mr. EDMUNDS. Is that a pension case?

Mr. WHYTE. No, sir; it is merely the correction of a mistake in the pay made by the Paymaster-General.

Mr. EDMUNDS. I do not want to pay that \$200 until the pension bills are disposed of. If any one has any further pension bills I will not object, but I object to everything else until they are disposed of.

Mr. DAWES. Mr. President—

Mr. McDONALD. I ask for the regular order. ["No!" "No!"]

Mr. DAWES. I ask the Senator from Indiana to allow this pension bill to go through.

The PRESIDING OFFICER. Does the Senator from Indiana withdraw his objection?

Mr. McDONALD. I withdraw it.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. DAWES. I ask the Senate to consider the bill (H. R. No. 6250) granting a pension to Morris Dwight.

Mr. DAVIS, of West Virginia. I rise to inquire if this bill came from the House to-day?

Mr. DAWES. It is a House bill. It came from the House and was referred to the Committee on Pensions, and was reported back from that committee a week ago.

Mr. INGALLS. There are upon the Calendar since its last consideration about half a dozen private pension bills reported by the Committee on Pensions. I should like very much, indeed, to have them acted upon. They are all meritorious and just. It will take, perhaps, five minutes to pass them.

Mr. WITHERS. I call for the regular order. We agreed to go into executive session for the benefit of the Senator from California.

Mr. DAWES. I appeal to the Senator to withhold his demand a moment.

Mr. WITHERS. I have no objection in the world to passing the bill, but there are a dozen pension bills, and each one can come up in succession.

Mr. DAWES. I had the floor and yielded it to two Senators who sought it.

Mr. WITHERS. I have some pension bills in charge that I am very anxious to get through myself.

Mr. DAWES. It is poor encouragement for a man to yield. I yielded the floor on two occasions when I had this bill before the Senate.

Mr. PADDOCK. Under the circumstances it is due to the Senator from Massachusetts that we should consider the bill he has moved.

The PRESIDING OFFICER. Does the Senator from Virginia withdraw his objection in order to allow the bill to be read? The Senator from Virginia does not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6250) granting a pension to Morris Dwight. It directs the Secretary of the Interior to place on the pension-roll the name of Morris Dwight, as dependent father of the late Colonel A. W. Dwight, of the One hundred and twenty-second Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SARGENT. Now, Mr. President, I ask that the executive messages be laid before the Senate.

Mr. INGALLS. I ask the consent of the Senate to pass these few remaining pension bills here. They are all House bills, and unless they are acted upon now they will not receive the signature of the President.

Mr. McDONALD. I insist on the regular order.

The Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. EDMUNDS. I ask for the regular order.

The PRESIDING OFFICER. The regular order is before the Senate. The question is on the motion of the Senator from Ohio, [Mr. THURMAN,] that the Senate recede from its disagreement to a certain amendment of the House to the legislative, executive, and judicial appropriation bill.

Mr. McMILLAN. I have been waiting all night to ask the Senate to proceed to the consideration of a bill which has been on the Calendar for a long time, and which is very short. There is a very brief report explaining it.

Mr. CONKLING. The Senator from Vermont has demanded the regular order.

Mr. EDMUNDS. Yes, I have demanded the regular order.

Mr. McMILLAN. Will the Senator from Vermont yield to me for a moment?

The PRESIDING OFFICER. The Senator from Minnesota appeals to the Senator from Vermont to yield for a purpose.

Mr. EDMUNDS. What is the purpose? I call for the regular order against everything except pension bills.

Mr. CONKLING. I have a pension bill that I hope the Senate will take up.

Mr. McMILLAN. The Senator from Maine [Mr. BLAINE] has yielded to me. He has the floor.

Mr. EDMUNDS. That cannot help the Senator any.

The PRESIDING OFFICER. The Senator from Vermont demands the regular order.

Mr. CONKLING. Except as to pension bills.

Mr. MORGAN. I demand the regular order against pension bills too.

Mr. CONKLING. To see whether any Senator insists on the regular order, I desire to call up, as I am asked to move to take up, a bill granting a pension to Calvin E. Pratt.

Mr. BLAINE. I only desire to hold the floor against other Senators on the regular order.

Mr. SAULSBURY. Can the Senator from Maine make a conditional waiver like that?

Mr. BLAINE. I am on the floor in pursuance of the regular order. If the Senator insists on it I shall conclude the five minutes I have to occupy, and possibly I shall not occupy so much time as that.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] demands the regular order, on which the Senator from Maine has the floor.

Mr. BLAINE. Mr. President, the honorable Senator from Maryland [Mr. WHYTE] referred to the precedent of 1856. I beg to call his attention and the attention of the Senator from Ohio [Mr. THURMAN] to the fact that there was something of appropriateness in the bill to which that condition was attached. That was an appropriation for the support of the Army. It was a bill for the support of the Army, and the republican House sought to attach to it a condition that the Army should not be used in a certain way. There is no appropriateness whatever in the course taken on this bill, and no parallel between the two. This is, to use the language of the Senator from Ohio, an attempt to redress a grievance and to redress a grievance by withholding supplies. What from? For payment of expenses "for printing pension checks." If you do not yield on this the pensioners shall not have any checks. "For the keepers of light-houses." If you do not yield on this the lights must go out all along the coast. "For the support of the Soldiers' Home." If you do not yield on this we will redress grievances by starving the old veterans! "For the insane asylum;" and then, still more touchingly if you choose, here is an item: "To enable the Clerk of the House to pay the widow of Alpheus S. Williams \$1,007." If the Senate will not yield to this political demand of the House, let the widow of Alpheus S. Williams starve; we are going to redress grievances! "To pay the widow of Gustave Schleicher \$738." She must starve. "To pay Bessie Dandridge Douglas, Evelyn Spotswood Douglas, and Mary Ellen Douglas, children of Beverly B. Douglas;" "to pay the widow of Julian Hartridge," whose memory and whose virtues were commemorated in this Hall even this day; "to pay the widow of Terence J. Quinn," and so on. This bill is full of charities, of beneficences, of kindnesses, which the Federal Government extends in various directions to wounded and disabled soldiers, to the commerce of the country in holding out beacons and lights, to the widows of those who have died in the public service, and the honorable Senator from Ohio says that under the great principle of wringing from a reluctant Executive or from a reluctant Senate a concession on a political point we are justified in holding all these at arms' length and not giving one dollar out for any of them until the Senate shall yield upon a purely political issue. That is all I have to say.

Mr. WHYTE. Mr. President, my friend the Senator from Maine is wrong in his facts. His distinguished friend, Mr. Henry Winter Davis, did not tack on the military court amendment to the Army bill at all.

Mr. BLAINE. I spoke of what occurred in 1856, the case the Senator first quoted. That was the Army bill.

Mr. WHYTE. In 1865 is the one I had reference to.

Mr. BLAINE. But the Senator said the one of 1856.

Mr. WHYTE. It was in 1856 on the Army bill in regard to the use of the Army in Kansas. That was the occasion. In 1856 it was on the Army bill that the House put a proviso that the Army should not be used to keep the peace in Kansas. That is what the republicans put on the Army bill of 1856.

Mr. BLAINE. In that language?

Mr. WHYTE. Oh, not in that language.

Mr. BLAINE. The Senator means that they put on the Army bill a proviso that it should not be used to aid the border ruffians who were trying to put slavery by mob-law and force in the Territory.

Mr. WHYTE. Was it in that language?

Mr. BLAINE. Pretty nearly.

Mr. WHYTE. It was quite as nearly in the language I put. But it was in 1865 that Henry Winter Davis put on the miscellaneous appropriation bill, and not on the Army bill at all, a provision that no man should be tried by a military court in any State or Territory where there was a United States court in session. There was a bill the failure of which kept many poor people from receiving their money. It was not half as appropriate as this provision on this legislative bill, and I have no doubt that I can show in the miscellaneous bill afterward passed quite as many meritorious claims as the Senator from Maine has referred to in this legislative bill that has been stopped in the House of Representatives.

Mr. BLAINE. The honorable Senator does not probably remember all the facts. The House of Representatives in the case that he recurs to, of Winter Davis, did not try to coerce the Senate. They did first put on that provision. The House of Representatives, in the orderly course of legislation, (I was then a member of the House,) put on that provision. It came to the Senate and the Senate refused to concur. It went back to the House the last day, or the last day but one, and got in that position where unanimous consent was needed to have it go out, and then it was that Mr. Davis, by his will if not his willingness, stood against the House, if I recollect aright. The House desired to recede. If I am wrong in my recollection the Senator can correct me. The cases are not parallel.

Mr. KERNAN. I think the Senator is inaccurate about that.

Mr. WHYTE. He is inaccurate. *

Mr. BLAINE. No; I am correct.

Mr. WHYTE. When my friend wants to put his party in a good, proper position, and derogate from another party's proper position, I know his memory is not so good. The provision was stricken out by the Senate. The bill went back with the proposition of Mr. Davis stricken out. The House insisted upon it, and granted a conference on the subject, and held to it until the adjournment.

Mr. BLAINE. By what vote? Has the Senator got it there?

Mr. DAWES. Was the bill lost?

Mr. BLAINE. The bill was lost beyond a doubt.

Mr. WHYTE. No; I have not the vote. The vote is not given here, but the House agreed to every amendment made by the Senate except this one, and insisted on it, and held its ground upon that until Congress adjourned.

Mr. BLAINE. The Senator will remember this, that the Thirty-eighth Congress, in which that was done, was a very close Congress, the republicans having only about seventeen majority in the House.

Mr. SAULSBURY. So is this a very close Congress. [Laughter.]

Mr. BLAINE. It is; but the closeness is a little on our side. We hold here still.

Mr. WHYTE. The amendment known as Mr. Davis's amendment was carried by a vote of 80 to 64.

Mr. BLAINE. That is just about what I said. What does the honorable Senator make out of the precedent?

Mr. WHYTE. He makes out of it that you have no right to get up here and rail against the House of Representatives for following a bad example which your party set. That is all I said.

Mr. EDMUNDS. Then it is a bad example?

Mr. GARLAND. Mr. President—

Mr. CONKLING. Will the Senator before he proceeds allow me to make a suggestion to him? The Senator announced that he would not forget to deal with the fact that the House for more than two months has had before it a bill to repeal the section to which he is about to allude as a gross section touching juries. When the Senator comes to do that, I beg of him to remember a fact which I will bring to his notice. It is this: the Constitution requires that to pass a bill relieving political disabilities a two-third vote is necessary. In the House such bills are reported as they are in the Senate, by the Judiciary Committee. The Journal of the Senate will show that from day to day, more recent than that day on which this bill in question went to the House, bills removing political disabilities have been reported, have been acted upon by the House, have received a two-third vote in the House, and their passage has been announced here. I suggest, then, that a part of the task of the Senator from Arkansas will be to show us that, although they could not report and pass a bill which required only a majority, and to which it was announced in the House that there would be objection, they could report bills which required a two-third vote, and could carry those bills through all the stages of legislation not one of them, or two of them, but several of them on succeeding days.

Mr. GARLAND. Mr. President, beginning where the Senator from New York left off, I will ask him what was his position when this question was called up just before we took a recess in December last, as to the repeal of sections 820 and 821?

Mr. CONKLING. My position was, if I remember aright, and I think I do, that largely on the ground that section 820 had been repealed and by error had found its way again into the Revised Statutes, I made no objection to the repeal of that section, and particularly none to its repeal after the Committee on the Judiciary had had an opportunity of looking at it and verifying the fact that it had been previously repealed. As to section 821, lodging a discretion, and only that, with the court, I resisted its repeal. Have I answered the question the Senator intended to ask?

Mr. GARLAND. Yes, so far so good. Now, I will put another question. The Senator is a member of the Committee on the Judiciary. I want to ask him how long the Committee on the Judiciary had this question before it, as to the repeal of this statute, before it was wrenched from the hands of the committee by the action of the Senate?

Mr. CONKLING. The Senator fixes a date which I do not know, and therefore I cannot answer his question. I am not aware that it was ever wrenched from the hands of the committee. My recollection is that after the attention of the committee was called to the fact that such a bill was before it, a week possibly, I think not so long, elapsed before the Committee on the Judiciary considered the question so far as the committee ever did consider it.

Mr. HOAR. Will the Senator from New York allow me?

Mr. CONKLING. One moment, if the Senator will pardon me. The Committee on the Judiciary considered it so far as it ever did consider it, ascertaining that in place of the particular bill to which the Senator refers being before the Committee on the Judiciary, it was before another committee, to wit, the Committee on the Revision of the Laws, and that committee, as I understand it, did act and act promptly. I am not a member of it, but that was my understanding at the time, and the Senate afterward passed the bill. If the honorable Senator from Arkansas would ask me a question about some other matters that were before the Committee on the Judiciary, and I were at liberty to tell him what became of them, and why it is that section 800 so stands that the Senator from Ohio can rise to thunder

against that, I should be very glad to tell him and I should be at liberty to tell him that it is because of no default of mine that section 800 has not been made to conform to that admirable system under which they draw juries in Ohio; and I am reminded that I might say it is not the default of any other republican member of the Committee on the Judiciary. And, Mr. President, by the courtesy of my friend I will occupy, if he will allow me, one moment longer.

I listened to the honorable Senator from Ohio when he pronounced a eulogy upon the way in which they draw juries in the State of Ohio. I have heard from that Senator many encomiums upon the jurisprudence and the legal methods of Ohio. I heard from him to-night, however, one thing which surprised me. He said, if I understood him, that it was regarded as an honor in Ohio to serve on juries, that they struggled for the office of jurymen in that State. Mr. President, I knew before that Ohio had become the "happy hunting-ground" for presidential candidates. I knew that, as far as we have gone in that direction, general satisfaction and pleasure has been derived from resorting to Ohio. I had every reason to believe that in the future Ohio would continue the favorite field of selecting presidential candidates. I knew also that a multitude, which no man can number, of able-bodied men from Ohio had consented to serve the public in all manner of capacities, high and low. But I was not prepared to hear that such in Ohio is the heat for office, so true is it that hunting place has become the great industry of that State [laughter] that men compete with each other and struggle for an opportunity to sit upon a jury. [Laughter.]

And, Mr. President, I confess that having heard this reason assigned for the remarkable character of juries in that State, nothing but a sentiment of despair is inspired by the suggestion that we do something to obtain in other States jurors equal to the jurors in Ohio. We cannot do it in New York, Mr. President, because the people of that State not being generally office-hunters and place-seekers, they do not strive to break into the jury-box and sit there for the purpose of enjoying the honors and emoluments of that distinguished position.

Mr. GARLAND. Mr. President, upon the question between New York and Ohio as to the honors of the jury-box, I have nothing to say. I have something to say I hope of more importance and consequence than that. It is with mingled feelings of regret and pleasure that at this hour of the night or of the morning, as the case may be, I now trespass upon the already overtaxed patience of the Senate; of regret, because I cannot say what the subject deserves; of pleasure, that I may, to some extent, bring to light some things of great importance that may have been forgotten.

This question goes above and beyond either New York or Ohio, or the right to go into the jury-box on the part of any citizen of any State; and by way of presenting to the Senate my views I will commence by my question propounded to the Senator from New York. What has the committee charged by the republicans of the Senate with this question that is submitted here done for over nine months, much beyond the ordinary period of gestation that is allowed to bring forth and produce the human species? The Senator from New York will not be permitted to escape by talking about what the House of Representatives did when this question was before them; and, Mr. President, whatever may be your convictions on this matter, [Mr. FERRY in the chair,] you will recollect the struggle we made here just before we took the recess in December last to get this question directly and squarely before the Senate and before Congress.

I care nothing about this matter in a party view. I will not and never expect to practice in the Senate upon the *lex talionis* as between parties; but no party can charge upon me my shortcomings unless I tell them that they must take the beam from their own eye.

Now, the Senator from New York speaks about the great question lying at the bottom of this in an appropriation bill, in a bill to furnish and supply money to carry on the Government. I can defy that Senator now—and when I say that I do not mean it in a disrespectful sense—to tell me where in the statutes of the United States the provision is for colored witnesses to appear in the courts of the United States and for persons interested in a suit to appear and testify in cases in which they are interested.

Mr. CONKLING. Does the Senator want an answer?

Mr. GARLAND. I do.

Mr. CONKLING. He wants to refer me to the statute which authorizes parties to testify.

Mr. GARLAND. Where is that statute?

Mr. CONKLING. It is in the book with the other statutes. There are two on the subject.

Mr. GARLAND. I want to know where the original law is, and I ask the Senator from New York because he is a lawyer, besides being a politician and a statesman. I ask him where that original statute is.

Mr. CONKLING. Does the Senator want me to admit that originally the provision to which he refers appeared in an appropriation bill?

Mr. GARLAND. I do not want the Senator to admit anything except what he knows.

Mr. CONKLING. I only want to understand the point of the Senator's question. He asks me where the statute is. It is in the book containing the other statutes except that there is one act passed since the statutes were revised.

Mr. GARLAND. That answer is like the answer given by the man who was playing the fiddle on Sunday, and was told by the preacher that it was wrong. He was asked if he did not know it was sinful. "Now," said he "show me where in the Bible it is said I must not play the fiddle on Sunday, and I will quit," and he went on playing. [Laughter.]

The Senator from New York refers me to that large list of statutes, nineteen or twenty volumes. That is not an answer to the question I propounded. In the thirteenth volume of the Statutes at Large there is a provision right in the middle of an appropriation bill allowing colored persons to testify in courts of justice, and parties interested in the suit to testify also. No democratic House sat here then; no democratic Senate sat here then; and the man who was then President of the United States who had once been a democrat was being hunted down by the Senator from New York, if not at that time soon after, and by his political friends to the very earth because he had once been a democrat, but then no longer was. There was a great principle involved in this act. If this breach of legislation, if this breach of parliamentary law has been accomplished, let me ask the Senator from New York who has committed it?

It is true that two black hares do not make a white one, and two errors do not make a right; but when we hear our suffering people clamoring for their rights, who must be entitled to them or else we live now under false pretenses before God and before man, we must resort to this remedy that the Senator from New York, I will not say individually, but his political friends, fastened upon us in this way, and that is all there is in the question. I will not go with the Senator from Ohio into the discussion of the distinction between this Government and that of England as to the money power; but we have a written Constitution, and that is enough. The House of Representatives being under the Constitution the money power of this Government to originate all money bills, they would be derelict, and not only derelict but they would deserve to be hung as high as Haman, if they appropriated money for anything else than for the liberties and rights of the people over whom they legislate.

What, do you talk about \$5, \$10, \$15, \$2,500 for cleaning out a stream in one of these poor countries up here that you can stand in the center of and jump from bank to bank; and yet the liberties of your people are not only throttled but they are taken from them, through the juries, through the witnesses, and through the courts of the country. What is your money appropriated for? Is it to run a steamboat from Cincinnati to Louisville or back and forward? No; it is for the liberties of the country. The Senator from New York speaks of revolutionary measures. Why, according to that doctrine similar things must cure similar things, *similia similibus curantur*; we take a revolutionary measure here if that pleases him better than the measure we now propose.

But now come to the history of the matter, Mr. President. Do you not know and does not the Senator from New York know, that this section 820 has no more business in the statutes, not one particle more, than the thirty-sixth chapter of Leviticus has? It was repealed, repealed solemnly under all the sanctions of the law, and in the revision, I will not say by what method, it found itself back in the statutes; and we are indebted to-day to the ingenuity of Judge Woods in the Hammond case, in the second of Woods' Reports, for that statute being enforced as a part of the law of the country. In the State that I pretend in part to represent on this floor our judge had passed it by. He had stated that there was no such statute existing, and we all thought that the miserable recollections of the past were to go by; but Judge Woods finds in the Hammond case that it is a living statute, and he applies it.

Section 821 is but a result, is but a legal sequence of 820; and now at this late day the Senator from New York talks about the House of Representatives not doing thus and so when that statute has been here repealed by a bill from that House which was before the Senate months upon months, and if I recollect at the time it came up he was not very anxious to have this statute repealed *eo nomine* before we adjourned or took our recess at Christmas. Now we are brought back to that same question.

Let us look a little at the provisions of the statute on its face:

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror or venireman or talesman, in said court, the following oath or affirmation, namely:

We have been told repeatedly that it was one of the prides of the republican party that enacted this statute that every man was equal before the law, that every man had the same rights, that a man who was summoned as a juror in Massachusetts stood just as one summoned as a juror in Arkansas; but here it is left to the discretion of the prosecuting attorney or the judge to administer that oath as he sees proper, as in his discretion he may think it necessary. We have, thank God, and Abraham Lincoln and Andrew Johnson combined, a judge in the State of Arkansas who does not administer it; but if you cross the water into Mississippi and another judge should seek to administer it then the question is very different. And is the Senate of the United States at this day and at this time going to sit here and see this discretion left to judges that they may or may not, according as they think proper, administer that oath? It is too much power, and if the republican party is in earnest, if it is sincere in saying it wants the rights of all people equally guaranteed under

this Constitution and this Government, they must step back and get rid of this statute. It will not do to say that Judge A in Mississippi may administer this oath and Judge B in Arkansas may not administer it as he sees proper. I believe it was Burke who said that the great object and aim of all the safeguards for liberty under the English government was to get twelve men in the jury-box. And when we speak, Mr. President, of jurors and getting them into the box to try the rights of the people, we come to the very mud-sills, to the very foundations of this Government, and I tell the Senator from New York—I do not know where he is, he is not now in his place—that it is not worth while for him to talk about the House of Representatives doing this or doing that, or doing the other thing; here is this statute glaring, blazing, and covered all over with infamy, and whether in an appropriation bill or in an original bill the country demands that it be repealed.

Mr. President, I would say much more, but at this late hour—or early hour as it may be—I will not trespass longer upon the patience of the Senate. I only rose to place my emphatic denunciation of this whole system upon the records of this body before we adjourn.

Mr. BLAINE. I want just one minute to say that I sent for the Globe, and I can tell the honorable Senator from Maryland that I find my memory was accurate. The history of the Winter Davis amendment was that the House adopted it by a vote of 73 to 71, a majority of two; it went to the Senate. A conference committee was appointed. They could not agree. When it came back a motion was made to recede, and on that filibustering began, and they filibustered the session out, going on with filibustering motions. The only vote from which I can get at a test was the motion of Mr. Mallory, of Kentucky, that the subject do lie on the table. On that there were 23 yeas to 118 nays, showing that the House was ready to recede; but, just as I stated, Mr. Davis had got the House in a position where a majority could not act, and then followed sundry and divers filibustering motions. That was the history of the Winter Davis amendment, and that amendment was put on by an overwhelming majority of democratic votes. In the 73 to 71 the parties were not accurately divided, but the 73 were made up largely of democrats, the 71 almost unanimously of republicans. So that in the second case my friend cites I am afraid the facts do not bear him out.

Mr. MATTHEWS. Mr. President, the hour is so late, the session has been so long prolonged, the air of the Chamber is so hot and stifling, and the bodies and the minds of Senators are so weary, that it seems almost like a trespass for me to prolong this discussion. And yet, sir, the circumstances of the debate are such that I feel that I ought not to permit the opportunity to pass by without at least uttering my solemn protest against the doctrines which, I believe for the first time in the political history of this country, find a eulogist upon this floor, and against practices which, however they may plead in their own behalf the precedents of other times and of other parties, are so vicious, are so hostile to the very possibility of good government, are so utterly opposed to the practices of the better days of the Republic, and so violently at war with the fundamental principles of constitutional liberty as understood in this country, that I should feel myself without excuse if I permitted them to pass unnoticed.

My honorable and honored colleague [Mr. THURMAN] has taken pains, at considerable length and with much show of elaboration, to trace what he would argue to be the identity in spirit and in principle between the English constitution and the Constitution of the United States in respect to a parallel which he draws between the prerogatives of the Commons in Parliament and the privileges of the House of Representatives here. In England there is no written constitution. The constitution of that government is unwritten. It resides in its history, which is the history of a steady, gradual, and enlightened progress in the knowledge and practice of free principles. It started out upon the theory and the practice of that absolutism of monarchy which resides essentially in the purity of the feudal system. The king was not only the source of the honors and the offices of the kingdom, but from his person flowed all private rights and the administration of law between private persons. And with some exception growing out of the peculiarities of the history of the races in England that formed the composite population of that country, the tenure of the body of the land was based on the principle of its primary ownership by the individual person who wore the crown; and every landholder, be he baron or vassal, held his title by virtue of the service which he owed to the king, either in war or in peace. The king, therefore, as he needed funds and revenues from time to time to maintain his state, to uphold his power, and to increase his dignity, was only taking from those who constituted the people, both nobility and commons, that which upon the theory of the constitution was his own, when he required from them grants from time to time, in addition to those incomes which came from the tenure of land in the shape of aids and taxes. But as the spirit of liberty awoke first in the barons who, and not the commons, extorted from King John the great charter of liberty, and at last found its way to the commons themselves, the secret of the power of the representative principle in that country was learned, was discovered, and put in practice. And so from time to time the grant of aid, which was necessary for the monarchy, was accompanied by express conditions which either limited the use to which the revenue was to be appropriated, or extorted from the king concessions deemed essential to public and to private rights.

Mr. President, when the founders of our Government and the framers of our system came to lay the foundations of our institutions, they had before them the whole history of English liberty; and they recorded their interpretation of it in a written document, which established the form and the frame and the features of that entire system of government which in all its parts should represent the will of the people in all the forms deemed essential for the protection and preservation of their liberty. Learning from the example of ancient as well as modern times, of the political philosophers of Greece and of Rome as well as from the writers of English history and of English law, they established as a fundamental proposition on which alone constitutional government could safely rest a division of power among those who were to represent as agents the people from whom the power flowed. And accordingly they ordained a government with three co-ordinate powers and branches, the legislative, the judicial, and the executive, and as far as it was possible to maintain their separation and entire and absolute independence of the other consistently with a harmonious co-operation in the work of government, they decreed that the legislative should not trench upon either of the other branches, that the judiciary should expound and not make laws, and that the executive should execute the laws made by the Legislature and declared by the judges.

But the peculiarities of our situation rendered it necessary to go still further in this development and differentiation of the powers of government; for we were not only one people in lineage, in blood, in history, in a community of sentiment and a general love of liberty, but we were one people divided originally into colonies, and the colonies became States, and the people had learned the value and the safety of local government for local interests, and the problem was to harmonize them in a system which should delegate power from people and States to a government which should represent the nation. And accordingly when the deposit of the national legislative power came to be made in the Constitution, the popular principle, the principle of the numerical majority, the principle of democratic absolutism was represented in the more numerous branch in the election directly of Representatives by the people in their districts; but to check the rampant spirit of an absolute majority and to preserve the landmarks of local liberty, the States were brought by an equal representation perpetually into this Chamber by that single provision of the Constitution which of all the provisions is alone unamendable.

Now, sir, having been taught these many years the doctrine of State rights and the value of that doctrine and the preciousness of it as a heritage for ourselves and our posterity to the latest generation, we are to be told to-night by the avatar and coming apostle of modern democracy that the power legitimately deposited in the Constitution to overthrow the whole of that safeguard is lodged in the numerical majority of the whole people represented in the House of Representatives; that this Senate, instead of representing the dignity and the power and the value of local government, is the House of Lords, to be deposed from the pedestal of independent power; and that the elected Executive, who returns to the people from whence he came every four years, is the king to be disrowned by the representatives of popular rights in the House of Representatives; that we have no independent power; that we have no separate rights; that we are sitting here this morning outraging the sense of public justice by standing in the way of a legitimate redress of grievances, the redress of which is conferred by the Constitution upon the Representatives of the people. What has become of the ancient and the true doctrine of State rights? What has become of the dignity and the power of local government represented in this body as a check and a restraint upon the hasty, ill-advised, and frenzied rage that by the very supposition of the Constitution it was supposed might in times of great party and public excitement infect the lower House? What has become of that specific conservative feature which we were wont to boast as the guard of the rational and sober liberties of this country as against the democratic absolutism of the maddened populations of continental Europe, where one executive and one chamber was the ideal of that perfect system of giving full play and free scope and unlimited license to the passions and the prejudices of a frenzied populace?

I bid you, Senators on the other side of this Chamber who were wont to preach this ancient and true doctrine, beware of following the evil precedents cited to you to-night by one of your number. Set a better example; restore the model of our former sober, orderly, and law-loving people. The Senate has no right to veto a bill, has no right to participate in legislation, (for that is what it amounts to,) for we are told set the seal of your formal approval at least to these passages and resolutions and clauses of general legislation under penalty of wrecking the fabric of government. They do not consult with us as equals entitled to a voice to be heard, to stand with them, if need be, upon our will, but to be dictated to as inferiors and subjects by virtue of the terms of the Constitution which makes them the ultimate deposit of that power from which there can be no constitutional appeal.

Mr. President, it is a breach of the privileges of this House, it is a violation of the dignity of this Chamber, it is a specific insult to every representative of the States who sits here by a commission from their governors. We, forsooth, are to be compelled to inscribe our names upon the roll of our shame. We are to be told that laws that we be-

lieve to be just and right and essential to the safety and liberties of the people we shall erase, blot out from the statute-book, under the penalty of seeing all the operations of the Government stop for want of necessary supplies.

I protest against the doctrine; I repudiate it. It is not the doctrine of the constitutional law of this Republic. It has no place in our political history. There is no warrant for it in any of our institutions. It is an exact contradiction to the express letter of our fundamental law, and overthrows at a blow all the best traditions of public government in this country. We are the equal partners of the House of Representatives in the duty and the responsibility and the privilege of legislation. The privileges of this body have been intrenched upon by a long and inveterate practice, which has no foundation whatever in constitutional law by any rational interpretation, which has conceded to them the right to originate appropriation bills, as if they were revenue bills, whereas a revenue bill is a bill to levy a tax and not a bill to appropriate money out of the Treasury. But whether that be so or not, and not choosing to stand on an extreme interpretation of that right, but preferring to place myself directly in the middle and the center of an unassailable privilege, I say that it is a daring infraction of the constitutional right of this body and of the States and the people and of the rights under the Constitution which this body represents, to allow ourselves to be placed by the other branch of Congress in the attitude of those who are required to assent to that which we do not approve, and which we in fact abhor in order to prevent the overturn of this Government.

The Senator from New York [Mr. CONKLING] characterized the doctrine as revolutionary. In my humble judgment he did not characterize it too strongly. My honorable and honored colleague eulogized it as a constitutional, a safe, a sound doctrine of public law. The issue is made up. The lines are separate and distinct; the space between them is clear and broad and well defined. There is no mistaking it. And now let us see whither the logic of it leads us.

It is already announced by the Senator from Kentucky [Mr. BECK] that when yonder dial points the hour of twelve of March the 4th, the political constitution of this body changes and our power of responsibility ceases, and that obstacle will then be overcome, and then concurring majorities in the two Houses of Congress will control the Executive. But, Mr. President, the Executive under our Constitution is something more than the Executive. As said by the Senator from New York, he legitimately, separately, independently wields one-sixth of the whole legislative power. No bill can become a law except with his consent, unless his objection is overruled by majorities of two-thirds of both branches of Congress. There is the provision. Is its wisdom disputed? That was not the doctrine of the fathers of the democratic party, for when Andrew Jackson, in the face of hostile majorities in Congress, interpreting the Constitution for himself without choosing to follow the adverse decision of the supreme judicial tribunal, wielded not infrequently the thunderbolts of his veto, the reverberating noise of applause rolled and swelled in mighty tides from every quarter of the land. And no thoughtful student and conscientious observer of our political history, it seems to me, can wish that provision of our Federal Constitution to be other than it is; and being there, it is there for use, not wantonly, not so as to make it cheap and common by daily use and display, but as often and whenever the occasion requires; and I hope and pray that the madness of this hour will yet be stayed by the claim of that constitutional power from the occupant of the executive chair which shall astonish all but those who admire and follow the great Jackson. It will be a wholesome tonic to this people and cure them of the qualms and nausea and sickness of stomach, that have come from being surfeited and overloaded with this fetid and unwholesome diet.

I asked, Mr. President, where the logic of this doctrine would lead us. We are told, first, to an assault upon the Executive to extort from him; on what ground? On the ground that he loves the order and peace and perpetuity of our institutions better than the men who force him to that alternative, for that is it: "Do this which we demand and which we know you do not believe to be right, or you will see that which you love better than your conscience and your honor laid in the dust, ruined beyond recovery." That is the language to be addressed to the Executive as a part of the legislative power by those who hold the other shares of it; as if the partners in an enterprise of business who had contributed but a portion of the capital and were entitled only to a share in the direction should say to their other partner who by the terms of their articles was entitled to an equal voice with them all, "Vote with us, or we will make you wish you had!" That seems to be the theory of fair and free election in this day!

And, Mr. President, when the Executive is tired and wearied and disheartened and overcome by hopeless resistance, and succumbs and falls upon his knees to the absolutists of Congress, and says, "Here am I, do with me what you will; give me my salary and keep the Government in motion so that I may be able to maintain order and preserve peace, and I will be your humble servant to do your pleasure," will my honorable colleague set before himself as the great object and ideal of human ambition to the American statesman the occupation of such an office as that, shorn of its power, bereft of its dignity, trampled under foot, under hoof, the privilege only of peddling patronage and drawing quarterly salary?

But, sir, that is not all. Under the same power for the redress of

supposed grievances which, according to this doctrine—if it may be so called—is lodged ultimately in the House of Representatives, why cannot the House drag the whole judiciary at its feet? Are the gentlemen tired of listening? Are my words unpleasant to their ears? ["Go on!" "Go on!"] Do they avert themselves and seek in their own whisperings to drown the voice of reason and of truth? Grievances may be accomplished through the instruments of the judiciary. A portion of those which are made the subjects of complaint to-night is just the abuse of judicial power. The Constitution provides a remedy, the remedy of impeachment; the House of Representatives the accuser, this body the triers. But here is a shorter way; here is a nearer cut; and if the judges of the Supreme Court of the United States shall persistently affirm the constitutionality of law which the democratic party declare to be unconstitutional and void, what remains but to say "The House of Representatives with its democratic majority, under the terms of the Constitution, holds in its hands your pay and doles out to you your bread and butter; now, then, be obedient to your masters." It is the ass that knows his master's crib; and we shall have asses for judges.

The application of the doctrine is just as legitimate to the coercion of the judicial opinion of the Federal bench as it is to the coercion of the Senate or the enslavement of the Executive. And yet, Mr. President, what does English history teach us there? When did English liberty first become real and secure? First when the independence of the judge as against the power of appointment and removal was established as a part of that unwritten but imperishable constitution of England. The independence of the judiciary, important, essential, fundamental as it is, without which there is nothing, neither private nor public right, is not more sacred, is not more valuable, is not more essential to the progress of good government, than the equal independence of the Senate and the equal independence of the Executive. And therefore, Mr. President, in strong, earnest, emphatic, and continuous tone, I here now and shall ever and always lift up and cry out with the voice of my protest against a doctrine from which my soul revolts.

All this would lead us to be immovable to-day without respect to the character of the legislation which we are required to participate in repealing.

Mr. MORGAN. Will the Senator from Ohio allow me to ask a question? I do not quite comprehend the doctrine he deems so important. I ask him to state it.

Mr. MATTHEWS. Well, Mr. President, the hour is too late, the time is not propitious, and my strength is not sufficient to rehearse what I have said. If the Senator from Alabama has not understood me, it is because I am incapable of making myself understood.

Mr. MORGAN. I understood the Senator from Ohio in reference to everything he said except the doctrine from which his soul revolts. I desired to know what that doctrine was.

Mr. MATTHEWS. It is the doctrine on which the Senator is proceeding to-day.

Mr. MORGAN. I am not proceeding at all; I have said nothing about this bill.

Mr. MATTHEWS. Well, the gentleman proceeds sometimes, I suppose, without speaking, though perhaps I am in error about that.

Mr. MORGAN. I have neither spoken nor voted; therefore I desired respectfully to know what the doctrine was.

Mr. MATTHEWS. I mean no disrespect to the Senator from Alabama. I only mean to say that I have endeavored to express my conception of that theory and doctrine of constitutional right and privilege on the part of the House of Representatives which to-night has found a eulogist, I am sorry to say, in my honored colleague.

Mr. MORGAN. Well, Mr. President, if the Senator will allow me, I am a Senator, and I propose to protect all the rights of the Senate and of every Senator; and if the House of Representatives has inflicted on the Senate or any member of the Senate any doctrine from which the soul of the Senator from Ohio revolts, I should like to know what it is.

Mr. MATTHEWS. I am gratified, Mr. President, if I have made one convert; but I was about to say one or two words with respect to the specific legislation contained in this and the other bill.

I know nothing personally of the operations of those provisions of the statute referred to by the Senator from Arkansas [Mr. GARLAND] in respect to the oaths administered to jurors; but I do know something personally of that other obnoxious provision which has reference to the protection of the purity of elections by the power of Federal legislation. I understood that, during a moment of my absence from the Chamber, my colleague referred in tones and terms of complaint to the expense of administering the supervisors law in the city of Cincinnati. If upon a scrutiny of the account there shall appear to have been more money used than ought to have been, or money used illegally, let the items be cast out and the account purged; but if it shall appear that no more men were employed, at no greater expense, than was necessary to attain that approximation to a decent and fair election that was actually attained, then no price was too high to pay, provided we mean what we say when we say that a free and a fair election is that thing without which in this Government there is nothing valuable.

In 1876—and now I am about to relate some personal experiences—I was a candidate for the House of Representatives in the second district of Ohio. The appearances of a combination to corrupt that elec-

tion were suspicious, numerous, and strong, so much so that the suggestion was made that the Federal law should be put in force for our protection. I counseled against it, because I was unwilling to believe that an appreciable portion of the constituency I was ambitious to represent were capable of cheating at an election, and my counsels prevailed. My opponent was returned with a nominal majority of 75. The men that manufactured it have since confessed the crime to an extent that would multiply that majority by at least 4. One professional repeater, brought for that purpose from the city of Philadelphia, was caught and imprisoned for his appearance to be tried, and lodged in the custody of a democratic sheriff, who owed his election to the same performance. Charles Young was his name. He escaped from jail by the connivance of the sheriff, who was prosecuted for the offense and found guilty, and has since gone out of office a disgraced bankrupt and defaulter for moneys belonging to the office used, it is supposed, for the purpose of paying his election contributions.

Mr. MORGAN. Will the Senator from Ohio allow me to ask him whether colored voters were prohibited from voting for him or for the republican ticket in that election?

Mr. MATTHEWS. I do not understand the Senator.

Mr. MORGAN. I ask the Senator whether any colored voters by this process were prevented from voting for him or the republican ticket in that election; or whether it was a controversy between white people?

Mr. MATTHEWS. How white they were I do not know, nor how black. I do not think there was any distinction. Another one of this gang by the name of Jim White—

Mr. MORGAN. That was not Jim Black, I suppose.

Mr. MATTHEWS. No; it was Jim White, or to speak as respectfully of him as perhaps I ought, considering his relation to this question, I should call him Mr. James White.

Mr. MORGAN. I suppose the Senator might call him "truthful James" to be more correct. [Laughter.]

Mr. MATTHEWS. No; that is what the Senator from Alabama would call him.

Mr. James White was convicted upon testimony of being in this game and combination of repeaters, and punished, and in a contested election tried before the senate of Ohio the testimony of the leader of the conspiracy, Mr. Ephraim Holland, made patent all but the names of the conspicuous parties who paid him for his illegal service.

Mr. THURMAN. Will my colleague allow me to ask him a question?

Mr. MATTHEWS. Certainly.

Mr. THURMAN. Mr. Ephraim Holland was tried and convicted, was he not?

Mr. MATTHEWS. He confessed his guilt.

Mr. THURMAN. Was he not tried and convicted?

Mr. MATTHEWS. He was not, except upon a confession. He was indicted and confessed his guilt—pleaded guilty.

Mr. THURMAN. And was sentenced.

Mr. MATTHEWS. He was.

Mr. THURMAN. And was pardoned by President Hayes?

Mr. MATTHEWS. He was not.

Mr. THURMAN. Was he not?

Mr. MATTHEWS. He was not.

Mr. THURMAN. Then I am very much misinformed.

Mr. MATTHEWS. Well, I think you are. He served his entire time out in the Dayton jail, to which he was sent by the district judge, and the only interference on the part of the President was to suspend that portion of the sentence which required him to be incarcerated in the penitentiary.

Mr. THURMAN. Oh!

Mr. MATTHEWS. Oh, yes!

Mr. THURMAN. What does my colleague mean? Was he sentenced to be imprisoned a part of the time in a county jail and a part of the time in the penitentiary?

Mr. MATTHEWS. No, sir; he was sentenced to be imprisoned in the penitentiary.

Mr. THURMAN. Ah!

Mr. MATTHEWS. And at the request of his counsel and his friends he was sent to the Dayton jail instead, and all the President had to do with it, so far as I know, was simply to say that he need not be sent to the Ohio penitentiary at Columbus, but that the jail at Dayton was as safe a place, with as good company, perhaps, as could be found in Columbus.

Mr. THURMAN. There is one small difference in the laws of Ohio, that a sentence to the penitentiary disqualifies a man from being a voter or a witness, and a sentence to a county jail does not.

Mr. MATTHEWS. That may be the law of Ohio, but he was not convicted under the law of Ohio. I am eulogizing the Federal law on that account. [Laughter.]

Now, Mr. President, look on this picture, then on that! In 1878 the Federal law was put in force, and the gentlemen talk about partisanship and partiality. The circuit judge was summoned to the bench for the purpose of exercising his functions under that law, himself a citizen of Tennessee, and personally entirely unacquainted with but few of the citizens of Cincinnati. On arriving there he made arrangements in order that, in accordance with the letter and spirit of the law, the democratic party should out of its own selection have an

equal number of supervisors with the republicans, and thereupon the democratic party appeared in court by its attorney and in part in person, with the chairman of the executive committee, making a hurried visit from Columbus for the purpose of acting there as client or counsel, I know not which, and the question was deliberately raised, and asked with as much solemnity as could be assumed for the occasion, that the law was unconstitutional, that the express terms of the Constitution which lodges in Congress the very power to regulate the manner of the election of members of the House of Representatives was unconstitutional; but the circuit judge could not see it, and invited the organized representatives of the democratic party to nominate supervisors. But the democratic party, having found out by Judge Baxter's decision that the law was constitutional, then refused to have anything to do with it, and so they deliberately declined by an act of incivism to participate in the execution of a law intended solely and only for the purpose of protecting the ballot-box and preserving the purity of the election. And it was done; the ballot-box was protected; the purity of the election approximately was preserved; and the attempt, successful or unsuccessful in part to defeat the will of the people by stuffing boxes, by exchanging boxes, by forgeries of the returns, were detected and punished; and a democratic alderman of the city of Cincinnati suffered incarceration by reason of the verdict of a jury which, if not *de medietate lingue*, yet at least some of whom knew and spoke the shibboleth of democracy.

Mr. President, with that experience and personal knowledge of the efficiency and value of this legislation in the protection of a right which I hold to be as sacred and as dear as the right to life or liberty or property, because it underlies them all, I will stand here to-day till at least the brief period during which alone I shall longer be a member of this body before I shall ever consent to a vote or a step which shall wipe it from the statute-book. I should be recreant, according to my convictions of political and personal duty, to even the most sacred principle of free government as ordained and established, and I trust to be perpetuated in this country, if I should or could do otherwise.

Mr. President, these are the last words that I shall have to speak as a Senator of the United States. A few brief hours will put an end to my official service in this honorable and honored body. I am unable fitly and adequately to express the gratification which I have experienced by my associations with my brother Senators. I have experienced at their hands, one and all, without exception, nothing but kindness and consideration, far beyond anything that I merit; and my heart goes out to them, one and all, without any exception, brimful of grateful feeling for this undeserved consideration and respect. It is as noble and splendid a body intellectually and morally as I know anything of anywhere on this or any other continent. It is the most dignified, the grandest deliberative body in the world. It is the depository of the noblest trust and power. What I have said to-night or at any other time in criticism of any opinion, in reprehension of any vote, in opposition to any conduct, I pray you, one and all, to take as consistent and actually consisting with the highest personal respect for the motives of every individual member, and I shall carry away with me, whatever be my fortune and wherever my lot, nothing but the highest esteem, the deepest respect, and the warmest friendship for one and for all.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

The message also announced that the House had passed the following bills: in which it requested the concurrence of the Senate:

A bill (H. R. No. 5580) to authorize the President to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list; and

A bill (H. R. No. 6525) to provide for the erection of a public building at Brooklyn, New York, for use as a post-office and United States court, and for the accommodation of United States internal-revenue officials, and for other Government purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER. The question is on the motion to recede made by the Senator from Ohio, [Mr. THURMAN.]

Mr. HOAR and Mr. THURMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. THURMAN. I do not wish to take the floor from the Senator from Massachusetts if he desires to address the Senate.

Mr. HOAR. I had proposed to address the Senate upon this question, but I do not wish to do it at this hour in the morning if the Senate desire to take a vote upon the report of the conference committee which is now before them, or desire to take a recess. If the debate is to go on I should like to address the Senate.

Mr. THURMAN. I should like to speak about ten minutes if it would suit the Senator from Massachusetts to allow me to do so. [A pause.] Did the Senator hear?

Mr. HOAR. Yes, sir; I heard, and I was reflecting, endeavoring to ascertain whether the Senate propose to take a vote. If the debate

is to go on I propose to speak about ten minutes, and I should like to do it now. The Senator from Ohio has already spoken at great length.

Mr. THURMAN. Of course the Senator is recognized and I do not wish to take the floor from him.

Mr. HOAR. Does the Senator say he is recognized?

Mr. THURMAN. No; the Senator from Massachusetts is recognized, and, of course, I will not take the floor from him.

Mr. HOAR. Mr. President, the threat which has been uttered by the Senator from Kentucky, [Mr. BECK,] and the doctrine which has been announced by the Senator from Ohio [Mr. THURMAN] and the Senator from Arkansas, [Mr. GARLAND,] well warrant a discussion protracted through the night and through the day. What is it which this threat, uttered, I had almost said, in the name and by the authority of one of the great parties of this country, is? It is nothing more nor less than this: that unless the legislation of the country is henceforth to be such as one House of Congress shall demand, the Government itself shall stop. It is the old rebellion, an attack upon the national life of the country reproduced, lacking none of its other old qualities but its openness and its courage.

Mr. SAULSBURY. Will the Senator allow me to ask him a question?

Mr. HOAR. I do not yield.

The PRESIDING OFFICER. The Senator from Massachusetts does not yield.

Mr. SAULSBURY. I desire to ask a question.

Mr. HOAR. I do not yield.

Mr. SAULSBURY. The Senator remembers the courtesy with which I treated him this afternoon when he took me entirely off my feet and sat me down.

Mr. HOAR. I will, before I get through, give the Senator full opportunity.

Mr. SAULSBURY. No, sir. I wanted to propound one question. If the Senator declines, I shall not trouble him.

Mr. HOAR. Mr. President, two appropriation bills are before the Congress, one known as the Army bill, one known as the legislative, executive, and judicial bill. Upon one the country depends for its defense; upon the other it depends for the continuance of every one of its legislative, judicial, and executive functions; and we are told that unless the Constitution of this country shall be so far in practice changed that the powers of legislation, our function, shall be permitted to be usurped by a single one of the three concurrent powers in which they are now lodged, not only shall these bills fail for the day and for the session, but forever in future; at least so long as the present occupant of the Executive chair shall hold his office these legislative provisions shall stop. The Army is to be disbanded. The Indian of the frontier is to be flung again upon the defenseless homes of the settler over two thousand miles of our extended territory. The Mexican cattle-thief, banded with his fellows to sweep away from the farm in growing and imperial Texas the product of the yeoman's toil, as he crosses the border of the United States is to find but another Mexico. As the commerce of the world approaches our Pacific shores from Santa Barbara to San Juan de Fuca, and as it approaches our Atlantic shores from the Gulf to the northern extremity of Maine, the lighthouses must go out; the vessel is to find no hospitable welcome; the Navy which polices the sea and which carries the flag over the world is to sink or to be called home to rot upon the hulks. Every legislative body of a Territory provided for in this bill, every judicial court of a Territory provided for in this bill, every United States court, district and circuit, up to that supreme and august tribunal sitting in this Capitol, is to suspend its functions.

That is the precise thing that the democratic party threaten us that they will do. That is the constitutional method of settling disputed questions of constitutional law or of legislative expediency upon which the democratic party plants itself to-day.

Mr. President, said I not the truth when I said that this was a blow against the national life, meditated with as deadly purpose, and, if it succeed, to be accomplished with still more deadly effect than the one which too many of the members of the same party engaged themselves in the past.

The Senator from Ohio and the Senator from Maryland undertake to justify this proposition, which I have understated, because in times past republican legislative bodies, not differing but agreeing, have found it a convenient method of bringing questions before their bodies under their rules by attaching them to appropriation bills. With the exception of one vicious and extreme instance, there cannot be found a precedent in American history of undertaking to attach these measures to appropriation bills as means of coercion. In the complication of the rules of the House of Representatives which makes it so difficult, especially in the closing hours of the session, to bring matters before that body in order, it has been found a convenient method to attach them to appropriation bills, which under the rules of that House go into Committee of the Whole, giving every member at his discretion an opportunity to move amendments.

The Senator from Ohio has undertaken to justify this threat by a most extraordinary interpretation, both of the English and the American constitution. He says that in England supplies have been sometimes withheld on great historic occasions until grievances were redressed. But what precedent is that for the regulation of our conduct? Supplies to whom? Supplies by a people governed to a monarch, to a despot, exercising all the functions of government. What

a precedent is that to hold up to a self-governing people for the conduct of one of the servants of that people, limited and restrained in its constitutional power toward the other servants of the same master.

But the Senator from Ohio was mistaken in his facts. What kind of grievances, and how are grievances redressed in England under the power of withholding supplies? The grievances so redressed are the unconstitutional exercises of power and of prerogative by the monarch. Whoever heard of a claim in the House of Commons to compel the repeal of a law to which that body itself had given its assent according to the forms and methods of the English constitution by the repeal of supplies? On the contrary, it is out of order in both houses of the British Parliament to propose any measure of legislation on an appropriation bill or a bill for raising supplies. A single objection in either branch of the English Parliament excludes any measure of legislation from an appropriation bill or a money bill.

Mr. President, the want of knowledge of the English constitutional methods manifested by the distinguished Senator from Ohio is only surpassed by the want of knowledge which in this particular he has exhibited of the Constitution of his own country. He says that the power to originate appropriation bills, to which class these two bills belong, was denied to the Senate and exclusively vested in the House of Representatives, and he argues that it was done in order that this very result which they are now seeking might be accomplished. On the contrary, the convention that framed the Constitution expressly refused to vest the power of originating bills for appropriating money exclusively in the House of Representatives. The resolve which was brought before that convention ran somewhat in these terms: that the House shall have the sole power of originating bills for raising revenue and bills appropriating money. By a vote, I think unanimously, so far as the States were concerned, the latter clause was stricken out, and the first clause alone retained. Nothing was more certain than that, whatever may be the limit of the meaning of the term "bill for raising revenue," in our Constitution, whatever may be the limit of the term "money bills," if that term can be imported into our Constitution, the one thing that the framers of the Constitution did not mean was bills of the character of those we are considering.

This is, as I said, again in another guise the old rebellion with its attack on the very life of the country. The democratic party denied the power of the people to elect their President—a part of them, not all; and they took up arms that the President so elected might not assume the constitutional functions to which he had been called by the voice of the American people. Baffled and beaten and overthrown, it now demands that the President so elected shall surrender the legislative constitutional functions to which the people have called him, on the threat that unless that surrender be made they will so exert the powers which the confiding people have given to them as to bring the entire Government to destruction. Unless the President abdicates the constitutional power of the Executive there shall be no legislation, there shall be no military national functions for this Government henceforth and forever. That is the constitutional doctrine on which the ambition of the Senator from Ohio seeks to plant himself as he invites the confidence of the American people.

Mr. President, outrageous, revolting, unconstitutional, revolutionary, destructive, as this doctrine is, these qualities are emphasized anew when you consider the nature of the legislation which, by the exercise of this power, it is sought to strike from our statute-book. What is it that is demanded? These laws, no man denies, were placed years ago among the statutes of this country by constitutional methods, and in obedience to the expressed will of a majority of the American people. They are the law of the land, subject, as every legislative declaration of law is, to the interpretation and the final judgment of the judicial department of the country. They are the laws by which the sovereignty of the American people casts the shadow and the protection of the national power over the American citizen as he exercises the highest act of the citizen, his share in the sovereignty of this Republic. The meanest citizen, native or adopted, who travels anywhere on the face of the earth, in Abyssinia, in the Mediterranean, in England, among the savages on the African coast, is attended by the awful and overshadowing protection of the power of this Republic. The flag, wherever on the face of the earth it floats, by land or by sea, is the sure pledge in time of trouble or danger to the meanest American whose eyes may gaze upon it. But it is sought to strike from our legislation the sole mechanism by which he can invoke the power and the security of that flag, which the strongest nation on earth dares not invade, when he, a sovereign himself upon his throne, is exercising by the ballot the attribute of sovereignty. Shall the American citizen, shall the king, whose steps are attended in dominions of foreign power by this august and sublime emblem, not have it float over his head as he sits in his own palace and upon his own throne?

Mr. President, I have been ere now a traveler in foreign lands. I have seen the glories of art and architecture, and mountains and rivers. I have seen the sunset on the Jungfrau and the full moon rise over Mont Blanc; but the fairest vision on which these eyes ever looked was the flag of my country in a foreign port. Beautiful as a flower to those who love it, terrible as a meteor to those who hate it, it is the symbol of the power and the glory and the honor of forty-five millions of Americans. And now who dares to say that the citizen who as he travels abroad in trouble or danger turns his eyes to

that august and powerful symbol, sure in its protection as if he stood within the very shadow of this Capitol, shall have that protection denied him when he exercises his constitutional right of selecting the servants who shall govern him?

Mr. President, I challenge my friends on the other side to pursue this issue, and to go to that vast jury, the American people, upon this question. I said that this doctrine was the doctrine of the old rebellion, lacking nothing but its courage. I impute to no man on the other side of this Chamber any want of manly courage. I know too well the gallantry of the gentlemen on the other side of the Chamber, whether it was exerted on one side or on the other; but even they with all their gallantry, I tell them frankly, will find that they have not the courage to present this issue to the simple arbitrament of the conscience and the sense and the love of country of the American people.

Mr. THURMAN. Mr. President, I have never had the good fortune which was enjoyed by the Senator from Massachusetts to see the sun rise over Mont Blanc, but I have seen many a fog rise over Washington City, and I must be allowed to say without disrespect to him that, as he has been here as long as I have, I fear the fogs that he has seen over Washington City have quite obliterated the impressions made by the sun rising over Mont Blanc, so far as his intellectual perceptions are concerned.

Mr. President, I spoke to-night unexpectedly, and when I was worn down and fatigued and perfectly exhausted. I retired after I had delivered my remarks to seek some repose. I am told that while I was absent from the Chamber several Senators did me the honor to reply, or at least to notice, the remarks that I made. I heard none of those remarks in reply to mine except the concluding remarks, ten or fifteen minutes, made by my colleague, and the remarks just delivered by the Senator from Massachusetts. I had in my mind at first to say something about the elections in Hamilton County, to which my colleague alluded and to which I had alluded before; but his closing observations, as well as my high personal regard for him, shall seal my mouth for to-night upon that subject. The time will come, and it will not be long, when if others do not I shall bring to the attention of the Senate of the United States the circumstances of the late congressional election in Hamilton County, Ohio, and it will then remain to be seen whether or no this law, which is so much lauded by my friends on the other side of the Chamber and so much condemned on this side of the Chamber, is an instrument to preserve the purity of elections or is an instrument of fraud and bribery.

The difference between the Senator from Massachusetts and myself is a difference in our opinions of the operations of the law. I agree with him that the humblest citizen in this country ought to be protected; but I do not think that any man ought to be protected, be he rich or be he poor, by means of packed juries; nor do I think that any man, be he rich or be he poor, ought to be punished by packed juries. He doubtless does not think that the present laws pack the juries. I think they do. There is the difference between us. We both agree that such things ought not to be. He thinks they do not exist; I think they do exist; and therein is the difference. Perhaps I differ with him in another respect. I think the possibility of their existence ought to be prevented. I would not hold my liberty at the discretion of any man, be he citizen, or be he judge, or be he juror. I want some safer guard for my liberty and my rights than the discretion or the mercy or the pity of any man whomsoever. I do not want to permit the possibility of a packed jury in the Federal courts of the United States.

Then, in regard to the election laws, there is a fundamental difference between the Senator from Massachusetts and myself. He thinks that these laws are necessary for the protection of the citizen in the exercise of his right of suffrage. I think their practical effect is to constitute a vast bribery fund by which elections, instead of being purified, are corrupted, and the money that corrupts the voter comes out of the Treasury of the people. There is wherein we differ again. We both agree that there ought to be pure elections; we both agree that every citizen ought to have a right to vote according to his own free will and judgment, but he regards these laws as protective of that right; I regard them as destructive of that right.

Mr. President, one word more. My colleague very forcibly presented his idea, which I suppose others presented, that I was advocating a power of coercion on the part of the House of Representatives. My colleague was pleased to speak about logic. If a man could be a judge in his own case, which is forbidden by the common law as well as by reason, I should say that whatever poor faculty I have is a faculty of logic and of analysis; and exercising it, such as it is, I fail to see the coercion that is spoken of. Let me try it a moment by a test. Suppose the House of Representatives pass an appropriation bill and the Senate put an amendment on that appropriation bill strictly legitimate. Suppose they annex an appropriation for some object, under their power to amend an appropriation bill, and the House decides it will not agree to that amendment, and the Senate says it will not recede from that amendment. Is there not just as much reason for saying that the Senate coerces the House on that subject as there is for saying that the House attempts to coerce the Senate on the present bill? The Senate puts an amendment on the House bill and appropriates money for an object for which the House is unwilling to appropriate money. The House say "We will not make that appropriation," and the Senate say "We will not pass the bill unless you do make the appropriation." Does not the Senate coerce the House, or attempt to

coerce it, just as much as the House does the Senate in this case? And yet who will deny that the Senate might put that amendment upon the appropriation bill? Or take another case, not of a new appropriation moved by the Senate, but the House passes an appropriation bill and the Senate amends it by adding to it some provision, as we did three years ago in the river and harbor bill, when we provided that only so much of that money should be expended as the President in his discretion should see fit to expend. I do not use the exact language of the amendment, but that was its practical effect. Suppose the House had said "We will not submit to this," and the Senate had said "We will not recede from the amendment," might it not just as well be said that the Senate sought to coerce the House?

In respect to the Executive, suppose both the Houses of Congress pass an appropriation bill, or any other bill, and it goes to the Executive for his approval and he declines to approve it; he vetoes it, must both Houses of Congress necessarily surrender their opinion? Must they frame a new bill to suit the wishes of the Executive? If so, then the Executive coerces the Houses of Congress. Mr. President, this will not do. This reasoning will not stand the test of logic and analysis at all. There is no coercion whatsoever; there is simply a difference between the two Houses or between both Houses and the Executive, and if that should result in a failure of the bill, it is not coercion either on the one hand or upon the other.

That is all, Mr. President, that I deem it necessary to say now in answer to the criticisms that have been offered of what has been called a dangerous doctrine. Yes, I have one thing to say further. I am quite willing to take my share of responsibility in support of the doctrine which I have sustained. I believe it to be sound doctrine; and whether it shall meet the approval of the American people or not, I am willing to stand or to fall upon it.

DISTRICT CHURCH PROPERTY.

Mr. HARRIS. Mr. President, I do not propose to participate in the discussion of the question now pending before the Senate, but I do propose to ask the Senate to indulge me for one moment to ask that the pending question may be informally laid aside, in order that the Senate may proceed to the consideration of the House bill to restore the churches in the District of Columbia to the trustees of the respective congregations. Under what I conceive to be a somewhat doubtful but proper construction of the act of 1874, the churches of the District of Columbia were assessed for taxes to the extent of about \$47,000. Almost every church in the District of Columbia has been sold and the title passed into the District of Columbia. It is very desirable, in my opinion, that the act of 1874, so far as it affects those churches, should be repealed and the title restored to the trustees of the respective churches. I ask unanimous consent of the Senate to allow that bill to be considered and passed. It will not take five minutes.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the pending question be temporarily laid aside for the purpose of taking up the bill indicated by him. Is there objection? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3690) to relieve the churches of the District of Columbia, and to clear the title of the trustees to such property.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 7, after the word "exemptions," to insert "from taxation;" in line 8, after the word "property," to strike out "from taxation" and insert "which was actually held and used for the purpose of divine worship;" so as to read:

That so much of an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, as was construed to authorize the commissioners of the District to set aside former exemptions from taxation of church property which was actually held and used for the purpose of divine worship, and to enforce a tax upon such property, be, and is hereby, repealed.

The amendment was agreed to.

The next amendment was, to insert as section 2 the following:

That the commissioners of the District of Columbia be, and they hereby are, authorized and required to refund to the trustees or other proper officers of such church or churches as have paid the taxes assessed against them under the act of June 20, 1874, such sums respectively as were paid by each upon property actually held and used for the purpose of divine worship.

Mr. HOAR. That seems to be a very important bill. I should like to have the Senator state in a word or two what it is.

Mr. HARRIS. I send a report to the desk which states all the facts more succinctly than I could state them verbally. It will not take three minutes to read it.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report submitted by Mr. HARRIS on the 15th of April, 1878:

The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 3690) to relieve the churches of the District of Columbia and to clear the title of the trustees to such property, has had the same under consideration, and report:

That by referring to your committee by the commissioners of the District of Columbia, it will be seen that under act of June 20, 1874, the church property within the District was valued at \$1,590,744, and that the taxes assessed upon the church property in the city of Washington amounted to \$42,773.82; in Georgetown, \$2,891.37; in the county of Washington, \$985.90; making an aggregate of \$46,651.09; of which amount \$2,566.68 has been collected, leaving \$44,084.41, with accrued penalty of \$3,360.82, making an aggregate of \$47,445.23 of unpaid taxes.

The property was advertised in June, 1875, at a cost to the District of \$744.15, which, added to unpaid taxes, makes \$48,189.38 as the aggregate charges against said property, at which price the District of Columbia became the purchaser at the tax sale, and now holds said property subject to redemption by the payment of said sum with interest at the rate of 10 per cent. per annum from 29th June, 1875, the date of sale.

The bill under consideration repeals so much of the act of 20th June, 1874, as authorized the levy of this tax, and relinquishes the title acquired under the tax sale, and reverts the same in the trustees of the several churches.

The committee report the bill back with an amendment, confining its operations to property actually held and used for the purpose of public worship.

Seriously doubting, as the committee does, the wisdom of the policy of taxing property held and used for the purpose of public worship, the committee recommends that the title to all such property be restored to the various churches, and that the sum of \$2,566.68, heretofore collected under the said assessment by the commissioners of the District, be refunded to the trustees of the churches which paid the same, as it would be unjust to retain the funds so collected when the churches that failed to pay are released from liability.

Mr. McMILLAN. I object to that bill.

Mr. HARRIS. Have I the floor?

The PRESIDING OFFICER. The bill is before the Senate.

Mr. HARRIS. Then, if I am in order, I shall ask that the present and all pending orders be postponed in order that I may move to proceed to the consideration of the bill.

Mr. BLAINE. It is a House bill.

Mr. HARRIS. It is a House bill. I will state to the Senator from Maine that I was instructed by the Committee on the District of Columbia to report the bill with two amendments, and I believe, even late as the hour is, the amendments will be concurred in by the House if we can get them there.

Mr. BLAINE. Let us vote.

Mr. CONKLING. Did the Chair rule that the bill is now before the Senate?

The PRESIDING OFFICER. The Senator from Tennessee asked that the pending question be laid temporarily aside for the purpose of taking up this bill. The Chair so stated and asked objections, and heard none, and the bill was being considered as in Committee of the Whole.

Mr. CONKLING. I think the Chair quite right there.

The PRESIDING OFFICER. The amendments were read. The Chair was about putting the question on the second amendment when the Senator from Massachusetts asked the Senator from Tennessee to state the purport of the bill.

Mr. HOAR. I desire to say that I am entirely satisfied.

Mr. McMILLAN. I understood the report to be read for information.

The PRESIDING OFFICER. It has just been read.

Mr. McMILLAN. I do not understand the bill to be taken up.

The PRESIDING OFFICER. It has been taken up and is in Committee of the Whole. The question is on agreeing to the amendment to insert an additional section to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

D. W. McCLUNG.

Mr. CAMERON, of Pennsylvania. I ask the consent of the Senate to call up House bill No. 1827.

Mr. MATTHEWS. I hope the Senate will agree to take that up. It is a very meritorious case and will occupy no time.

Mr. CONKLING. While the Secretary is looking for that bill I wish to make a remark. I hope after that bill is passed we shall have a vote on the motion for a conference and then take a recess until some time to enable us to go and get some breakfast at least.

Mr. MORGAN. I call for the regular order.

The PRESIDING OFFICER. The Senator from Alabama calls for the regular order. It will be the duty of the Chair to put the question on the motion of the Senator from Ohio, [Mr. THURMAN,] that the Senate recede from a certain amendment to the legislative, executive, and judicial appropriation bill.

Mr. CONKLING. Had not the Senator from Pennsylvania unanimous consent for something?

Mr. MATTHEWS. I understood that the bill was taken up.

Mr. BLAINE. There was unanimous consent.

The PRESIDING OFFICER. Unanimous consent was granted, as the Chair understood.

Mr. CONKLING. The Secretary was looking for the bill to read it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1827) for the relief of D. W. McClung, of Woodsdale, Butler County, Ohio. It directs the Secretary of the Treasury to pay to D. W. McClung, late a captain and assistant quartermaster of United States volunteers, the amount of pay and allowances of a regimental quartermaster from the 26th of April, 1861, to the 21st of March, 1862.

The bill was reported to the Senate without amendment.

Mr. MORGAN. I ask for the regular order.

The PRESIDING OFFICER. This is an exceptional order. By unanimous consent the bill is before the Senate. The Senator can have the regular order when this is disposed of.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 6126) to establish post-routes in the several States herein named.

The message also announced that the House had passed the joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employes of the Senate and House of Representatives.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1475) granting American registry to the Canadian steam ferry-boat Geneva;

A bill (H. R. No. 4228) to promote the education of the blind;

A bill (H. R. No. 4564) for the relief of A. F. Whitman, administrator *de bonis non* of Samuel Kimbro and E. V. Kimbro;

A bill (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, and for other purposes;

A bill (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman;

A bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes;

A bill (H. R. No. 6250) granting a pension to Morris Dwight;

A bill (H. R. No. 6242) for the relief of soldiers and sailors becoming totally blind in the service of the country;

A bill (H. R. No. 6270) for the relief of Joseph B. Collins;

A bill (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof;

A bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes;

A bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes;

A bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

A joint resolution (H. R. No. 207) authorizing the Secretary of War to send artillery and camp equipage to the soldiers' reunion at Cambridge, Ohio.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WINDOM. I ask the Senate to take a vote upon the pending motion that the Senate recede from its amendment to the legislative, executive, and judicial appropriation bill, and then if it is desired to take a recess until ten o'clock we can do so. Let me say that there is another bill here from the House, the Army bill, upon which this question can be debated for the brief time that will be left as well as on this bill; and I desire that this bill may go back to the House in order to give the House an opportunity to vote upon it if it may wish to do so.

Mr. HILL. Will the Senator from Minnesota allow me to pass a little disability bill that there is no trouble about in the world?

Mr. WINDOM. I think we ought to decide the question one way or the other. I should be glad to yield, but there are so many Senators appealing to me that I must insist on the regular order.

The PRESIDING OFFICER. The Senator from Minnesota objects. Mr. WHYTE. I ask that a bill to correct a mistake in a pay account be taken up; it will not take a minute.

Mr. WINDOM. There are a dozen Senators who desire to have private bills passed. I think this vote ought to be taken, and then let the Senate remain in session or take a recess as it may deem best.

The PRESIDING OFFICER. Senators will please resume their seats, and let quiet be restored to the Chamber.

Mr. MORGAN. I ask again for the regular order.

The PRESIDING OFFICER. The Chair is recognizing it. The Senator from Minnesota is asking for a vote upon the pending question. The question is on the motion of the Senator from Ohio [Mr. THURMAN] that the Senate recede from its amendment to the legislative, executive, and judicial appropriation bill which has been indicated.

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) On this subject I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. EUSTIS, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. CHAFFEE.]

Mr. CAMERON, of Wisconsin, (when Mr. HOWE's name was called.) My colleague [Mr. HOWE] is paired with the Senator from Kentucky, [Mr. McCREERY.]

Mr. BECK, (when Mr. McCREERY's name was called.) The Senator from Kentucky [Mr. McCREERY] is paired with the Senator from Wisconsin, [Mr. HOWE.]

Mr. EDMUNDS, (when Mr. MORRILL's name was called.) On this question my colleague, [Mr. MORRILL,] who is detained at home by illness, is paired with the Senator from Florida, [Mr. JONES.] If my colleague were present, he would vote "nay."

The Secretary concluded the call of the roll.

Mr. WITHERS. My colleague [Mr. JOHNSTON] is paired with the Senator from California, [Mr. SARGENT.] My colleague would vote "yea." I am paired with the Senator from Kansas, [Mr. INGALLS.]

Mr. BECK. The Senator from Indiana [Mr. VOORHEES] is paired with some gentleman on the other side.

Mr. JONES, of Florida, (after having voted "yea.") I voted under a misapprehension. I am paired with the Senator from Vermont, [Mr. MORRILL.] If here, he would vote "nay."

Mr. HOAR, (after having voted "nay.") Very early in the evening I had a conversation with the Senator from Pennsylvania, [Mr. WALLACE.] He proposed to pair with me, intending to be absent from the Chamber for a time. We both stayed in the Chamber for some time afterward, and the arrangement escaped my memory. I desire to withdraw my vote. I understand that the Senator from Pennsylvania [Mr. WALLACE] has left the Chamber, considering himself paired with me.

Mr. McDONALD. The Senator from Pennsylvania [Mr. WALLACE] left the Chamber under the impression that he was paired with the Senator from Massachusetts, [Mr. HOAR.]

Mr. RANSOM. My colleague [Mr. MERRIMON] is absent from the Chamber, and is paired.

The result was announced—yeas 26, nays 30; as follows:

YEAS—26.

Bailey,	Davis of W. Va.,	Hereford,	Morgan,
Barnum,	Dennia,	Hill,	Ransom,
Bayard,	Eaton,	Kernan,	Saulsbury,
Beck,	Garland,	Lamar,	Thurman,
Butler,	Gordon,	McDonald,	Whyte,
Cockrell,	Grover,	McPherson,	
Coke,	Harris,	Maxey,	

NAYS—30.

Allison,	Chandler,	Kellogg,	Rollins,
Anthony,	Conkling,	Kirkwood,	Saunders,
Blaine,	Conover,	McMillan,	Spencer,
Booth,	Dorsey,	Matthews,	Teller,
Bruce,	Edmunds,	Oglesby,	Wadleigh,
Burnside,	Ferry,	Paddock,	Windom,
Cameron of Pa.,	Hamlin,	Patterson,	
Cameron of Wis.,	Jones of Nevada,	Plumb,	

ABSENT—20.

Chaffee,	Howe,	Merrimon,	Sharon,
Davis of Illinois,	Ingalls,	Mitchell,	Shields,
Dawes,	Johnston,	Morrill,	Voorhees,
Eustis,	Jones of Florida,	Randolph,	Wallace,
Hoar,	McCreery,	Sargent,	Withers,

So the Senate refused to recede.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Minnesota, [Mr. WINDOM,] that the Senate insist upon its amendments.

Mr. THURMAN. I have another motion to submit first. I move to recede from the amendment striking out the words beginning with line 2170 and ending with the word "repealed" in line 2194. That is an amendment of the Senate, and I move to recede from the amendment of the Senate striking out the provision of the House bill relating to jurors.

Mr. ALLISON. We have just taken a vote on all that clause as a single amendment.

Mr. THURMAN. But my motion before included not only that, but more.

Mr. CONKLING. That will not do.

Mr. THURMAN. Because the motion failed, that will not prevent me from moving to strike out this.

Mr. ALLISON. Here is a single amendment upon which we voted. The PRESIDING OFFICER. The Senator from Ohio can move to recede—

Mr. EDMUNDS. He cannot move to recede with an amendment.

The PRESIDING OFFICER. The Senator from Ohio can move to recede from any amendment of the Senate.

Mr. CONKLING. That motion has been made.

Mr. THURMAN. No; I moved to recede from an amendment that contained two parts, one in relation to jurors and the other in relation to the election law. I moved to recede from that whole amendment. That motion the Senate has negatived; but that does not prevent me from moving to strike out the part that relates to one of those different subjects.

Mr. CONKLING. Yes it does.

Mr. THURMAN. My motion now is to recede from the amendment of the Senate, striking out a part of the House bill which relates to jurors.

The PRESIDING OFFICER. The Senator from Ohio moves to recede from the amendment he has named.

Mr. CONKLING. Is that an amendment by itself, as adopted by the Senate?

The PRESIDING OFFICER. So the Chair understands.

Mr. CONKLING. I do not so understand.

The PRESIDING OFFICER. It will be reported.

Mr. CONKLING. It was all one amendment.

Mr. ALLISON. It is a single amendment.

Mr. CONKLING. I raise the point of order that the Senate—

The PRESIDING OFFICER. If it was one amendment it cannot now be divided.

Mr. THURMAN. It is not one amendment.

Mr. CONKLING. It is one amendment.

Mr. THURMAN. I beg pardon; according to my recollection I called for a division.

Mr. ALLISON. Here is the record showing that it is but one amendment.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York rises to a question of order.

Mr. CONKLING. My point of order is that an amendment which the Senate has made is the subject of a motion to recede, which motion has been made, and further that the question is not affected at all by the fact that the Senator from Ohio asked a division on the amendment because it contained two propositions. Although we did vote upon one branch and then upon the other branch, it was upon two branches of the same amendment. He has now moved to recede from that amendment, the Senate has voted down his motion, and I insist that he cannot now move to recede from a part of that entire amendment.

The PRESIDING OFFICER. The Chair was under the impression that there were two amendments, and in that case the Senator from Ohio having moved to recede from one and having left the other distinct could now move to recede from that. Upon the statement of the Senator from New York that the amendment was a single one, but taken in divisions in the Senate, it does not change the character of being a single amendment now. Therefore the motion to recede from it is not in order.

Mr. CONKLING. Let us vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota, [Mr. WINDOM,] that the Senate insist upon its amendments.

Mr. THURMAN. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Ohio appeals from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. THURMAN. Is that question debatable?

The PRESIDING OFFICER. It is debatable.

Mr. THURMAN. Then I wish to say that here was a proposition by the Committee on Appropriations to strike out certain matters in the House bill. The matters they proposed to strike out were two entirely distinct subjects, one relating to juries, the other relating to elections. No subjects could be more distinct than they were; and because they reported the bill with a proposition to strike them out, as they reported them with a proposition to strike out four or five or six or seven of the succeeding pages of this bill, that did not make it all one amendment. The Senator from New York might as well contend that all that they proposed to strike out was one amendment. The question whether it is one amendment, or two amendments, or three amendments must depend upon the nature of the subject, whether it is divisible or not. According to my recollection, when the question was upon striking out, recognizing the fact of the divisibility of these questions, the Senate did divide them on my demand for a division, and first voted on the question of striking out the provision in relation to juries, and afterward voted on the question of striking out the proposition in relation to the election laws, because they were distinct provisions, not one amendment but two amendments relating to distinct subjects.

I moved to recede from the amendments striking out these two provisions, not from the amendment in the singular number but from the amendments striking out those two provisions. The Senate negatived my motion, because it may be that some Senators would vote in favor of striking out one, but would not be in favor of striking out the other. How, then, can it be insisted for a moment that after that negative vote I may not move to recede from the amendment striking out one of those distinct propositions?

Mr. CONKLING. The Senator from Ohio falls into a not unnatural, but very manifest error, as I think it will appear, in regard to the history of this matter. There came from the House in this bill a provision, which provision contained a certain number of lines, in all about thirty, which lines proposed to repeal two sections of the statutes and to enact certain substantive matter. The Committee on Appropriations in reporting the bill back to the Senate reported as one of its amendments to strike out all these lines together.

Mr. THURMAN. And they reported to strike out sixty or seventy other lines.

Mr. CONKLING. If the Senator will allow me to complete what I am saying, he will certainly see that that observation of his is very foreign to the point between us. They reported as an amendment to strike out, as I have said, the lines doing these things. That was one amendment, and if as the Senator wants now to argue, it was only a part of one amendment, then the argument he makes is so much weaker and the objection to it is so much the more conclusive.

Mr. THURMAN. There were two amendments.

Mr. CONKLING. I will wait to hear the Senator ejaculate from his seat three or four times in the midst of what I am saying—

Mr. THURMAN. I say the question being divisible their report to

the Senate to strike out two subjects which were entirely separate from each other was two amendments and not one amendment.

Mr. CONKLING. Mr. President, that is the third time the Senator has made that statement. Now I beg to assure him that I understand him; and it will not be necessary for him here, without asking my permission, to ejaculate again that that is his position or to get up and interrupt me.

The answer to the Senator at that point is that the fact is expressly otherwise as the record shows, and shows it out of his own mouth, because he was the Senator who rose and demanded a division of the amendment, and what folly and stultification would that be if there were two separate amendments? Did the Senator from Ohio, practiced as he is in parliamentary proceeding, ever rise and demand that one amendment should be divided from another from which it was entirely separate and distinct? I think not; and therefore the Senator answers himself when he persists in reminding us that he demanded a division of the question. So he did, and on the ground recognized in the rule, as in the parliamentary law, that, although one amendment, it contained more than one substantive proposition; and accordingly exercising his right under the rule he brought the Senate to vote first upon striking out twenty lines, and the Senate voted to strike them out; and then he brought the Senate to vote upon striking out the residue of those lines, namely, from 2194 down to 2203, that being all that the bill contained down to "the southern claims commission;" and the Senate voted to strike out that part of the amendment. Thus the Senate concurred, and the Committee of the Whole concurred in this one of the amendments reported by the Committee on Appropriations. Now, the honorable Senator with entire propriety, in a parliamentary sense, has moved that the Senate recede from that amendment, both branches of which were thus adopted by two votes; and that having been disposed of, then the Senator rises and moves to recede from a part of the amendment and insists upon it that because he divided the amendment, thereby it became two amendments and ceased to be one amendment. That is all there is of it. Unfortunately the motion to recede is not divisible. He made that motion covering the whole amendment. The Senate has voted it down, and he has exhausted his remedy in that direction.

Mr. EDMUNDS. Here is the bill itself [exhibiting] and here are the Senate amendments sent to the House of Representatives, the original. The part of the bill which covers this whole subject upon which we have just now voted, is contained in this description in the message that the Senate sent to the House of Representatives, and which has been before that body for its consideration:

Page 58, strike out all after "dollars" in line 22 down to and including line 22, page 59.

That amendment, thus proposed by the Senate to the House of Representatives, includes the whole of this disputed subject, has been sent to the House of Representatives, and they have refused to concur in it. The House of Representatives might have concurred in that amendment with a qualification if they wanted to propose it. If this bill were sent back to the House of Representatives they might again change our proposition or propose to do so; but the law of this parliament has been until to-night, and of every other parliamentary body, that the House that has got its own amendment back again, cannot change the form in which it was sent to the other House for its action, any more than it can amend one of its own bills after it has passed it; it must take the whole or none; it must be "fifty-four-forty or fight."

Here is the law. I do not know whether it prevails in Ohio or among the democratic party; but it is in Jefferson's Manual; but he was not a democrat in any sense in which that term is now understood:

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment; for here the disagreement and receding destroy one another, and the subject stands as before the disagreement.

But the House cannot recede from or insist on its own amendment, with an amendment; for the same reason that it cannot send to the other House, an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form.

The substance of what the Senator from Ohio wishes to do, is to send a message back to the House of Representatives; not upon this record, but to make a new one, and to amend the amendment that we have already agreed to, change it so that it is entirely a different proposition, to send back to the House from what it was before. That Thomas Jefferson, good authority for me, as he always was, says cannot be done. My learned and honorable friend from Ohio says it can; and where two such doctors disagree, what shall the rest of us do?

Mr. THURMAN. The trouble between the doctor from Vermont and the doctor from Ohio is that the doctor from Vermont knows a great deal of technical rules of order and the doctor from Ohio knows no rules of order except the rules of common sense.

Now, in respect to this business, what is the actual state of the case? The Senate Committee on Appropriations reported a recommendation to the Senate to strike out certain lines of the House bill, about one hundred and fifty I think. Certain of those lines related to juries, certain of them related to elections, certain of them related to the southern claims commission, and others related to other subjects. They reported the bill with those recommendations. The subjects were

perfectly divisible; they related to wholly distinct propositions. In that state of the case the Senate voted first on the proposition to strike out the provision of the House bill in relation to juries, and that motion prevailed, the recommendation of the committee was adopted. Then the Senate voted on the proposition to strike out so much of the House bill as related to elections, and that proposition prevailed. Now the House having disagreed to our amendment, I moved to recede from—I do not care whether you call it one amendment or whether you call it two amendments—I moved to recede from our proposition to strike out certain lines in the bill; and the Senate has said "No; we will not strike out those lines." But *non constat* that the Senate would not strike out some of the lines. There may be, however, Senators who would vote not to strike out all of them who would yet be perfectly willing to strike out part of them; there may be Senators who were unwilling to strike out both propositions who would be perfectly willing to strike out one of the propositions; and therefore, because I have moved to strike out both propositions and that motion has failed, it is said that I cannot move to strike out one of them.

Mr. EDMUNDS. My honorable friend, if he will pardon me, is mistaken, as he will see, in his statement of the case. The motion must be to recede. There can be no motion to amend our own amendment that has come back from the House, as all the books say. His motion, therefore, as made properly with his knowledge of parliamentary law, the only motion he could make in that direction, was to recede from the amendment; but the trouble is he having lost that, or if he had not lost it if it were entirely new he could not move to recede from part of the amendment because that sends an amendment of our own we once passed back to the House in a different form. The Senator from Ohio will bear in mind that this amendment of ours is not before the Senate as it was when his motion for a division was made which was on the question whether this amendment should be agreed to and before the amendments were engrossed and the bill read the third time; but this amendment has gone through all its stages just as a bill would that has passed and gone to the House of Representatives, just like a law. They do not agree to it and send it back just as they would not agree to a bill we sent over of the same kind. Does not the Senator see plainly that if a bill were to come back in that way we could not amend that bill and send it back to the House of Representatives to see if they would not agree to it in some other form? That is just this proposition. It was a distinct proposition made to the House of Representatives, and it has passed through this body in all its stages, and the messages sent accordingly and in perfect accordance with the votes and the proprieties of the occasion. Therefore it is not competent now to divide that up or to cut it up because it is entirely out of our power; it has passed and under parliamentary law the only motion is to recede or insist or adhere.

Mr. THURMAN. The difference between my friend from Vermont and myself is that he prefers to speak in the singular number and I prefer to speak in the plural. He says "this amendment" and I say "these amendments."

Mr. EDMUNDS handed Mr. THURMAN the engrossed copy of the Senate amendments.

Mr. THURMAN. The Senator from Vermont is kind enough to bring me this engrossed bill and amendments. I find one Senate amendment is:

Strike out all after the word "dollars," in line 2169, down to and including "repealed," in line 2203, on page 90.

Does that make it one amendment? Does that mere phraseology make it one amendment when the matter stricken out is in substance two different substantive propositions? You might have a proposition to strike out all after the enacting clause or all after the first section, but would that make it one amendment? What is the question, as to whether it is one amendment or two amendments? Is it a mere question of form?

Mr. ALLISON. The Senator says it is competent to strike out. I submit to him that that cannot be the motion at this stage of the bill. It must be to recede or adhere or insist, those parliamentary motions that are made when a bill is pending between two Houses.

Mr. THURMAN. My motion is to recede.

Mr. ALLISON. That motion has been made and failed. Now the Senator moves to strike out a portion.

Mr. THURMAN. No; I move to recede from our amendment to strike out—

Mr. ALLISON. That has been voted down.

Mr. THURMAN. No. The difference between the Senator from Vermont and myself is this: he insists that this is one amendment, because he finds in this language that in form it is one amendment. I say that does not decide the question at all. I say the question is whether in substance the amendments are two or more. In other words, I must confess—and I do not say this in disrespect of anybody, certainly I hope I never am disrespectful to anybody; I certainly never am intentionally—this mere sticking in the bark, this mere adherence to form, this mere love of "leather and prunella," is not the way in which to consider a subject like this.

Mr. EDMUNDS. My honorable friend has fallen into a little mistake in his statement. Instead of sticking in the bark, my honorable friend is barking at the stick. [Laughter.] That is what the trouble is.

Mr. THURMAN. Upon my word, I am so dull this morning at eight o'clock after this long session that I really do not understand the wit of that remark. What I mean is simply this: there is no rule of order, there is no parliamentary law that can be of much validity if it violates common sense. I am reminded of what I heard a venerated chief-justice of Ohio say once when certain authorities were presented to him that staggered the old man a little, but which he knew, if he followed them, would cause him to decide the cause unjustly, and he said, "Whoever thinks the law requires injustice is mistaken as to what is the law." And so I think whoever insists on parliamentary rules that require a violation of common sense is mistaken as to what the parliamentary rules are. The question whether there is one amendment or two amendments is a question not of form but of substance. It is not a question in what particular form the Secretary of the Senate has sent the amendment to the House, or the Clerk of the House has sent it to the Senate. It is a question worthy of men, worthy of men of brains. It is a question whether the propositions are distinct, substantive propositions.

Nobody denies that these are distinct, substantive propositions; one relates to juries, the other relates to elections. No subjects could be more distinct; no propositions could be more distinct, substantive propositions; and to say that we are bound up by the message that the clerks of this House sent to the House of Representatives on that subject, and as they in form made it one amendment, when in substance and in fact and in reason and in truth they are two wholly distinct propositions; and, therefore, when the Senate produced this amendment striking out both clauses it cannot recede from its amendment striking out one, although the majority of the Senate may have been occasioned by the fact that a majority were not in favor of striking out both, but a majority might be in favor of striking out one, is *haeret in cortice*, is sticking in the bark.

Mr. CONKLING. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from New York moves to lay the appeal on the table.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Minnesota that the Senate insist on its amendments and ask for another conference.

Mr. WINDOM. My motion did not ask for another conference.

The PRESIDING OFFICER. The motion, then, is simply to insist on the amendments.

The question being put, a division was called for; and the ayes were 26.

Mr. EATON. I want to know upon what bill or amendment we are voting.

Mr. EDMUNDS. We are dividing now.

Mr. EATON. Not the one recently before us?

The PRESIDING OFFICER. The same bill.

Mr. EATON. Then it is on the table. The motion was made that it be laid on the table. ["Oh, no!"]

The PRESIDING OFFICER. The motion of the Senator from New York was to lay the appeal on the table. That did not carry the bill.

The division having been continued and concluded, the yeas were 24.

Mr. DAVIS, of West Virginia. We had better have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. JONES, of Florida, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.] If he were here, I should vote "nay."

Mr. WITHERS, (when the name of Mr. JOHNSTON was called.) My colleague [Mr. JOHNSTON] is paired with the Senator from California, [Mr. SARGENT.] The Senator from California would vote "yea," my colleague would vote "nay." I am paired with the Senator from Kansas, [Mr. INGALLS.] He would vote "yea" and I should vote "nay" if he were present.

Mr. BECK, (when the name of Mr. MCCREERY was called.) My colleague [Mr. MCCREERY] is paired with the Senator from Wisconsin, [Mr. HOWE.] My colleague would vote "nay" if present.

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. MERRIMON.] If he were here, he would vote "nay" and I should vote "yea."

The roll-call was concluded.

Mr. BARNUM. On this question I am paired with the Senator from Arkansas, [Mr. DORSEY.] If he were here, I should vote "nay."

Mr. EUSTIS, (after having voted in the negative.) I voted inadvertently. I withdraw my vote; I am paired with the Senator from Colorado, [Mr. CHAFFEE.]

Mr. CAMERON, of Wisconsin. I was requested to announce that the Senator from Massachusetts [Mr. HOAR] is paired with the Senator from Pennsylvania, [Mr. WALLACE.]

Mr. EDMUNDS. My colleague [Mr. MORRILL] who is absent is paired with the Senator from Florida [Mr. JONES.] My colleague would have voted "yea" if he were present.

The result was announced—Yeas 29, nays 24; as follows:

YEAS—29.

Allison,	Bruce,	Chandler,	Ferry,
Anthony,	Burnside,	Conkling,	Hamlin,
Blaine,	Cameron of Pa.,	Conover,	Jones of Nevada,
Booth,	Cameron of Wis.,	Edmunds,	Kellogg,

Kirkwood,
McMillan,
Matthews,
Oglesby,

Paddock,
Patterson,
Plumb,
Rollins,

Saunders,
Spencer,
Teller,
Wadleigh,

Windom.

NAYS—24.

Bailey,
Bayard,
Beck,
Butler,
Cockrell,
Coke,

Davis of W. Va.,
Dennis,
Eaton,
Gordon,
Grover,
Harris,

Hereford,
Hill,
Kernan,
Lamar,
McDonald,
McPherson,

Maxey,
Morgan,
Ransom,
Saulsbury,
Thurman,
Whyte.

NOT VOTING—23.

Barnum,
Chaffee,
Davis of Illinois,
Dawes,
Dorsey,
Eustis,

Garland,
Hoar,
Howe,
Ingalls,
Johnston,
Jones of Florida,

McCreery,
Merrimon,
Mitchell,
Morrill,
Randolph,
Sargent,

Sharon,
Shields,
Voorhees,
Wallace,
Withers.

So the motion of Mr. WINDOM was agreed to.

Mr. BLAINE. I wish the same order could be taken in regard to the Army bill which was sent back from the House, that has just been taken in regard to the legislative appropriation bill.

The PRESIDING OFFICER. The Chair will lay before the Senate the message from the House respecting the Army bill.

Mr. EATON. Mr. President—

Mr. DAVIS, of West Virginia. I wish to say a word on the bill.

Mr. EATON. I thought I had the floor. I want to say a word.

The PRESIDING OFFICER. The Senator from West Virginia rises to this bill on its amendments to which the Senate has insisted.

Mr. EATON. I desire to say one word about the bill we have just voted on.

Mr. EDMUNDS. What is the pending question?

The PRESIDING OFFICER. That bill is not before the Senate.

Mr. EATON. It is on the table of the Senate.

The PRESIDING OFFICER. It is on the table of the Senate for the moment; it will be sent back to the House in a moment.

Mr. EATON. It ought not to be sent back. The Senate has laid it on the table.

Mr. BLAINE. The order has been made to return it with a notification of our action.

The PRESIDING OFFICER. The order has been made.

Mr. DAVIS, of West Virginia. I rose before the order was made.

Mr. EATON. I was going to move the indefinite postponement of the bill in order to say that we, thinking there were two branches of vicious legislation, have striven to take both from that bill, and after failing in that, we then proposed to offer to take simply the jury part of the bill, and that was refused by our opponents.

Mr. EDMUNDS. That is not exactly correct.

Mr. BLAINE. I move that the Senate insist—

Mr. DAVIS, of West Virginia. Mr. President—

Mr. BLAINE. How is that bill before the Senate?

The PRESIDING OFFICER. The Senator rose immediately after the close of the vote on the question on which the Senate insists.

Mr. EDMUNDS. What is the pending question on the bill?

The PRESIDING OFFICER. There is no pending question.

Mr. EDMUNDS. Then how can a Senator debate it?

Mr. BLAINE. That bill is not before the Senate at all in any form.

Mr. DAVIS, of West Virginia. I am trying to bring it before the Senate.

Mr. EDMUNDS. Let us hear the motion first and then debate on it afterward.

The PRESIDING OFFICER. The Chair desires to hear the motion of the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I ask the Chair whether it is competent for the Senate now to ask for a further conference on that bill?

The PRESIDING OFFICER. The Senate has insisted and the bill is ordered to be sent to the House. If the Senator now desires to move a committee of conference, it is in order.

Mr. DAVIS, of West Virginia. Then I submit to the chairman of the Committee on Appropriations, who has the bill in charge, whether or not he intends to make that motion? If not, I will make it. I should prefer that he make it, though.

Mr. WINDOM. I will answer the Senator, if he will allow me. I did not include in my motion to insist the motion to ask for a further committee of conference, for the reason, as I stated in presenting the report, that the committee on the part of the Senate were distinctly, unequivocally, informed by the committee on the part of the House that no proposition whatever would be entertained unless the Senate would accept of all the amendments proposed by the House, or unless the Senate would retire from all its amendments striking out these two provisions of the House bill. Believing that it was utterly useless to ask another committee of conference, and being so informed, in fact, I did not include that in my motion.

Mr. BLAINE. Let the House ask for it if they want it.

Mr. DAVIS, of West Virginia. I think it possible an understanding may be arrived at if the chairman of the committee would move a further conference. That being the case, I should desire very much to see it done. We have three or four hours yet, and something may be done.

Mr. WINDOM. It is in the power of the House to ask for a further conference if they desire it.

Mr. DAVIS, of West Virginia. To test the sense of the Senate, I

move a further conference on the part of the Senate, and ask for a rising vote. I do not want delay; I do not make the motion for the purpose of delaying the Senate or in any way incumbering the work; but I think an effort ought to be made to produce an agreement if possible, and let us see who is in favor of it and who is not.

Mr. BLAINE. The official advice that we have from the House is that they will consent to nothing. Now, if when this bill goes back again they ask for a conference, that will be some little indication of a change of heart on their part; but why should we beg them to confer when they have sent us word that they will not have anything to do at all in the way of conferring?

Mr. EATON. Is there any such official advisement? A conversation between our very honorable chairman of that committee and some member of the House committee is not, I beg to say, official advisement to the Senate.

Mr. CONKLING. The message from the House is here insisting, and not asking a further conference, as I understood.

Mr. EATON. I heard no such message.

Mr. CONKLING. I ask to have the message read.

Mr. BLAINE. Read the last message.

The PRESIDING OFFICER. The message will be read.

Mr. SAULSBURY. I desire to say that so far as I am concerned I am perfectly willing to leave the future action upon this bill with the republican side of the Chamber, who have the majority and control of this body. So far as I am concerned, I shall make no motion and give no vote that does not emanate from the other side of the House, who have the control of this whole matter.

Mr. EDMUNDS. If we can have a vote at once, I will not make any point of order; otherwise I will make a point of order, and insist upon it, that the moment the Senate has insisted without in the same proposition asking for a conference on the bill, under the usual order of the Senate that is instantly entered the Senate has ordered that the bill be sent to the House of Representatives, and it is of no consequence whether the bill lies on the table or not, the Senator must move to reconsider the order by which it was ordered to be sent to the House of Representatives, before we can go further, and until that is reconsidered this bill is not before the Senate.

The PRESIDING OFFICER. The Chair so stated and the Senator from West Virginia so moved.

Mr. DAVIS, of West Virginia. I am told a majority of the House do not want to ask a further conference. That being so, I withdraw the motion. I leave the responsibility on the other side of the Chamber.

Mr. EDMUNDS. We accept it with great satisfaction. I only want to say this: we are officially informed by our conferees, as they have a right and as it is their duty to inform us, because what takes place between conference committees each House is entitled to know, that the Representatives of the other House, and therefore the House itself speaking through its chosen agents, have told us that they will consent to no modification whatever. What sort of a dignity is it in this body that, after that, goes begging to the House to ask them, after they have given us a final answer, whether they will not try it again? It is for them to reconsider their determination if they wish to invite us to a conference, which of course we shall cheerfully meet them in.

Mr. EATON. I beg to say that there has been no such official communication, and the chairman of our committee did not so state if I heard him aright. He did not state that the House conferees as a body made that statement. I did not so understand him.

Mr. WINDOM. I did say that the majority of the House conferees representing the majority of the House of Representatives did so state, that no proposition could be received unless the Senate would recede from all of its amendments striking out the legislation in the bill; and it was further stated that an organization existed in the House which, if they recede upon any of these propositions, would filibuster till the hammer fell at twelve o'clock, and defeat this bill.

Mr. CONKLING. May I ask a question? I have asked it several times of the Chair and received no response. Is there any message from the House informing the Senate that they have insisted or adhered, asking no committee of conference?

Mr. WINDOM. This is reported to the Senate, I will say to the Senator.

Mr. CONKLING. Therefore we know nothing about the House. I shall vote for one, whoever makes the motion, for another committee of conference. I see no reason for not doing it and I see several reasons for doing it.

Mr. BLAINE. When I spoke before, I supposed the indorsement on the legislative bill was the same as on the Army bill, that the House had sent the bill with a vote of insistence without asking a conference. I think that usually, almost without exception, the rule is to ask a second conference; and therefore I will move, in addition to insisting, that we ask a conference on the legislative bill, which is the regular mode; and it will be exceptional if we depart from it. The Army bill is here and they have sent it insisting without asking a conference. This has not been before them a second time. We want this to go before them with a request for a conference. I shall vote for that, and I move it.

Mr. DAVIS, of West Virginia. No direct word has been sent us except in the usual parliamentary way, and I do not see any reason why we should not agree to the motion of the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine moves that a further committee of conference be asked upon the legislative bill.

Mr. EDMUNDS. I wish to go regularly, and the first step is to reconsider the order by which the bill was sent to the House.

Mr. BLAINE. That may be the desire of the Senator from Vermont, but it is not in the slightest degree necessary. I move that a message be sent to the House asking for a second conference. It is not of the least consequence whether it goes separately or in the same message.

Mr. EDMUNDS. The only point is that the papers on which the conference is moved must be in possession of the House moving the conference. That I believe is the parliamentary law. Now, in order to do things regularly, the order having been entered that these papers be sent to the House of Representatives, in contemplation of parliamentary law they are sent. I do not care anything about it on this occasion only to have the Journal appear regularly.

The PRESIDING OFFICER. Is there objection to reconsidering the order sending the bill to the House of Representatives? The Chair hears no objection.

Mr. DAVIS, of West Virginia. I rose to make this motion before that order was made.

The PRESIDING OFFICER. It had gone from the Senate by order, and therefore was not in the possession of the Senate. Now the Senator from Maine moves that a further conference be asked.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House had passed a joint resolution (H. R. No. 249) for the relief of J. Russell Barber; in which it requested the concurrence of the Senate.

THANKS TO VICE-PRESIDENT.

Mr. BAYARD. I offer the following resolution:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to Hon. WILLIAM A. WHEELER, Vice-President, for the uniformly able, courteous, and impartial manner in which he has presided over their deliberations.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the resolution.

The resolution was unanimously agreed to.

ARMY APPROPRIATION BILL.

Mr. BLAINE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6145) making appropriation for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

J. G. BLAINE,
WM. B. ALLISON,
WM. A. WALLACE,
Managers on the part of the Senate.
ABRAM S. HEWITT,
WM. A. J. SPARKS,
CHAS. FOSTER,
Managers on the part of the House.

Mr. BLAINE. Now, I move that the Senate simply insist. This is the third conference on the Army bill, and the record of the House last sent is that they have insisted without asking a conference.

The motion was agreed to.

RECESS.

Mr. CONKLING. I move that the Senate do now take a recess until ten o'clock.

Mr. EDMUNDS. The conference committee on the legislative bill has not yet been appointed.

Mr. CONKLING. I wait until the conference committee is appointed.

The PRESIDING OFFICER. The Chair appoints the Senator from Minnesota, [Mr. WINDOM,] the Senator from Iowa, [Mr. ALLISON,] and the Senator from Kentucky [Mr. BECK] the managers at the conference on the part of the Senate on the legislative, executive, and judicial appropriation bill.

Mr. CONKLING. Now, I insist on my motion for a recess. I want an opportunity to get something to eat.

Mr. McMILLAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. CONKLING. I do not. I want an opportunity to get something to eat. I move that the Senate take a recess until ten o'clock a. m.

The motion was agreed to; and (at eight o'clock and twenty minutes a. m., Tuesday, March 4) the Senate took a recess until ten o'clock a. m.

MORNING SESSION.

The Senate reassembled at ten o'clock a. m., (Tuesday, March 4.)

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY (GEORGE C. GORHAM, esq.) called the Senate to order, and said: Senators, the following note has been addressed to the Secretary of the Senate by the Vice-President:

VICE-PRESIDENT'S CHAMBER,
Washington, D. C., March 3, 1879.

SIR: As I shall not again occupy the chair during the present session of the Sen-

ate, please notify it of that fact, to the end that it may choose a President *pro tempore*.

Respectfully,

W. A. WHEELER,
Vice-President.

To the SECRETARY OF THE SENATE.

What is the pleasure of the Senate?

Mr. ANTHONY. Mr. Secretary, I offer the following resolution:

Resolved, (the Vice-President being absent.) That Hon. THOMAS W. FERRY, one of the Senators from the State of Michigan, be, and he hereby is, appointed President *pro tempore* of the Senate.

The SECRETARY. Is there any objection to the present consideration of the resolution? There is none.

Mr. BAYARD. I move to amend the resolution by substituting the name of "ALLEN G. THURMAN, of Ohio."

The SECRETARY. The Senator from Delaware moves to amend by substituting. The question is on the amendment to the resolution.

Mr. EDMUNDS. I inquire whether a quorum of the Senate is present.

The SECRETARY. If it is the pleasure of the Senate, the Secretary will order the roll to be called to ascertain. The roll of Senators will be called.

The roll was called.

Mr. EDMUNDS. My colleague [Mr. MORRILL] who has not responded to his name is detained at his house by illness. He is paired on all political questions with the Senator from Florida, [Mr. JONES.]

The SECRETARY. Thirty-nine Senators have responded to their names. A quorum is present. The question is on the amendment offered by the Senator from Delaware [Mr. BAYARD] to the resolution of the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. ANTHONY. I think the absentees had better be called.

Mr. HILL. There is a quorum. There is no use of calling the absentees.

The SECRETARY. The Senator from Rhode Island requests that the absentees be called. The absentees will be called.

The list of absentees was called.

The SECRETARY. Forty Senators have answered to their names. More than a quorum of Senators is present. The question before the Senate is on the amendment of the Senator from Delaware [Mr. BAYARD] to the resolution offered by the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. McMILLAN. Let the resolution be reported.

The SECRETARY. The resolution offered by the Senator from Rhode Island is as follows:

Resolved, (the Vice-President being absent.) That Hon. THOMAS W. FERRY, one of the Senators from the State of Michigan, be, and he hereby is, appointed President *pro tempore* of the Senate.

The Senator from Delaware proposes to amend by striking out "THOMAS W. FERRY, one of the Senators from the State of Michigan," and inserting "ALLEN G. THURMAN, of Ohio."

Senators in favor of the amendment will signify the same by saying "ay," those opposed "no." [Putting the question.] The Secretary will not decide.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EUSTIS, (when his name was called.) Mr. Secretary, on this motion I am paired with the Senator from Colorado, [Mr. CHAFFEE.] If he were here, I should vote "yea."

Mr. WITHERS, (when Mr. JOHNSTON's name was called.) My colleague [Mr. JOHNSTON] is paired with the Senator from California [Mr. SARGENT] on political questions. If my colleague were here, he would vote "yea."

Mr. BECK, (when Mr. MCCREERY's name was called.) My colleague [Mr. MCCREERY] is paired with the Senator from Wisconsin, [Mr. HOWE.] If my colleague were here, he would vote "yea."

Mr. PATTERSON, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. GARLAND.] If he were present, he would vote "yea" and I should vote "nay."

Mr. SHIELDS, (when his name was called.) On political questions I am paired with the Senator from Nevada, [Mr. SHARON.] If he were here, I should vote "yea" and I dare say he would vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 28; as follows:

Bailey,	Davis of W. Va.,	Hill,	Saulsbury,
Bayard,	Dennis,	Jones of Florida,	Voorhees,
Beck,	Eaton,	Kernan,	Wallace,
Butler,	Gordon,	Lamar,	Whyte,
Cockrell,	Grover,	McPherson,	Withers.
Coke,	Harris,	Maxey,	
Davis of Illinois,	Hereford,	Merrimon,	

NAYS—28.

Allison,	Chandler,	Kirkwood,	Plumb,
Anthony,	Conover,	McMillan,	Rollins,
Blaine,	Dawes,	Matthews,	Saunders,
Booth,	Edmunds,	Mitchell,	Spencer,
Burnside,	Hamlin,	Morrill,	Teller,
Cameron of Pa.,	Hoar,	Oglesby,	Wadleigh,
Cameron of Wis.,	Ingalls,	Paddock,	Windom.

ABSENT—22.

Barnum,	Chaffee,	Dorsey,	Ferry,
Bruce,	Conkling,	Eustis,	Garland,

Howe,
Johnston,
Jones of Nevada,
Kellogg,

McCreery,
McDonald,
Morgan,
Patterson,

Randolph,
Ransom,
Sargent,
Sharon,

Shields,
Thurman.

So the amendment was rejected.

The SECRETARY. The question now is on the adoption of the resolution offered by the Senator from Rhode Island.

The resolution was agreed to.

The SECRETARY. The Senator from Michigan [Mr. FERRY] will please come forward and take the chair.

Mr. FERRY thereupon took the chair, being escorted to it by Mr. THURMAN and Mr. ANTHONY, and said: Thanking you, Senators, for this renewal of your generous confidence, I enter at once upon the duties to which you have chosen me. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House still further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. M. J. DURHAM of Kentucky, and Mr. CHARLES FOSTER of Ohio, managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. No. 174) for the relief of Thomas B. Hunt;

A bill (S. No. 184) to authorize the Secretary of the Navy to transfer to the Secretary of the Interior, for entry and sale, all lands in the State of Florida not needed for naval purposes;

A bill (S. No. 1582) providing for an additional associate justice of the supreme court of the Territory of Dakota;

A bill (S. No. 1691) giving the consent of Congress to an agreement or compact entered into between the States of Virginia and Maryland respecting the boundary between said States; and

A bill (S. No. 1852) granting an increase of pension to Ward B. Burnett.

The message further announced that the House had passed a joint resolution (H. R. No. 250) donating condemned cannon to the Williams Monument Association; in which it requested the concurrence of the Senate.

PETER G. MILLS.

Mr. McMILLAN. Mr. President, I have a bill here for the relief of a poor soldier, which it will not take a minute to pass. It is a House bill passed there last April and reported favorably by the Senate Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1167) for the relief of Peter G. Mills. It directs the Secretary of War to cause the records in the office of the Adjutant-General of the Army to be so amended as to discharge Peter G. Mills, late of Company K, Fourth Minnesota Infantry Volunteers, from the service of the United States on the 7th of August, 1865, and granting him an honorable discharge, and correcting the record as to his muster-out of Company K, Tenth Minnesota Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. F. ROCKWELL.

Mr. WADLEIGH. I call up order of business No. 1128, being the bill (H. R. No. 2457) for the relief of A. F. Rockwell, aid-de-camp on the staff of General Buell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to recognize A. F. Rockwell as first lieutenant and aid-de-camp from the 26th of October, 1861, to the 17th of September, 1863; to complete his record for service rendered, and to authorize the accounting officers of the Treasury to admit the accounts on which he has been paid for the period embraced between those dates.

Mr. DAVIS, of West Virginia. Is that a bill upon the Calendar?

Mr. WADLEIGH. It is on the Calendar.

Mr. DAVIS, of West Virginia. Has it been reported by a committee?

Mr. WADLEIGH. It was reported by me from the Committee on Military Affairs on the 21st of February.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANVILLE O. HALLER.

Mr. MITCHELL. I ask the Senate to proceed to the consideration of House joint resolution No. 63. I will state that it passed the House and is recommended unanimously by the Committee on Military Affairs of the Senate.

Mr. SAULSBURY. Mr. President, we should be careful about passing bills at this hour of the session, when hasty legislation may do harm. I think all these bills had better be read for information first.

Mr. MITCHELL. Certainly; after this has been read there will

be no objection to it. It has been recommended by the Committee on Military Affairs.

The Secretary read the joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider it.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. GALL.

Mr. OGLESBY. I move to take up order of business 1059, a bill for the relief of the legal representatives of John W. Gall.

By unanimous consent the bill (H. R. No. 1209) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers, was considered as in Committee of the Whole. It proposes to recognize the military service of John W. Gall, deceased, late of the One hundred and thirtieth Regiment Illinois Volunteers, by paying to his legal representatives the pay and allowances of a second lieutenant of infantry from March 9, 1863, to November 1, 1863, and the pay and allowances of a first lieutenant of infantry from February 20, 1864, to January 25, 1865, deducting therefrom the amount of pay received by Gall as a private soldier or non-commissioned officer of the regiment for the period named.

The Committee on Military Affairs reported the bill with an amendment, which was in line 11 to strike out "March 9" and insert "June 20."

Mr. PLUMB. On behalf of the committee I ask leave to withdraw the amendment.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2240) to amend sections 1417, 1418, 1419, 1420, and 1624 of the Revised Statutes of the United States relating to the Navy, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes; and it was thereupon signed by the President *pro tempore*.

WILLIAM JOHNSON AND JOHN R. FRANCIS.

Mr. OGLESBY. Now I ask for the consideration of House bill No. 5803, for the relief of William Johnson and John R. Francis.

By unanimous consent, the bill (H. R. No. 5803) for the relief of William Johnson and John R. Francis, of Edgar County, Illinois, was considered as in Committee of the Whole. It provides for the payment of \$2,440.90 to William Johnson and John R. Francis, of Edgar County, Illinois, in full compensation for all property taken from or furnished by them, or either of them, to or by the United States military authorities during the war.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ISAIAH PICKARD.

Mr. ROLLINS. I move to take up House bill 916. This and one other bill which I shall ask for involve about \$100 each.

The bill (H. R. No. 916) for the relief of Isaiah Pickard was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Isaiah Pickard, of Stewartstown, New Hampshire, \$100 in full satisfaction of his claim by reason of the wrongful seizure and sale of one gray colt by the collector of customs for the district of Portsmouth.

The bill was reported from the Committee on Finance with an amendment, which was, in line 4, to insert after the word "Isaiah" the letter "H."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SIDNEY P. LUTHER.

Mr. ROLLINS. The next bill I ask to have taken up is House bill No. 917.

The Secretary read the title of the bill (H. R. No. 917) for the relief of Sidney P. Luther.

Mr. WITHERS. Some Senators get up three or four bills and others cannot get up any.

Mr. ROLLINS. I give way for the present.

J. FRASER.

Mr. HOAR. I move to take up House bill No. 2217, a bill to pay for services to one of the House committees that saved the Government a large sum.

The motion was agreed to; and the bill (H. R. No. 2217) for the relief of J. Fraser was considered as in Committee of the Whole. It provides for the payment to J. Fraser, of Philadelphia, of \$600, for expenses of trip from Philadelphia to Washington, and services in examining foundation of new jail.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MONONGAHELA CEMETERY.

Mr. DAVIS, of Illinois. I ask leave to take up House bill No. 4803. It is in relation to condemned cannon.

The bill (H. R. No. 4803) donating four condemned cannon and sixteen cannon-balls to Monongahela Cemetery, to be placed in a lot held as a free burial-ground for ex soldiers, sailors, and marines, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. I do not think there is anything to be gained in making great speed in running bills through at this rate, and I hope the Chair will go through with all the forms. I rose for the purpose of asking unanimous consent to report at this time on the petition of Richard H. Anderson for the removal of his disabilities. The petition was mislaid among the papers and should have been reported before. I report it favorably with the accompanying bill. My friend from South Carolina desires to ask its present consideration.

Mr. BUTLER. I ask its present consideration.

The PRESIDENT *pro tempore*. House bill No. 4803 is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I have no objection to that.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senator from Vermont reports a bill to remove the political disabilities of Richard H. Anderson.

Mr. DAVIS, of West Virginia. Bills are being passed so rapidly that no one can know their contents. I do not think it right that this should be done. I do not know what this bill is; but of course as there are reports the Senate ought to know the facts by having them read.

Mr. BUTLER. I ask my friend to let us get through with this bill.

The PRESIDENT *pro tempore*. If Senators resume their seats and order be restored they will be able to hear every word uttered by the Secretary.

The bill (S. No. 1864) to remove the political disabilities of Richard H. Anderson was read three times, and passed by a two-third vote.

ORDER OF BUSINESS.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order.

Mr. HILL. There is no objection now to the consideration of House bill No. 5333.

Mr. EDMUNDS. After that I shall call for the regular order and insist on it against everything except pension bills from the Pension Committee.

Mr. WITHERS. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Senator from Virginia will state his parliamentary inquiry.

Mr. WITHERS. Whether it is not proper that some consideration be given to this side of the House; I suggest the propriety of giving the floor to Senators on this side occasionally. Eight or ten Senators have been recognized on the other side for the passage of bills and not one on this side has made himself heard as yet.

The PRESIDENT *pro tempore*. The Chair would call attention to the fact that he just recognized the Senator from Georgia [Mr. HILL] and the Senator from South Carolina [Mr. BUTLER] on the last two bills. The present bill comes from the Senator from Georgia. [To the Secretary.] Proceed with the reading.

J. M. KELL.

The bill (H. R. No. 5333) for the removal of the political disabilities of John McIntosh Kell, of Georgia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-third vote.

ORDER OF BUSINESS.

Mr. COCKRELL. I ask for the present consideration of the bill for the relief of Daniel M. Frost.

Mr. EDMUNDS. I call for the regular order, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont calls for the regular order.

Mr. EDMUNDS. I do not know what this bill is, and I call for the regular order against everything except pension bills.

Mr. ANTHONY. I rise to a privileged motion. It is necessary that we have a short executive session. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The regular order is called for, unless pension bills.

Mr. WITHERS. I move that all pension bills on the Calendar be taken up and acted on.

Mr. VOORHEES. I appeal to the Senator from Vermont in behalf of a bill that I have explained to him that appeals to every Senator here quite as strongly as, if not more so than, any other bill on the Calendar.

Mr. EDMUNDS. I am entirely unable to hear the appeal.

The PRESIDENT *pro tempore*. Business will be suspended until order is restored.

Mr. EDMUNDS. There is ample time, if we can only have order, to pass all the bills on the Calendar.

Mr. VOORHEES. I say that I appeal to the Senator from Vermont to suspend his call for the regular order until Senate bill No. 1791, for the relief of Mark Walker, can be passed. It is a bill that appeals to every Senator quite as much if not more than any pension bill on the Calendar. It is a bill in behalf of a soldier of sixteen years' service, a cripple lying on his sick-bed and eating the bread of charity, in behalf of whom the Secretary of War by a letter has asked the power to appoint him a lieutenant in the Army, and the Committee on Military Affairs has unanimously recommended it. There is nothing I think that could be acted upon with greater propriety at this time than this bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. I understand the regular order is the Mississippi bill.

The PRESIDENT *pro tempore*. It is.

Mr. EDMUNDS. I of course do not hold the floor, nor claim to hold it, and the Senator from Indiana has a right to ask unanimous consent to take up his bill.

MARK WALKER.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Indiana having the case considered? The Chair hears none.

There being no objection, the bill (S. No. 1791) for the relief of Mark Walker was considered as in Committee of the Whole. The Committee on Military Affairs reported the bill with amendments.

The first amendment was, in line 10, after the word "the," to strike out "same" and insert "first vacancy occurring in the;" and in line 11, after the word "lieutenant," to insert "of said regiment;" so as to read:

That the provisions of law regulating appointments in the Army are hereby suspended for the purpose of this act, and only so far as they affect Mark Walker, late first lieutenant Nineteenth United States Infantry; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said Mark Walker, late first lieutenant Nineteenth United States Infantry, to the first vacancy occurring in the grade and rank of lieutenant of said regiment held by him on May 13, 1873; and that the said Walker shall thereupon be placed upon the retired list of the Army, provided the same shall be recommended by the retiring board.

Mr. EDMUNDS. Is there a report accompanying that bill?

The PRESIDENT *pro tempore*. There is no report.

Mr. EDMUNDS. I should like to hear read the letter of the Secretary of War.

Mr. VOORHEES. Certainly.

The PRESIDENT *pro tempore*. Has the Senator the letter?

Mr. VOORHEES. It is among the papers. The Committee on Military Affairs had the letter.

PENSION BILLS.

The PRESIDENT *pro tempore*. Pending that, the bill being temporarily laid aside, the Chair will recognize the Senator from California.

Mr. SARGENT. Mr. President, order of business 1016 (House bill No. 4418) is to pay a hundred dollars to an impecunious newspaper man, who is entitled to have his money in the opinion of the Committee on Naval Affairs. It is a House bill and ought to be passed.

Mr. EDMUNDS. I call for the regular order, but I will not object to pension bills.

Mr. WITHERS. I again ask that unanimous consent be given to take up and act upon the various bills reported from the Pension Committee.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the Senate to consider the pension bills. The Chair hears no objection. The first pension case on the Calendar will be read.

JARVIS JACKSON.

Mr. INGALLS. I send to the Clerk's desk order of business 1151, being House bill No. 2961.

The bill (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky, was considered as in Committee of the Whole. It provides for the payment to Jarvis Jackson of a pension of \$16 per month instead of \$8, which he is now receiving.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PENSIONERS WITH AMPUTATED LEGS.

Mr. INGALLS. House bill No. 3879, order of business 1116, provides for the payment of pensioners whose leg has been amputated at the hip-joint the sum of \$37.50 a month. There are but four of these pensioners in the country. I ask the passage of that bill.

The bill (H. R. No. 3879) for the relief of certain pensioners was considered as in Committee of the Whole. It declares that all pensioners now on the pension-roll, or who may hereafter be placed thereon, for amputation of either leg at the hip-joint, shall receive a pension at the rate of \$37.50 per month.

Mr. EDMUNDS. Was that bill reported to-day?

Mr. INGALLS. No, sir.

The PRESIDENT *pro tempore*. It is on the Calendar.

Mr. WITHERS. There are only four pensioners of this class.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN S. CORLETT.

Mr. INGALLS. Order of business 1201, House bill No. 711, is the next pension case.

The bill (H. R. No. 711) granting a pension to John S. Corlett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John S. Corlett, late a teamster in the service of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CALVIN E. PRATT.

Mr. INGALLS. I now ask for order of business No. 1228.

The bill (H. R. No. 4967) granting a pension to Calvin E. Pratt, late brigadier-general of volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Calvin E. Pratt, late brigadier-general of volunteers, and pay him a pension at the rate of \$30 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY F. M'KEEVER.

Mr. INGALLS. The next is order of business 1221, House bill No. 4365.

The bill (H. R. No. 4365) granting an increase of pension to Mary F. McKeever was considered as in Committee of the Whole. It provides for paying to Mrs. Mary F. McKeever, widow of the late Commodore Isaac McKeever, of the Navy, a pension at the rate of \$50 per month, in lieu of the pension now paid her.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ISAAC WINANS.

Mr. INGALLS. Order of business 1220, House bill No. 4360, is next. The bill (H. R. No. 4360) granting a pension to Isaac Winans, of the Ohio militia, in the war of 1812, was considered as in Committee of the Whole.

Mr. INGALLS. I move to amend the bill by striking out the words "subject to the provisions and limitations of the pension laws" and adding the words "and pay him a pension from and after the passage of this act."

Mr. EDMUNDS. I should like to know why that does not come within the present act; and if there is a report, as I believe there is, I should like to hear the report read.

Mr. INGALLS. The report is made by the House committee, not by the Senate committee. The Senator desires to know the reason for the amendment.

Mr. EDMUNDS. No; I should like to know the history of the case. Let the report be read—report of the committee. I saw a report there a moment ago.

The Secretary read the following report, submitted by Mr. MACKEY in the House of Representatives on the 16th of April, 1878:

That it appears from a statement of the records in the Pension Department, as presented by the Commissioner of Pensions under date of February 9, 1878, that the claimant, Isaac Winans, was in service in the war of 1812, a member of Captain Dull's company, Ohio militia, for more than sixty days, including service in another company, and as a substitute, and certainly more than fourteen days. There were three persons bearing the name of Winans who served in the same company with Isaac Winans, and there is considerable confusion in the official records as to the service of the parties bearing that name, but from an examination of all the evidence and letters furnished the committee, they are of opinion that Isaac Winans was in the service of the Government in the war of 1812 for more than the time required by law, and never received a pension, and is justly entitled to the same, and recommend the passage of the bill herewith returned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FRANCIS B. McNAMARA.

Mr. INGALLS. I ask for House bill No. 848, order of business 1237.

The bill (H. R. No. 848) for the relief of Francis B. McNamara, of Condersport, Potter County, Pennsylvania, was considered as in Committee of the Whole. It proposes to place the name of Francis B. McNamara, late drum-major in Company E of the Sixty-first Regiment of Pennsylvania Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. INGALLS. I move to amend this bill by striking out the words "subject to the provisions and limitations of the pension laws" and adding the words "and pay him a pension from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARTHA J. ROBINSON.

Mr. INGALLS. Order of business 1240, being House bill No. 471. The bill (H. R. No. 471) granting a pension to Martha J. Robinson, widow of James H. Robinson, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha J. Robinson, widow of James H. Robinson, late private in Company E, Fifth Regiment Indiana Cavalry Volunteers.

Mr. INGALLS. I move to strike out the words "subject to the provisions and limitations of the pension laws and to add the words "pay her a pension from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN M'INTYRE.

Mr. INGALLS. House bill No. 1946 is the next.

The bill (H. R. No. 1946) granting a pension to John McIntyre was considered as in Committee of the Whole. It proposes to place the name of John McIntyre on the pension-roll, from the 4th of March, 1877, at the same rate per annum that he was receiving when his name was dropped from the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HERMAN NETTLEFIELD.

Mr. INGALLS. Next I ask for the consideration of House bill No. 2858.

The bill (H. R. No. 2858) granting a pension to Herman Nettlefield was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Herman Nettlefield, late of Canby's scouts.

Mr. INGALLS. I move to strike out the words "subject to the provisions and limitations of the pension laws" and to add "and pay him a pension at the rate of \$8 per month from and after the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

SALLY MURRAY BUCHANAN.

Mr. INGALLS. Order of business 1219, Senate bill No. 1473, is the next pension bill.

The bill (S. No. 1473) granting a pension to Sally Murray Buchanan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sally Murray Buchanan, widow of the late Colonel Robert C. Buchanan, brevet major-general United States Army, her pension to be \$50 per month, and to date from the time of the death of General Buchanan, November 29, 1878.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. REEVE.

Mr. INGALLS. Order of business 1234, Senate bill No. 1756, is next: The bill (S. No. 1756) granting an increase of pension to James H. Reeve was considered as in Committee of the Whole. James H. Reeve, late captain in the Third Regiment New York Volunteer Infantry, is by the bill allowed, from June 26, 1865, a pension at the rate of \$24 per month in lieu of the pension now paid him.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EUGENE O'SULLIVAN.

Mr. INGALLS. Order of business 1238, Senate bill No. 1863. The bill (S. No. 1863) granting an increase of pension to Eugene O'Sullivan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eugene O'Sullivan, late sergeant Company K, Eighteenth Missouri Infantry, at the rate of \$18 per month.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

MARK WALKER.

Mr. VOORHEES. A few moments ago the bill for the relief of Mark Walker was laid aside to have a letter of the Secretary of War found, that it might be read. I now send it to the desk to have it read.

The Secretary read as follows:

WAR DEPARTMENT,
Washington City, February 10, 1879.

SIR: In reply to your letter of this date inclosing Senate bill 1791 for the relief

of Mark Walker, and requesting his military record, &c., I have the honor to inclose report of the Adjutant-General of this date, and other papers, giving the information desired.

The passage of the bill is respectfully recommended.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
Secretary of War.

Hon. GEORGE E. SPENCER,
Chairman Committee on Military Affairs, United States Senate.

The bill (S. No. 1791) for the relief of Mark Walker was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ADAMS AND OTHERS.

Mr. CAMERON, of Wisconsin. I move to take up House bill No. 4143, and I ask that the amendments be not concurred in. They are merely verbal.

By unanimous consent the bill (H. R. No. 4143) for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased, Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. There are amendments reported which will be read.

Mr. COCKRELL. Let the report of the committee be read.

The Secretary read the amendments, which were, in line 4, after the word "to," to insert "audit, and, if the amounts claimed are correctly stated, to;" in lines 6 and 7 to strike out the words "the following sums" and to insert "not to exceed the sums hereinafter named;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized to audit, and, if the amounts claimed are correctly stated, to pay, out of any money in the Treasury not otherwise appropriated, to the following persons not to exceed the sums hereinafter named, in full for services in the United States naval service during the late war.

Mr. COCKRELL. I ask for the reading of the report.

The PRESIDENT *pro tempore*. There is no report. The question is on the amendments.

Mr. COCKRELL. There is a report, marked on the Calendar as No. 805.

Mr. CAMERON, of Wisconsin. I am informed the report has not yet been printed.

The PRESIDENT *pro tempore*. The Chair is informed the report has not been printed.

Mr. DAVIS, of West Virginia. If it is in manuscript it can be read.

The PRESIDENT *pro tempore*. It has gone to the Printing Office, the Chair is informed. The question is on the amendments.

Mr. COCKRELL. I ask for the reading of the report in that case.

The PRESIDENT *pro tempore*. The report is at the Printing Office.

Mr. COCKRELL. Then I ask that the bill be postponed.

The PRESIDENT *pro tempore*. The bill will be postponed.

Mr. PADDOCK. I hope that will not be done. It is a very meritorious case.

Mr. COCKRELL. I withdraw my objection to the bill called up by the Senator from Wisconsin, [Mr. CAMERON.]

Mr. CAMERON, of Wisconsin. I ask that the amendments reported by the committee be not adopted.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 6500) to prevent the introduction of infectious or contagious diseases into the United States, and to establish a national board of health; in which it requested the concurrence of the Senate.

GEORGE M. WELLES.

Mr. WHYTE. I ask for the consideration of House bill No. 4565. The bill (H. R. No. 4565) for the relief of Lieutenant George M. Welles, of the Marine Corps, was, by unanimous consent, considered as in Committee of the Whole. It provides for paying to First Lieutenant George M. Welles, of the United States Marine Corps, \$225, being the difference between furlough and retired pay, found to be due him in the adjustment of his accounts at the Treasury.

Mr. COCKRELL. Is there a report in that case? If so, let it be read.

Mr. ANTHONY. The Senator from Maryland [Mr. WHYTE] reported the bill.

The Secretary read the following report, submitted by Mr. WHYTE on the 19th February:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 4565) for the relief of Lieutenant George M. Welles, of the Marine Corps, have had the same under consideration, and submit the following report:

Lieutenant Welles was retired from active service pursuant to the finding of a duly organized board, and their finding was approved by the President on the 18th August, 1874.

By clerical inadvertence Lieutenant Welles was retired on furlough pay, as is provided in case of naval officers, while the retirements of officers of the Marine Corps are governed by sections 1622 and 1623 of the Revised Statutes, the former requiring that such officers be retired in like case and in the same manner, and with the same relative conditions in all respects, as officers of the Army are retired. He

is entitled to the difference between furlough and retired pay for the year ending July 1, 1879, amounting to the sum of \$225.

The committee, being satisfied of the correctness of Lieutenant Welles's claim, recommend the passage of the bill aforesaid.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DANIEL M. FROST AND OTHERS.

Mr. COCKRELL. I ask that the Senate proceed to the consideration of House bill No. 1704, order of business No. 1069.

By unanimous consent, the bill (H. R. No. 1704) for the relief of Daniel M. Frost and the heirs and executors of William M. McPherson, of the State of Missouri, was considered as in Committee of the Whole. It releases Daniel M. Frost and the heirs and executors of William M. McPherson from all claim and demand on the part of the United States upon them, or either of them, by reason of their having been sureties upon the official bond of Augustus W. Gaines, paymaster in the Army of the United States, who died in February, 1860.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

NATIONAL BOARD OF HEALTH.

Mr. HARRIS. Mr. President, I ask the unanimous consent of the Senate to take from the table House bill No. 6500, being a bill to prevent the introduction of infectious or contagious diseases into the United States and to establish a national board of health. I am sure there is not a Senator on the floor who will object to it.

Mr. DAVIS, of Illinois. I hope there will be no objection to this bill.

By unanimous consent, the bill (H. R. No. 6500) to prevent the introduction of infectious or contagious diseases into the United States, and to establish a national board of health, was read three times, and passed.

V. H. MCCORMICK.

Mr. CONOVER. I ask the Senate to take up House bill No. 3737, for the relief of Mr. McCormick.

By unanimous consent, the bill (H. R. No. 3737) for the relief of V. H. McCormick was considered as in Committee of the Whole. It proposes to pay to V. H. McCormick \$555.56, in full of all claim by him for salary as special messenger and watchman to the Special Committee on Investigation of the Freedman's Savings and Trust Company during the Forty-fourth Congress, from the 16th of August, 1876, to the 4th of March, 1877, inclusive.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

H. T. BURROWS AND OTHERS.

Mr. McDONALD. I ask for the adoption of the resolution I now offer as an act of justice to some of the employes of the Senate.

The joint resolution (S. R. No. 72) for the relief of H. T. Burrows and others was read.

Mr. DAVIS, of West Virginia. I do not know what it is that is being read. I dislike so often to call for order, but I cannot understand what is going on. I have tried my utmost to hear what this is. Anything that is subject to objection which now comes from the House for the first time I gave notice at the last sitting I would object to. I think in the closing hours of Congress there is more mischief done, often, than during the whole of the Congress otherwise, and I feel it my duty to see that nothing of the kind is done out of order. I say to Senators now that anything that is subject to objection and has not gone through regularly, I expect to object to.

The PRESIDENT *pro tempore*. The Chair will recognize any objection.

Mr. DAVIS, of West Virginia. I ask where that resolution comes from and what it is?

Mr. McDONALD. I offered it yesterday.

Mr. DAVIS, of West Virginia. There is such haste that no one can tell what is being done. There is too much haste.

The PRESIDENT *pro tempore*. The Chair is compelled to hasten in order to reach all the Senators.

Mr. DAVIS, of West Virginia. It would be much better for the Senate and the country if there was not such haste.

Mr. McDONALD. Appropriations were made in the deficiency bill, but they were dropped out because they were not, according to the understanding of the House, properly on that bill. They should therefore be put in the form of a joint resolution. Justice to these parties requires it.

Mr. DAVIS, of West Virginia. I do not know what they are. One has been read, but read with such haste and so much confusion that I did not hear it, though I tried to.

The PRESIDENT *pro tempore*. The Secretary will again read.

Mr. DAVIS, of West Virginia. The Senator from Indiana says that those items were on one of the appropriation bills, but were rejected by the House, and of course by the Senate's consent. That being so, is it right that we should take them up here at the closing hours of the Senate and pass them in such haste?

Again, as I understand, there are twenty such cases. The door of the room of the Committee on Appropriations was crowded probably for hours by employes, asking additional compensation for different services about the Senate. My opinion is that it ought not to be done. Men or boys who will accept positions here, and get their pay regularly through the year, and then at the close of the session try

to rush something extra through in haste, are not fit to be here. They ought not to hold positions here. If they get their regular salary they ought to be satisfied. I entered an objection yesterday to extra pay of sixty days covering a double period. Finally the resolution passed, by my withdrawing my objection, allowing pay for thirty days in addition to any service that might be rendered. I thought that just; I believe now it is just; but here is extra compensation again. I enter an objection if it is subject to objection, and I think it is.

The PRESIDENT *pro tempore*. The Senator objects to the further consideration of the resolution.

Mr. McDONALD. I understood the Senate had entertained the resolution. It was introduced some days since by me and upon objection of the Senator from Vermont it was withdrawn.

The VICE-PRESIDENT. It was read twice before. The Chair suggests that an objection will not obtain now.

Mr. McDONALD. I do not think the Senator from West Virginia understands the effect of this resolution. Amendments have been furnished me by the Senator from Vermont, the Senator from Ohio, and the Senator from Maine.

EXECUTIVE SESSION.

Mr. EDMUNDS. I feel it to be a duty to do now what the Senator from Rhode Island proposed half an hour ago—but the Senate did not think it right to do it—for the benefit of public interests. I move that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 31, noes 21.

Mr. BAYARD called for the yeas and nays; and they were ordered. The question being taken by yeas and nays, resulted—yeas 34, nays 23; as follows:

YEAS—34.

Allison,	Conkling,	Ingalls,	Sargent,
Anthony,	Conover,	Jones of Nevada,	Saunders,
Blaine,	Davis of Illinois,	Kernan,	Shields,
Booth,	Dawes,	Matthews,	Spencer,
Bruce,	Dorsey,	Mitchell,	Teller,
Burnside,	Edmunds,	Morrill,	Wadleigh,
Cameron of Pa.,	Hamlin,	Oglesby,	Windom.
Cameron of Wis.,	Hoar,	Patterson,	
Chandler,	Howe,	Rollins,	

NAYS—23.

Bailey,	Eaton,	Jones of Florida,	Paddock,
Barnum,	Ferry,	Lamar,	Saulsbury,
Bayard,	Gordon,	McDonald,	Thurman,
Beck,	Grover,	McPherson,	Whyte,
Butler,	Harris,	Maxey,	Withers.
Coke,	Hereford,	Merrimon,	

ABSENT—19.

Chaffee,	Garland,	McMillan,	Ransom,
Cockrell,	Hill,	McCreery,	Sharon,
Davis of W. Va.,	Johnston,	Morgan,	Voorhees,
Dennis,	Kellogg,	Plumb,	Wallace.
Eustis,	Kirkwood,	Randolph,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will clear the galleries and close the doors.

REPORTS ON SAMOAN ISLANDS.

Mr. PATTERSON. Before the doors are closed, I offer the following resolution:

Resolved, That the Secretary of State be, and he is hereby, directed to furnish the Senate with the reports on the Samoan Islands made by Gustavus Gorrard, if not incompatible with the public interests.

Mr. CONKLING. I object to the resolution unless the latter clause is stricken out. We do not have the Secretary of State decide whether it is compatible with the public interests to obey a direction of the Senate.

Mr. EDMUNDS. I suggest—

Mr. HOAR. I object to it at all.

Mr. EDMUNDS. I have the floor just now. I suggest to the Senator from South Carolina to change it into a resolution requesting the President.

Mr. CONKLING. That will do.

Mr. PATTERSON. I accept the amendment.

The PRESIDENT *pro tempore*. As amended shall the resolution pass?

The resolution, as amended, was agreed to.

CHEYENNE INDIANS.

Mr. ALLISON. Some days ago the Committee on Indian Affairs offered a resolution authorizing the appointment of a select committee of five. There was no method adopted for the appointment, and I ask unanimous consent that the committee shall be appointed by the Chair.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears no objection. It is so ordered.

AMANDA M. COOK.

Mr. ALLISON. As I have the floor, I ask unanimous consent to take from the table House bill No. 2633 and put it on its passage. It is for the relief of Amanda M. Cook, a woman who was captured by the Cheyenne Indians and kept prisoner for nearly two years. This is an appropriation of \$2,000 to be paid to her out of the Cheyenne annuities.

Mr. EDMUNDS. We cannot hear anything.

The bill (H. R. No. 2633) for the relief of Amanda M. Cook was considered as in Committee of the Whole. It directs the Secretary of the Interior to deduct, from any annuities due or to become due to the Cheyenne or Arapahoe Indians, \$2,000, and to pay the same to Amanda M. Cook, formerly Amanda M. Fletcher, whose mother was killed and herself captured by the Cheyenne and Arapahoe Indians, in the Territory of Wyoming, in August, 1865, while en route from the State of Illinois to California.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JULIA A. NUTT.

Mr. LAMAR. I ask unanimous consent to have a bill passed for the relief of Julia A. Nutt, House bill No. 4671.

Mr. EDMUNDS. Why, Mr. President, nothing would give me more pleasure than to accede to the wishes of the honorable Senator from Mississippi; but he will see the utter impossibility of our proceeding in this way.

Mr. WITHERS. There is a bill for the removal of political disabilities, which can be disposed of.

H. T. BURROWS AND OTHERS.

Mr. McDONALD. I now ask to call up the resolution I had up a few minutes ago. There is an amendment to add:

And that the sum of \$240 be, and the same is hereby, appropriated to pay R. C. Bromley, the difference between the salary for one year, as a mail-carrier, and the salary of a messenger of the Senate, which latter duty he has performed during the past year; and that the sum of \$652.64 be, and the same is hereby, appropriated to pay James N. Fitzpatrick the difference between the salary received by him for services rendered as assistant financial clerk of the Senate during the year ending June 30, 1874, and the salary paid other clerks performing service of the same grade during that year; to pay S. B. Pennabaker for service as page in the Senate from December 2, 1878, to April 4, 1879, \$133.30, inclusive, it being the difference of pay received by him and that received by the regular pages of the Senate; to pay R. A. Birchett for his services as a special messenger of the Senate, during the fiscal year ending June 30, 1879, the sum of \$915, the same being the salary of a messenger, less the amount already received by him on account of said services.

Mr. DAVIS, of West Virginia. I made objection to that. The Senator from Indiana came to me and I said that so far as the one man on special duty was concerned, who was covered by the original resolution, I would withdraw, but not as to the whole batch of them.

Mr. WITHERS. They all stand on the same footing.

Mr. CAMERON, of Wisconsin. I call for the regular order.

The PRESIDENT *pro tempore*. Is the whole objected to?

Mr. CAMERON, of Pennsylvania. Are we not in executive session?

The PRESIDENT *pro tempore*. The Chair will remark that the resolution now in the hands of the Secretary was introduced yesterday. Therefore one objection will not pass it over. The Chair will lay before the Senate the question whether the Senate will consider this resolution. There is no objection. It is before the Senate as in Committee of the Whole.

The amendments were agreed to.

The resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. KERNAN. I ask the Senate to take from the table House bill No. 6525.

Mr. CAMERON, of Pennsylvania. I thought we were in executive session.

Mr. KERNAN. It is on the table. It came in this morning about two o'clock.

Mr. WITHERS. Let us get the disability bills off the Calendar.

Mr. KERNAN. If I cannot get that up I will ask to take up order of business 1241, being House bill No. 4639.

The bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York was read by its title.

The Secretary proceeded to read the bill.

Mr. CAMERON, of Pennsylvania. I call for the regular order; that is on executive business.

Mr. WINDOM. I ask the Senator to yield for a single moment.

Mr. CONKLING. This bill could have passed in this time.

Mr. KERNAN. I appeal to the Senator to allow the bill to pass.

Mr. WINDOM. I ask the attention of the Senate for a moment.

Mr. CONKLING and Mr. KERNAN. Finish the bill.

Several SENATORS. Read.

Mr. EDMUNDS. Regular order. I insist that the doors shall be closed and our good friend Murphy shall be permitted to be excused for a minute.

Mr. WINDOM. I ask leave to introduce the following bill, and ask for its present consideration:

The bill (S. No. 1865) to provide temporarily for the expenditures of the Government was read once by its title.

Objection was made to the second reading.

Mr. EDMUNDS. Regular order.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. Pursuant to the order of the Senate the doors will be closed and the galleries cleared for the consideration of executive business.

After two minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House had passed the following bill and joint resolution:

A bill (S. No. 1611) authorizing the appointment of William English to a second lieutenant in the Army; and

A joint resolution (S. R. No. 62) authorizing the printing of a portrait of the late Joseph Henry, to accompany the memorial volume heretofore ordered.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 916) for the relief of Isaiah Pickard;

A bill (H. R. No. 1167) for the relief of Peter G. Mills;

A bill (H. R. No. 1209) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers;

A bill (H. R. No. 1904) for the relief of William Johnson and John R. Francis, of Edgar County, Illinois;

A bill (H. R. No. 1827) for the relief of D. W. McClung, of Wooddale, Butler County, Ohio;

A bill (H. R. No. 1946) granting a pension to John McIntyre;

A bill (H. R. No. 4967) granting a pension to Calvin E. Pratt, late brigadier-general of volunteers;

A bill (H. R. No. 3879) for the relief of certain pensioners;

A bill (H. R. No. 3737) for the relief of V. H. McCormick;

A bill (H. R. No. 4565) for the relief of Lieutenant George M. Welles, of the Marine Corps;

A bill (H. R. No. 1704) for the relief of Daniel M. Frost and the heirs and executors of William McPherson, of the State of Missouri;

A bill (H. R. No. 4365) granting increase of pension to Mary F. McKeever;

A joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army;

A bill (S. No. 174) for the relief of Thomas B. Hunt;

A bill (S. No. 184) to authorize the Secretary of the Navy to transfer to the Secretary of the Interior, for entry and sale, all lands in the State of Florida not needed for naval purposes;

A bill (S. No. 1582) providing for an additional associate justice of the supreme court of the Territory of Dakota;

A bill (S. No. 1691) giving the consent of Congress to an agreement or compact entered into between the States of Virginia and Maryland respecting the boundary between said States;

A bill (S. No. 1852) granting an increase of pension to Ward B. Burnett; and

A joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employes of the Senate and House of Representatives.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of two members of the Senate be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The PRESIDENT *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. ANTHONY and Mr. THURMAN were appointed.

ORDER OF BUSINESS.

Mr. WINDOM. I ask that the reading of the bill I have just presented may be completed.

The bill was read, as follows:

Be it enacted, &c., That for a period not exceeding six months from and after the 30th day of June, A. D. 1879, unless the regular appropriations shall have been previously made for the service of the fiscal year ending the 30th day of June, 1880, it shall be lawful to use for the necessary service of the Government any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1879; and in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1879, to the credit of any appropriation the necessary amount is hereby appropriated out of any money in the Treasury not otherwise appropriated; and no greater amount shall be expended under this act than such proportional sum of the appropriations of the fiscal year ending June 30, 1879, as six months bears to the whole of said fiscal year, and such expenditure shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to, and deducted from, the appropriation for like service for the fiscal year ending June 30, 1880.

Mr. SAULSBURY. I object to the consideration of it.

Mr. WINDOM. Let me understand who objects.

The PRESIDENT *pro tempore*. The Senator from Delaware.

Mr. WINDOM. I want to say that on the Senator from Delaware rests the responsibility, then, of an extra session.

CHEYENNE INDIANS.

The PRESIDENT *pro tempore* appointed Mr. KIRKWOOD, Mr. DAWES, Mr. PLUMB, Mr. COKE, and Mr. BAILEY, the committee authorized to be appointed by the Senate resolution of February 12, 1879, to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, &c.

Mr. PADDOCK. I offer the following resolution.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

The motion was not agreed to.

Mr. OGLESBY. I call for a division.

The PRESIDENT *pro tempore*. The Senator is too late.

WITHDRAWAL OF PAPERS.

On motion of Mr. McDONALD, it was

Ordered, That Mark Walker have leave to withdraw his petition and papers from the files, relative to his application for relief.

CATTLE DISEASES.

Mr. PADDOCK. I offer a resolution:

Resolved, That the Committee on Agriculture be, and hereby is, authorized to sit during the recess under the order of the Senate heretofore made to investigate infectious diseases among cattle, with authority to employ a clerk and a stenographer if necessary.

Mr. SAULSBURY. I object to the consideration of that resolution.

The PRESIDENT *pro tempore*. The Senator from Delaware objects.

Mr. PADDOCK. I hope the Senator from Delaware will not object to this resolution. There is an inquiry which is being prosecuted and which is of the utmost value to the country.

Mr. SAULSBURY. I have objected.

HOUSE BILL REFERRED.

The bill (H. R. No. 2240) to amend sections 1417, 1418, 1419, 1420, and 1824 of the Revised Statutes of the United States relating to the Navy was read twice by its title, and referred to the Committee on the Judiciary.

CHANGE OF NAME OF VESSEL.

Mr. PATTERSON. I ask for the consideration of House bill No. 5633, order of business 982.

No objection being made, the bill (H. R. No. 5633) authorizing the changing the name of the barge Cockade City, of Washington, District of Columbia, to Republic, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

LANDS AT PLATTSBURGH.

Mr. KERNAN. The bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York was partly read through when the doors were shut. I ask that the reading be concluded.

The bill (H. R. No. 4639) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York was considered as in Committee of the Whole. It empowers the Secretary of War, in his discretion, to release to the people of the State of New York, their successors and assigns, a right of way, not exceeding six rods in width, upon and across the land owned and possessed by the United States in the town of Plattsburgh, Clinton County, New York, for railroad purposes, and also a lot or piece of land in the northeast corner of that land, owned by the United States, at Plattsburgh, for depot and other railroad purposes, not to exceed, however, two acres, subject to such restrictions as the Secretary of War may think necessary to protect the interests of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

JAMES M. RUBY.

Mr. BURNSIDE. I ask for the consideration of House bill No. 2552.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2552) for the relief of James M. Ruby. It proposes to pay James M. Ruby the pay of an enlisted man from June 28, 1862, inclusive, to August 18, 1862; and the pay of sergeant-major from August 18, 1862, inclusive, to the 26th of August, 1862; and also the pay of first lieutenant from August 26, 1862, inclusive, to December 2, 1862.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DAVID W. STOCKSTILL.

Mr. McDONALD. I ask for the consideration of House bill No. 2284 for the relief of David W. Stockstill, of Sidney, Ohio. I withdraw the objection I made to this bill when it was up before, and ask for its consideration now.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

H. B. LITTLEPAGE.

Mr. WITHERS. I ask that House bill No. 6524, to relieve the disabilities of H. B. Littlepage, of Virginia, be taken up for action.

By unanimous consent, the bill (H. R. No. 6524) to remove the political disabilities of H. B. Littlepage, of King William County, Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-third vote.

Mr. WITHERS. The other two are Senate bills which it is not worth while to pass.

HOUSE BILLS.

The PRESIDENT *pro tempore*. What is the further pleasure of the Senate?

Mr. THURMAN. Mr. President, we are waiting for the committee to come from the House to wait on the President. I suppose they will be here in a moment. I understand they are on their way here. I would advise the Chair not to look at the clock for about three minutes. [Laughter.]

The PRESIDENT *pro tempore*. Time and tide wait for no man. The Chair will lay before the Senate bills and joint resolutions from the House of Representatives.

The joint resolution (H. R. No. 250) donating condemned cannon to the Williams Monument Association was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 6525) to provide for the erection of a public building at Brooklyn, New York, for use as a post-office and United States court, and for the accommodation of United States internal-revenue officials, and for other Government purposes, was read twice by its title.

Mr. CONKLING. I believe that bill has been submitted to the Committee on Public Buildings and Grounds. It makes no appropriation, and if there is no objection I wish the Senate to act upon it.

Mr. DAWES. That ought to pass.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. DAVIS, of West Virginia. I object.

The bill (H. R. No. 5580) to authorize the President to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list, was read the first time by its title.

The joint resolution (H. R. No. 249) for the relief of J. Russell Barber was read the first time by its title.

J. RUSSELL BARBER.

Mr. BECK. I hope there will be no objection to the resolution for the relief of J. Russell Barber.

The joint resolution (H. R. No. 249) for the relief of J. Russell Barber was read the second time and considered as in Committee of the Whole.

The joint resolution proposes to pay to J. Russell Barber \$184 for services as messenger to the Committee on War Claims at the third session of the Forty-fifth Congress.

The resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

GENERAL JAMES SHIELDS.

Mr. COCKRELL. I desire to call up the bill in regard to General Shields.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the consideration of the bill (H. R. No. 5580) to authorize the President to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list.

Mr. SARGENT. Mr. President, I dislike very much to do an ungracious thing. I certainly dislike very much to disoblige the honorable Senator from Missouri, but I shall object on principle to the passage of that bill.

The PRESIDENT *pro tempore*. The second reading is objected to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 1535) for the relief of George Heard.

FINAL ADJOURNMENT.

Mr. ANTHONY and Mr. THURMAN appeared below the bar of the Senate.

Mr. ANTHONY. Mr. President, the committee appointed by the Senate to wait upon the President of the United States and to inform him that the Senate had concluded its business and, if he had no further communication, was ready to adjourn, have performed the duty assigned them, and the President said he had nothing further to communicate.

The PRESIDENT *pro tempore*. The time fixed for the final adjournment of Congress having arrived, the Chair declares the Forty-fifth Congress adjourned without day.

HOUSE OF REPRESENTATIVES.

MONDAY, March 3, 1879.

The House met at eleven o'clock a. m. The Chaplain offered the following prayer:

Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive them that trespass against us; lead us not into temptation, but deliver us from evil.

We thank Thee, our Heavenly Father, that in Thy gracious providence our lives have been spared, and that we are permitted to engage in the labors, the concluding labors, of this session. We invoke Thy blessing upon the presiding officer and upon the members of this House. May the spirit of wisdom and justice and moderation prevail in all their deliberations, and may God give to our country peace and harmony and prosperity everywhere. These and all Thy gifts we ask in the name of Jesus Christ, our Redeemer. Amen.

The SPEAKER. The Journal of Friday and Saturday will now be read.

The Clerk commenced the reading of the Journal of Friday.

Mr. EDEN. I move the reading of the Journal be dispensed with.

Mr. WHITTHORNE. I object.

Mr. BUCKNER. Is it in order to move to suspend the rules so as to dispense with the reading of the Journal?

The SPEAKER. That has been done.

Mr. EDEN. Then I move to suspend the rules and to dispense with the reading of the Journal of Friday and Saturday.

Mr. COX, of New York. Is the Journal complete?

The SPEAKER. The Journal of Friday is complete, but the Journal of Saturday is not. The Chair thinks the rules can be suspended so as to dispense with the reading of the Journal.

Mr. BUCKNER. Then I move to suspend the rules and dispense with the reading of the Journal.

The SPEAKER. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the conference asked by the House upon the disagreeing votes of the two Houses to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and had appointed as conferees on the part of the Senate Mr. WINDOM, Mr. ALLISON, and Mr. BECK.

The message further announced that the Senate had passed, with amendments, a bill (H. R. No. 6126) to establish post-routes in the several States herein named.

Also, that the Senate had passed, with amendments, a bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes.

The message further announced that the Senate had agreed to the amendments of the House to the bill (S. No. 373) to amend an act to provide for the sale of a portion of the reservation of the Confederated Otoe, Missouria, and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska.

ORDER OF BUSINESS.

Mr. GARFIELD. We of this side object to dispensing with the reading of the Journal.

The SPEAKER. The Chair submitted the motion and no objection was made.

Mr. FRYE. No vote was taken.

The SPEAKER. The Chair said that if there was no objection the reading of the Journal would be dispensed with.

Mr. GARFIELD. We did not hear it at all.

The SPEAKER. Then the Chair will go back.

The question was put upon the motion to suspend the rules and dispense with the reading of the Journal; and on a division there were—ayes 77, noes 85.

So (two-thirds not voting in the affirmative) the rules were not suspended.

The Clerk then resumed and concluded the reading of the Journal of Friday.

Mr. GARFIELD. Is the Journal of Saturday made up?

The SPEAKER. The Chair is informed that Saturday's Journal is not yet made up.

Mr. GARFIELD. None of it?

The SPEAKER. Some of it.

Mr. GARFIELD. Then let the Clerk begin the reading of it, and let us hear what has been prepared.

The SPEAKER. The Chair does not think that there would be much use in reading a part of the Journal unless all could be read and approved.

Mr. GARFIELD. I will not press it.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1105) to transfer the title of the United States to square 109 to the District of Columbia for the benefit of the public schools thereof;

An act (H. R. No. 1651) to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for land lying in the District of Columbia, and the records thereof; and

An act (H. R. No. 6523) providing for the engraving and printing of portraits to accompany memorial addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher.

Mr. SAMPSON, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 5271) for the relief of the heirs and legal representatives of Richard Stevenson, late assistant quartermaster of volunteers, and his bondsmen.

LEAVE TO PRINT.

Mr. BRIDGES asked and obtained unanimous consent to have printed in the RECORD as a portion of the debates some remarks prepared by him upon the bill now pending in the House relating to the Japanese indemnity fund. [See Appendix.]

WITHDRAWAL OF PAPERS.

Unanimous consent was given for the withdrawal of papers as follows:

To Mr. HENKLE, the papers in the case of George Calvert, of Maryland; no adverse report.

To Mr. BANKS, the papers in the case of Mrs. Agnes W. Hills; no adverse report.

To Mr. BUCKNER, the papers in the case of Eugene Lubensdorfer, of Saint Louis, Missouri; no adverse report.

To Mr. BANNING, the papers in the cases of Eugene Lynch, Mrs. Mary D. Hook, and John C. Beck; no adverse reports.

To Mr. CUTLER, the papers and communication from the Commissioner of Agriculture, presented to the House February 8, 1873, relative to forestry, for the purpose of returning the same to the Department of Agriculture.

ORDER OF BUSINESS.

Mr. PRICE. I rise to a question of privilege.

Mr. SPRINGER. I call up the unfinished business of Saturday.

The SPEAKER. The yeas and nays were ordered upon the question of consideration raised in relation to the question of privilege presented by the gentleman from Illinois, [Mr. SPRINGER.] The Clerk will proceed to call the roll.

Mr. WADDELL. Before that is done I ask consent that the Senate amendments to the post-route bill be concurred in.

The SPEAKER. The Chair will recognize the gentleman later.

Mr. PRICE. What becomes of my question of privilege, a question affecting the right of a member to his seat here?

The SPEAKER. The resolution of the gentleman from Iowa [Mr. PRICE] will be read.

The Clerk read as follows:

Resolved, That the Committee of Elections be discharged from the further consideration of the contested-election case of Nutting against Reilly, and that the same be now taken up for action in the House.

Mr. PRICE. I offer this resolution in justice to the contestant, who has not been able to get a hearing before the committee.

Mr. SPRINGER. I object to the interruption of the regular order.

The SPEAKER. There is already one question of privilege before the House.

Mr. HENDEE. Will the Speaker state what that question is?

The SPEAKER. It is whether the House will consider the question of privilege embraced in the resolution introduced by the gentleman from Illinois [Mr. SPRINGER] touching the impeachment of Mr. George F. Seward. On that question the yeas and nays have been ordered.

Mr. GARFIELD. I desire to ask whether a proposition involving the right of a member to his seat is not a question of higher privilege than a resolution proposing to open the question of the impeachment of a subordinate officer. It seems to me that the resolution of the gentleman from Iowa [Mr. PRICE] must in the nature of the case be a question of higher privilege.

Mr. BAYNE. I desire to make an inquiry. The minority of the Committee on Expenditures in the State Department have in course of preparation a report. I wish to inquire whether or not this House can pass upon the report of the majority until the minority is heard?

The SPEAKER. That is a question for the House to consider.

Mr. GARFIELD. I ask the decision of the Chair upon the point I have raised.

The SPEAKER. The Chair rules that the pending question is one of high privilege arising under the constitutional power of the House with reference to impeachment; and on that question the yeas and nays are ordered. The Chair will recognize the right of the gentleman from Iowa [Mr. PRICE] to bring up his resolution immediately after the pending question is disposed of. There cannot be two questions of constitutional privilege pending at the same time.

Mr. GARFIELD. But if one be higher than the other, the higher should have precedence.

The SPEAKER. How is the Chair to draw a line of distinction between them?

Mr. GARFIELD. I think the Speaker must himself see that the right of a member to his seat is a question of higher privilege than that which the gentleman from Illinois [Mr. SPRINGER] seeks to bring before the House.

The SPEAKER. On the pending question the House has ordered the yeas and nays.

Mr. GARFIELD. But there has been an interruption of the proceeding by all sorts of business.

The SPEAKER. Since this business was interrupted by the recess

on Saturday night there has been no time until now when it could come up.

Mr. PRICE. Have the yeas and nays been ordered?

The SPEAKER. They have.

Mr. WHITE, of Pennsylvania. But there have been intervening sessions of the House.

The SPEAKER. But they were under the order of the House for special purposes.

Mr. BUNDY. Is it proper for me to state that the minority report is now ready, and that the minority will insist upon having that report read—

The SPEAKER. The subject is not before the House. When the House has decided to consider the question the Chair will of course recognize the gentleman from New York [Mr. BUNDY] for any parliamentary question.

Mr. BUNDY. Is it proper for the minority to state how long a time it will probably take to read both the minority and the majority reports?

The SPEAKER. That is a matter within the control of the House. When the question comes up the gentleman will be recognized for one hour.

Mr. CONGER. I wish to make a point of order. I submit that the House by its action took from the committee that now seeks to bring up this question the evidence, the papers, the entire subject relating to the examination of the case of Mr. Seward, and referred them to the Committee on the Judiciary where they now are.

The SPEAKER. That is a question for the House not for the Chair. Mr. CONGER. The gentleman from Illinois [Mr. SPRINGER] has no right to report this matter as a question of privilege from his committee when the subject has been taken from that committee.

The SPEAKER. The question referred to the Judiciary Committee was a question as to the contempt of a witness; this is a question of impeachment.

Mr. CONGER. But the House took all the testimony, all the papers, and referred them to the Committee on the Judiciary, so that there is nothing left with the Committee on the Expenditures in the State Department to act upon.

Mr. SPRINGER. Only such evidence as referred to the contumacy of the witnesses was referred to the Judiciary Committee.

Mr. CONGER. I ask that the resolution referring the matter to the Committee on the Judiciary may be read. I think it will sustain my point of order.

The SPEAKER. But the subject is not really before the House until it determines to consider it.

Mr. SPRINGER. The regular order is demanded, which is the call of the roll.

Mr. CONGER. But my point is that the gentleman from Illinois has presented a matter with which he and his committee have nothing to do, because the House has taken the subject from that committee and referred it to another.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has risen to a question of privilege. The Constitution declares that the House of Representatives shall have the sole power of impeachment; and under that authority the gentleman from Illinois presents his resolution.

Mr. SPRINGER. This same point of order has been already made and overruled.

Mr. CARLISLE. It was overruled on Saturday evening.

Mr. SPRINGER. At any rate it is too late to make the point now, because the House has ordered the yeas and nays.

Mr. MILLS. It is *res adjudicata*.

Mr. SPRINGER. Yes, sir.

The SPEAKER. The Chair does not exactly understand what point the gentleman from Michigan wants the Chair to rule on.

Mr. CONGER. I think I can make it clear. The Committee on Expenditures in the State Department having had in charge the investigation of the official conduct of Mr. Seward, the House took the subject from that committee and referred the whole subject, with the testimony and all the papers relating to it, to the Committee on the Judiciary, thus depriving the Committee on Expenditures in the State Department of any further control of the subject until the papers in the case have been again referred to them. The gentleman cannot present this as a question of privilege, except on the assumption that the subject-matter is still before his committee; but the House has taken it from that committee; the gentleman and his committee have no control over the subject-matter in any way. I ask that the resolution referring the subject to the Committee on the Judiciary may be read, that the Chair may see its scope.

The SPEAKER. The Chair thinks it is hardly in order, but still he will have the resolution read for information.

Mr. HOOKER. Upon the point of order I desire to make this remark: it will be remembered that on Saturday the motion now made by the gentleman from Michigan was made by the gentleman from Massachusetts, [Mr. BUTLER,] and was ruled upon by the Chair. That which was referred to the Judiciary Committee was the question, what should be done with the recusant witness; nothing more or less.

Mr. CONGER. The resolution will settle the question.

Mr. HOOKER. The point now raised by the gentleman from Michigan has already been decided adversely.

Mr. DUNNELL. Allow me to say that there was no ruling of the Chair in reference to the motion of the gentleman from Massachusetts.

Mr. HOOKER. I understood the Chair to overrule it.

Mr. SPRINGER. The gentleman from New York [Mr. BUNDY] will not state to the House that he intended to refer to the Committee on the Judiciary all the evidence before our committee in relation to the subject of impeachment. He had no such intention, and will not state that he had.

Mr. CONGER. The resolution refers the whole subject to the Judiciary Committee.

Mr. BUNDY. On this question of order raised by the gentleman from Michigan I desire to be heard after the resolution is read.

Mr. SPRINGER. Let the resolution be read.

The Clerk read as follows:

Resolved, That the answer of George F. Seward in response to the order voted by the House and issued by the Speaker, requiring him to show cause why he should not be declared in contempt, and all evidence and papers pertaining thereto, together with the reports of the committee, be referred to the Committee on the Judiciary, with instructions to report as early as practicable what action in their judgment should be taken by the House in relation thereto.

The SPEAKER. This question of impeachment is a constitutional one, in reference to which there can be no doubt. That position cannot be disputed. The Chair holds that the constitutional right to send articles of impeachment exists in a single member of this House. Any one member can present articles of impeachment against any public officer, and that presentation of the question has uniformly been held to be one of privilege. The remedy with the House is to decide whether they will proceed to consider the question or not.

Mr. CONGER. Without any authority from the House?

The SPEAKER. The gentleman from Iowa a moment ago in his own right, as he had the right to do, rose to a question of privilege.

Mr. CONGER. Does the Chair hold that any member of this House, without an order from the House, may present articles of impeachment?

Mr. CARLISLE. To the House, yes.

The SPEAKER. Any member upon the floor has the right to present articles of impeachment. In reference to this there can be no doubt. Mr. Ashley, a Representative from the State of Ohio, in this House, on his own motion, rose and presented articles of impeachment against President Johnson.

Mr. SPRINGER. In the case of the impeachment of President Johnson, resolutions to impeach him were moved by an individual member. They did not come from any committee, but were moved by a gentleman from Ohio.

The SPEAKER. There can be no doubt about that.

Mr. GARFIELD. Let me say a word.

Mr. DAVIS, of North Carolina. Has the Chair decided the question?

The SPEAKER. The Chair has.

Mr. DAVIS, of North Carolina. Is it in order, then, to discuss this any further?

Mr. GARFIELD. I wish to say to the Chair that I hope he will, before he finally leaves this case, not make the decision so broad that any man can interrupt the business of the House at any time, and thus fill a whole session with motions to impeach this postmaster and the other postmaster.

The SPEAKER. The Chair has only followed the precedents heretofore set in holding that any member upon the floor has the constitutional right to present articles of impeachment against any public officer. The remedy is with the majority of the House, if there be any abuse of this privilege, by refusing to consider the subject. If the subject presented to the House under this question of privilege does not deserve the attention of the House, why, then, the remedy remains with the majority to refuse to consider it.

Mr. MAYHAM. I demand the vote.

The question was taken; and it was decided in the affirmative—years 132, nays 109, not voting 49; as follows:

YEAS—132.

Aiken,	Cobb,	Franklin,	Ligon,
Banning,	Collins,	Fuller,	Lynde,
Beale,	Cook,	Garth,	Mackey,
Beebe,	Covert,	Gause,	Maish,
Bell,	Cox, Samuel S.	Gibson,	Manning,
Benedict,	Cravens,	Giddings,	Martin,
Bicknell,	Crittenden,	Glover,	Mayham,
Blackburn,	Culberson,	Gunter,	McKenzie,
Bliss,	Cutler,	Hamilton,	McMahon,
Blount,	Davidson,	Hardenbergh,	Mills,
Boone,	Davis, Joseph J.	Harris, Henry R.	Money,
Bouck,	Dean,	Harris, John T.	Morgan,
Bragg,	Dibrell,	Harrison,	Morrison,
Bridges,	Dickey,	Hart,	Morse,
Bright,	Durham,	Hartzell,	Muldrow,
Buckner,	Eden,	Hatcher,	Muller,
Butler,	Eickhoff,	Henry,	Patterson, T. M.
Cabell,	Elam,	Herbert,	Phelps,
Caldwell, John W.	Ellis,	Hooker,	Pridemore,
Caldwell, W. P.	Evins, John H.	Hunton,	Rea,
Candler,	Ewing,	Jones, Frank	Reilly,
Carlisle,	Felton,	Jones, James T.	Rice, Americus V.
Chalmers,	Finley, Ebenezer B.	Kimmel,	Robbins,
Clark, Alvah A.	Finley, Jesse J.	Knapp,	Roberts,
Clark of Missouri,	Fleming,	Knott,	Ross,
Clarke of Kentucky,	Forney,	Landers,	Scales,

Shelley,
Singleton,
Slemmons,
Smith, William E.
Southard,
Sparks,
Springer,

Steele,
Stenger,
Throckmorton,
Townsend, R. W.
Tucker,
Turner,
Turney,

Vance,
Veeder,
Waddell,
Walker,
Warner,
Whitthorne,
Wigginton,

Williams, Jere N.
Willis, Albert S.
Willis, Benj. A.
Wood,
Wright,
Yeates,
Young, John S.

NAYS—109.

Aldrich,
Bacon,
Bagley,
Bailey,
Baker, William H.
Ballou,
Banks,
Bayne,
Blair,
Boyd,
Brentano,
Brewer,
Briggs,
Brogden,
Browne,
Bundy,
Burchard,
Burdick,
Cain,
Calkins,
Camp,
Campbell,
Cannon,
Caswell,
Claffin,
Clark, Rush
Cole,
Conger.

Crapo,
Cummings,
Danford,
Davis, Horace
Deering,
Denison,
Dunnell,
Dwight,
Eames,
Errett,
Evans, I. Newton
Evans, James L.
Freeman,
Frye,
Gardner,
Garfield,
Hanna,
Harmer,
Harris, Benj. W.
Haskell,
Hayes,
Hazelton,
Henderson,
Humphrey,
Hungerford,
Hunter,
Ittner,
James,

Jorgensen,
Joyce,
Keifer,
Keightley,
Kelley,
Ketcham,
Lapham,
Lathrop,
Lindsey,
Majors,
Marsh,
McCook,
McKinley,
Mitchell,
Norcross,
Oliver,
O'Neill,
Overton,
Page,
Patterson, G. W.
Piedie,
Phillips,
Pollard,
Pound,
Price,
Pugh,
Rainey,
Rice, William W.

Robinson, G. D.
Robinson, M. S.
Sampson,
Sapp,
Shallenberger,
Simnickson,
Smalls,
Smith, A. Herr
Starin,
Stewart,
Stone, Joseph C.
Stone, John W.
Strait,
Tipton,
Townsend, M. I.
Van Vorhes,
Wait,
Ward,
Watson,
White, Michael D.
Williams, Andrew
Williams, C. G.
Williams, Richard
Willits,
Wren.

NOT VOTING—49.

Acklen,
Atkins,
Baker, John H.
Bland,
Chittenden,
Clymer,
Cox, Jacob D.
Ellsworth,
Fort,
Foster,
Goode,
Hale,
Hendee,

Henkle,
Hewitt, Abram S.
Hewitt, G. W.
Hiscock,
House,
Hubbell,
Jones, John S.
Kenna,
Killinger,
Lockwood,
Loring,
Luttrell,
McGowan,

Metcalfe,
Monroe,
Neal,
Potter,
Powers,
Randolph,
Reagan,
Reed,
Riddle,
Robertson,
Ryan,
Saylor,
Sexton,

Stephens,
Swann,
Thompson,
Thornburgh,
Townsend, Amos
Walsh,
White, Harry
Williams, James
Wilson,
Young, Casey.

So the motion to consider was agreed to.

During the roll-call the following announcements were made:

Mr. MONEY. Mr. YOUNG, of Tennessee, is seriously sick, and is paired with Mr. JONES, of Ohio.

Mr. GOODE. I am paired with Mr. LORING.

Mr. MAYHAM. Mr. LOCKWOOD is paired with Mr. ELLSWORTH.

Mr. DURHAM. Mr. ATKINS is absent on a conference committee.

Mr. THOMPSON. I am paired with my colleague, Mr. CLYMER. If he were present, I would vote "no."

Mr. TOWNSEND, of Ohio. I am paired with Mr. KENNA. If he were present, I would vote "no." I wish to announce that Mr. HUBBELL is paired with Mr. REAGAN, both of whom are serving on a committee of conference.

Mr. METCALFE. I am paired with my colleague, Mr. BLAND.

Mr. HENDEE. I am paired with Mr. HENKLE. If he were here, I would vote "no."

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, is confined to his room by illness, and is paired with Mr. HOUSE.

Mr. MILLS. My colleague, Mr. REAGAN, is paired with Mr. HUBBELL. If Mr. REAGAN were present, he would vote "ay."

Mr. SPRINGER. Mr. HEWITT, of New York, is paired with Mr. HALE. If Mr. HEWITT, of New York, were present, he would vote "ay" and Mr. HALE would vote "no."

Mr. WHITTHORNE moved to dispense with the reading of the names.

Mr. TOWNSEND, of New York, objected.

Mr. BUTLER. I change my vote from "no" to "ay."

The vote was then announced as above recorded.

Mr. BUTLER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

Mr. CONGER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—years 128, nays 113, not voting 49; as follows:

YEAS—128.

Aiken,
Banning,
Beale,
Beebe,
Bell,
Benedict,
Bicknell,
Blackburn,
Bliss,
Blount,
Boone,
Bouck,
Bragg,
Bridges,
Bright,
Buckner,
Cabell,

Caldwell, W. P.
Carlisle,
Chalmers,
Clark, Alvah A.
Clarke of Kentucky,
Clark of Missouri,
Cobb,
Collins,
Cook,
Covert,
Cox, Samuel S.
Cravens,
Crittenden,
Culberson,
Cutler,
Davidson,
Davis, Joseph J.

Dean,
Dibrell,
Dickey,
Durham,
Eden,
Eickhoff,
Elam,
Ellis,
Evins, John H.
Ewing,
Felton,
Finley, Ebenezer B.
Finley, Jesse J.
Fleming,
Forney,
Franklin,
Fuller,

Garth,
Gause,
Giddings,
Glover,
Gunter,
Hamilton,
Harris, Henry R.
Harris, John T.
Hart,
Hartzell,
Hatcher,
Henry,
Herbert,
Hewitt, Abram S.
Hooker,
Hunton,
Jones, Frank

Jones, James T.	Money,	Ross,	Vance,
Kimmel,	Morgan,	Scales,	Veeder,
Knapp,	Morrison,	Shelley,	Waddell,
Knott,	Morse,	Singleton,	Walker,
Landers,	Muldrow,	Slemons,	Warner,
Ligon,	Muller,	Smith, William E.	Whitthorne,
Lynde,	Patterson, T. M.	Southard,	Wigginton,
Mackey,	Phelps,	Sparks,	Williams, James
Maish,	Pridemore,	Springer,	Williams, Jere N.
Manning,	Rea,	Steele,	Willis, Albert S.
Martin,	Reilly,	Stenger,	Willis, Benj. A.
Mayham,	Rice, Americus V.	Throckmorton,	Wilson,
McKenzie,	Robbins,	Townsend, R. W.	Wright,
McMahon,	Roberts,	Tucker,	Yeates,
Mills,	Robertson,	Turner,	Young, John S.

NAYS—113.

Aldrich,	Cox, Jacob D.	James,	Robinson, M. S.
Bacon,	Crapo,	Jorgensen,	Ryan,
Bagley,	Cummings,	Joyce,	Sapp,
Bailey,	Danford,	Keifer,	Sexton,
Baker, William H.	Davis, Horace	Keightley,	Shallenberger,
Ballou,	Deering,	Kelley,	Sinnickson,
Banks,	Denison,	Ketcham,	Smalls,
Bayne,	Dunnell,	Lapham,	Smith, A. Herr
Blair,	Dwight,	Lathrop,	Starin,
Doyd,	Eames,	Lindsey,	Stewart,
Brentano,	Evans, I. Newton	Majors,	Stone, John W.
Brewer,	Evans, James L.	McCook,	Stone, Joseph C.
Briggs,	Foster,	McKinley,	Strait,
Brogden,	Freeman,	Mitchell,	Tipton,
Browne,	Frye,	Norcross,	Townsend, M. I.
Bundy,	Gardner,	Oliver,	Van Vorhes,
Burchard,	Garfield,	O'Neill,	Wait,
Burdick,	Hale,	Overton,	Ward,
Butler,	Harmer,	Page,	Watson,
Cain,	Harris, Benj. W.	Patterson, G. W.	White, Harry
Calkins,	Haskell,	Phillips,	White, Michael D.
Camp,	Hayes,	Pollard,	Williams, Andrew
Campbell,	Hazelton,	Pound,	Williams, C. G.
Cannon,	Henderson,	Price,	Williams, Richard
Caswell,	Hiscock,	Pugh,	Willits,
Claffin,	Humphrey,	Rainey,	Wren,
Clark, Rush	Hungerford,	Reed,	
Cole,	Hunter,	Rice, William W.	
Conger,	Ittner,	Robinson, G. D.	

NOT VOTING—49.

Acklen,	Hanna,	Luttrell,	Saylor,
Atkins,	Hardenbergh,	Marsh,	Stephens,
Baker, John H.	Harrison,	McGowan,	Swann,
Bland,	Hendee,	Metcalfe,	Thompson,
Caldwell, John W.	Henkle,	Monroe,	Thornburgh,
Candler,	Hewitt, G. W.	Neal,	Townsend, Amos
Chittenden,	House,	Peddie,	Turney,
Clymer,	Hubbell,	Potter,	Walsh,
Ellsworth,	Jones, John S.	Powers,	Wood,
Erroft,	Kenna,	Randolph,	Young, Casey.
Fort,	Killinger,	Reagan,	
Gibson,	Lockwood,	Riddle,	
Goode,	Loring,	Sampson,	

So the motion to reconsider the vote by which the House decided to consider the question was laid on the table.

During the roll-call the following announcements were made:

Mr. MILLS. My colleague, Mr. REAGAN, is paired with Mr. HUBBELL, of Michigan. If he were here, he would vote "ay."

Mr. COVERT. My colleague, Mr. LOCKWOOD, is paired with Mr. ELLSWORTH. If present, Mr. LOCKWOOD would vote "ay" and Mr. ELLSWORTH "no."

Mr. JONES, of Ohio. On this question I am paired with Mr. YOUNG, of Tennessee.

Mr. HENDEE. I am paired with Mr. HENKLE. If he were present, I would vote "no."

Mr. TOWNSEND, of Ohio. Upon this question I am paired with Mr. KENNA, who is absent on a committee of conference. I would vote "no." I also announce that Mr. HUBBELL is paired with Mr. REAGAN, who are both absent on a committee of conference.

Mr. THOMPSON. I am paired with my colleague, Mr. CLYMER, who is absent on a committee of conference.

Mr. SAMPSON. I am paired with Mr. CALDWELL, of Kentucky. If he were present, I would vote "no."

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, who is confined to his room by sickness, is paired with Mr. HOUSE.

Mr. PATTERSON, of Colorado. Mr. TURNEY is paired with Mr. ERRETT.

Mr. BANNING. I ask that by unanimous consent the reading of the names be dispensed with.

Mr. CONGER. I object.

The reading of the roll-call having been completed the result of the vote was announced as above recorded.

Mr. CONGER. I now move that the whole subject be recommitted to the Committee on the Judiciary with instructions to report as soon as possible.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] is entitled to the floor.

Mr. SPRINGER. I yield to the gentleman from Indiana [Mr. BAKER] to make a report.

FORTIFICATION APPROPRIATION BILL.

Mr. BAKER, of Indiana. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the fortification appropriation bill.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, having met, after full and free conference, have agreed to report, and do report, as follows:

That the Senate recede from its amendment numbered 1.

That the Senate recede from its amendment numbered 2 with an amendment striking out in line 11, page 1 of the bill, the words "Gatling and other;" and that the House agree to the same.

JOHN H. BAKER.

WM. A. J. SPARKS.

Managers on the part of the House.

WM. WINDOM.

S. W. DORSEY.

W. A. WALLACE.

Managers on the part of the Senate.

Mr. BAKER, of Indiana. I desire to say that the bill, as now agreed upon, is the same that passed the House except a slight verbal change, striking out the words "Gatling and other;" so that it will read "for machine guns."

A MEMBER. How much is the amount reduced?

Mr. BAKER, of Indiana. One hundred and fifty thousand dollars; provided the amount would have been increased to that extent by the purchase of Gatling guns.

The question was taken upon agreeing to the report of the committee of conference; and it was agreed to.

Mr. BAKER, of Indiana, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPEACHMENT OF GEORGE F. SEWARD.

Mr. SPRINGER resumed the floor.

Mr. CONGER. I now insist on my motion to refer this whole matter to the Committee on the Judiciary.

The SPEAKER. The gentleman from Michigan is not upon the floor; the gentleman from Illinois [Mr. SPRINGER] is entitled to the floor, the House having determined to consider this matter.

Mr. CONGER. Has the gentleman presented his proposition?

The SPEAKER. He has. The House has determined to consider the subject, and the Chair in obedience to that decision recognizes the gentleman from Illinois.

Mr. CONGER. While it is pending, will not the House be considering it by voting on a motion to refer it to the Committee on the Judiciary?

The SPEAKER. There is no such motion pending.

Mr. CONGER. I make the motion.

The SPEAKER. The Chair does not recognize the gentleman as being on the floor to make that motion.

Mr. SPRINGER. I do not yield the floor for any purpose.

Mr. DAVIS, of North Carolina. Is it in order for any gentleman to continue discussion on a point of order after the Chair has decided it?

The SPEAKER. It is not.

Mr. DAVIS, of North Carolina. Then I hope the rule will be enforced. The gentleman from Michigan [Mr. CONGER] would disturb the House less if he kept his seat offener.

Mr. CONGER. That is so courteous a remark that I hope the gentleman will have it printed for his own benefit.

Mr. DAVIS, of North Carolina. I have not violated the rules of the House as often as the gentleman from Michigan has. When I do I will take his lecture; but it cannot come from his sweet voice to me now.

The SPEAKER. The Chair thinks there is no occasion for any feeling.

Mr. CONGER. I think so myself.

Mr. SPRINGER. I call for the reading of the report.

The SPEAKER. The report will be read.

Mr. KNOTT. I asked my friend from Illinois [Mr. SPRINGER] to yield to me.

The SPEAKER. He cannot, except by unanimous consent.

Mr. KNOTT. I was going to ask unanimous consent. I ask my friend to yield in order that I may ask unanimous consent of the House to present at this time the report of the Committee on the Judiciary in relation to the charges against Judge Blodgett, and have that report printed for the use of the House and in the RECORD.

The SPEAKER. The Chair thinks that one question of privilege at a time is enough.

Mr. SPRINGER. I call for the reading of the report.

The SPEAKER. The Chair will recognize the gentleman from Kentucky [Mr. KNOTT] when this matter is disposed of.

The Clerk began the reading of the report, but before concluding it, Mr. CONGER said: This specification No. 11, now being read, refers to Mr. Seward as minister, not as consul. I suppose it is in there by mistake. I take it that we are not charging him with impeachable crimes, with violation of duty, in two offices at once. I ask the gentleman from Illinois [Mr. SPRINGER] if that is intended to be a part of this impeachment proceeding?

Mr. SPRINGER. I will explain the matter after the reading is concluded.

Mr. CONGER. But I ask if this is intended to be a part of the impeachment?

Mr. SPRINGER. The report is intended to be in the words which are being read by the Clerk.

Mr. CONGER. Impeaching this officer in two capacities, both as consul and as minister?

Mr. SPRINGER. The Clerk will read, and after that any explanation which the gentleman desires will be given.

Mr. CONGER. There is more reason than I thought that this should go to the Committee on the Judiciary.

The Clerk resumed and concluded the reading of the report, which was as follows:

The Committee on Expenditures in the State Department would respectfully report that on the 26th day of February, 1878, they commenced the investigation of the matters referred to in the memorial of John C. Myers, consul-general at Shanghai, China, relating to the affairs of the consulate-general of the United States, at Shanghai, China.

That they have taken testimony regarding the matters set forth in the said charges; and also during the said investigation have taken testimony touching other matters within the jurisdiction of your committee relating to the affairs of the consulate-general at Shanghai during the incumbency of that office by George F. Seward, late consul and consul-general of the United States, at Shanghai, and now envoy extraordinary and minister plenipotentiary of the United States to China; and regarding certain matters within the jurisdiction of your committee touching the affairs of the said George F. Seward, minister to China as, aforesaid; that they return to the House of Representatives the testimony which they have taken in regard thereto, and recommend that the said George F. Seward be by the House of Representatives impeached at the bar of the Senate of high crimes and misdemeanors while in office upon the following articles, namely:

Articles exhibited by the House of Representatives of the United States of America, in the names of themselves and of all the people of the United States of America, against George F. Seward, late consul-general of the United States at Shanghai, China, and now envoy extraordinary and minister plenipotentiary of the United States to China, in maintenance and support of their impeachment against him for high crimes and misdemeanors while in office.

ARTICLE I.

That the said George F. Seward, between the 1st day of January, A. D. 1864, and the 31st day of December, A. D. 1875, then holding and exercising the office of consul and consul-general at Shanghai, in the empire of China, as aforesaid, was guilty of injustice, tyranny, extortion, and bribery in his official capacity as judge of the said consular court at Shanghai, China, upon and with citizens of the United States in this, to wit:

First specification.—That the said George F. Seward, between the month of January, in the year 1874, and the month of December, in the year 1875, then being consul-general at Shanghai, China, as aforesaid, and as such judge of the consular court at Shanghai, China, aforesaid, acting judicially in a case then pending before him in said court regarding the settlement of the estate of one D. R. Spedding, formerly an American citizen doing business at Shanghai, China, then deceased, such court having probate jurisdiction of the aforesaid estate, charged one Eugene McLaughlin, executor of the will and administering upon the said estate, and demanded and received from him, the said Eugene McLaughlin, executor as aforesaid, the sum of 500 taels, equal in the money of the United States to the sum of \$620.

That at the time of the charge by the said Seward against the said estate of the said D. R. Spedding, deceased, there was then pending before the said Seward as such judge the account of the said executor for allowance, which was finally allowed by the said Seward at the sum of 5 per cent. on the amount of said estate, when the amount which the said executor was entitled by law to have and receive would have been 1 per cent. only on the amount of said estate.

That the said charge was made by the said George F. Seward, and the said money was corruptly received by him while probate judge or judge of the consular court aforesaid, well knowing that the services rendered by him were a part of his judicial duties as such judge, and the said 500 taels were, in the final settlement and distribution of said estate, allowed by said Seward as said judge against said estate, and the said Seward retained said sum of money, and refused to pay the same to the distributees or owners of said estate, against the protest of T. F. Burr, who owned one-half of said estate.

Second specification.—That the said George F. Seward, between the month of January, in the year 1874, and the 31st day of December, in the year 1875, then being consul-general at Shanghai, China, as aforesaid, and as such judge of the consular court at Shanghai, China, as aforesaid, then and there acting judicially in the case then pending before him as such judge, in which said case one Benjamin Pease, an American citizen, had been charged before him, the said Seward, with the crimes of piracy and murder, and had been arrested and committed to jail therefor, caused the said Benjamin Pease to be brought before him while acting as judge aforesaid, and then and there, without examination or hearing, and without trial, lawfully discharged the said Benjamin Pease from custody and arrest, well knowing him to be guilty of the crimes charged against him, and then and there permitted the said Benjamin Pease to go at large, without examination, hearing, or trial for said offense, and without making any endeavors to obtain evidence against him.

Third specification.—That the said George F. Seward, between the month of January, in the year 1875, and the month of December, in the year 1875, then being consul-general at Shanghai, China, as aforesaid, and as such judge of the consular court at Shanghai, China, as aforesaid, certain alleged deserters from an American ship, who had been brought before said Oliver B. Bradford, then vice-consul-general as aforesaid, and he having, without authority of law and without hearing, committed the said alleged deserters for sixty days at hard labor on bread and water, one of said alleged deserters, desiring to remonstrate or protest against the said commitment and to make complaint of bad treatment on board of said ship, applied to the said George F. Seward for the purpose of obtaining a rehearing of the determination against him, the said George F. Seward did then and there command the marshal of said consular court to imprison him ninety days, instead of sixty days, as sentenced by said Bradford, without further trial or hearing or evidence, and the said alleged deserter from said ship was committed to jail at hard labor on bread and water, and imprisoned in the jail of said consulate at Shanghai for said term of ninety days, which said act by the said Seward was unjust, tyrannical, and an abuse of his judicial authority, and without authority of law.

Fourth specification.—That the said George F. Seward, while holding the said office of consul-general at Shanghai, China, and the said office of judge of the consular court at Shanghai, China, and acting judicially therein, permitted one George S. Porter to act as judge of the consular court in the trial of one Dominick Lynch, who had been committed for trial in the said consular court as an accessory after the fact to the crime of murder of one McKinnon by a man by the name of John Buckley, and to sit in the trial of said Lynch, to take the testimony on the said trial, to determine the said Lynch guilty of the offense charged against him, and to convict him of such offense and to sentence him therefor to the jail of said consular court for sixty days for said offense, which said sentence and commitment were carried into effect, and the said Dominick Lynch served out his term of imprisonment in accordance with said sentence. That the said Porter had no right or authority to sit or act judicially on the trial of said case, which the said Seward then and there well knew.

Fifth specification.—That the said George F. Seward, while holding the office of consul-general as aforesaid, and as such judge of the consular court at Shanghai, China, as aforesaid, between the month of January, in the year 1865, and the month of December, in the year 1865, at divers times permitted said Oliver B. Bradford, without authority of law, to sit in the trial of civil cases in the consular court at Shang-

hai, China, to take the testimony of witnesses therein, to hear and determine in regard thereto, and to render judgment therein, which said judgment so rendered by him was subsequently enforced by the order of said court, well knowing that the said Bradford had no authority or jurisdiction to try or determine said cause.

ARTICLE II.

That the said George F. Seward, on the 1st day of January, A. D. 1865, and at divers days and times from that date until the 31st day of December, A. D. 1875, having in his custody a large sum of money, to wit, the sum of \$20,000, being the moneys of the United States, known as the seamen's relief fund, and being then and there the disbursing officer of the United States of such funds at said consulate-general, did then and there, without authority of law, convert the same to his own use, and did then and there loan the same with interest at the rate of 18 per cent. per annum, and did then and there loan said moneys to one Andrew Anderson and to the firm of Clafl & Co., and to divers other persons unknown, taking from said persons mortgages to himself as security for such loans and appropriating the interest upon said loans to his own use, and thereby embezzled said funds. That said mortgages were thereafter foreclosed in the consular court, before himself acting as judge, in actions in which he was plaintiff and party in interest, and judgments and decrees of foreclosure perfected in said suits, on which decrees of foreclosure and rule the mortgaged property was sold and purchased by said Seward at such sales, and titles made and confirmed to him by order of himself, sitting as judge.

ARTICLE III.

That the said George F. Seward, late consul-general of the United States at Shanghai, China, and now envoy extraordinary and minister plenipotentiary of the United States to China, between the 1st day of January, in the year A. D. 1865, and the 31st day of December, in the year A. D. 1875, then being consul-general of the United States at Shanghai, China, became interested in the construction of a certain railroad from Woosung to Shanghai, within the empire of China, and used his official influence to promote the construction thereof in violation of the treaties then and now existing between the United States and the Emperor of China, and in violation of the acts of Congress in that behalf, and contrary to the wishes of the people of China and regardless of the protest of the authorities of the empire of China, and particularly of the authorities of the empire of China within the district where the railroad was located.

ARTICLE IV.

That between the 1st day of January, in the year A. D. 1865, and the 31st day of December, A. D. 1875, one Oliver B. Bradford, being vice-consul-general of the United States at Shanghai, China, deputy consul-general of the United States, clerk of the consular court of the United States, and consular clerk of the United States, assigned to Shanghai, China, did, in connection with one A. A. Hayes and others, unlawfully form and enter into a scheme, for the purpose of pecuniary profit, of constructing a railroad from Woosung to Shanghai, in the empire of China, the construction of which road was contrary to the wishes of the people and authorities of the empire of China, as the said Oliver B. Bradford and others then and there well knew. That for the purpose of deceiving the said people and authorities of China, the said Oliver B. Bradford and others fraudulently pretended that they were to build a common road or highway from said Woosung to said Shanghai, and so fraudulently pretending, purchased and secured the land necessary to be used for the construction of said railroad from Woosung to Shanghai. The said Oliver B. Bradford and others, the better to enable them to deceive the said people and authorities of China, organized themselves into a copartnership, which they called and designated the Woosung and Shanghai Road Company.

That the said George F. Seward, well knowing the premises and then holding the office of consul-general at said Shanghai, unlawfully intending to intervene in the domestic administration of China in regard to the construction of railroads in the empire of China, and well knowing that His Imperial Majesty the Emperor of China had not determined to construct or cause to be constructed railroads within said empire, and had not made application to the United States or any other western power to carry out such policy, and that the United States had not designated or authorized suitable engineers to be employed by the Chinese government in such improvements, unlawfully, in fraud of the rights of the empire of China, and against the wishes of the people of China, and against the protests of said authorities of the empire of China, did then and there aid, assist, and encourage the said Oliver B. Bradford and others in the construction of said railroad as aforesaid, and did aid, assist, and promote the said scheme of constructing said railroad as aforesaid by said false and fraudulent pretenses as aforesaid, in violation of the treaties then existing between the United States and the empire of China, and against the acts of Congress in that behalf; and that the said George F. Seward did then and there use the influence of his said official position to accomplish, and to aid and assist in accomplishing, said fraudulent scheme by imposition as aforesaid upon the said authorities of the empire of China.

ARTICLE V.

That in the month of April, in the year 1871, one Richard Phenix was marshal of the United States for the consulate-general at Shanghai, China, and as such entitled to receive for his fees and services the salary and perquisites of said office as marshal; that the said George F. Seward, well knowing the premises, and wrongfully intending and contriving to defraud the Government of the United States out of the moneys of the Government of the United States, took and received to his own use the fees which by law the said Phenix, as marshal aforesaid, was entitled to receive, and converted the same to his own use, making no account to the Government therefor, and rendering false and fraudulent vouchers to the Government therefor.

ARTICLE VI.

That the said Richard Phenix, in the month of April, in the year 1871, was marshal of the United States for the consulate-general at Shanghai, China; that the said George F. Seward, well knowing the premises, unlawfully entered into an agreement with the said Richard Phenix, by which agreement the said George F. Seward was to pay to the said Richard Phenix a certain fixed sum for his services and salary as marshal aforesaid, and he, the said Seward, to receive all of the fees of the office of said marshal of the United States at said consulate-general, and that under and by virtue of said agreement he did receive and convert to his own use all of the fees of the office of said marshal of the United States in the month of April, 1871, until the month of December, 1875, which said sums of money so received by him were largely in excess of the amount paid to said Phenix by the said Seward, and for which the said Seward took vouchers from said Phenix for an amount greater than that actually paid to him by said Seward, and returned the sum so paid to the Treasury Department, receiving credit therefor.

ARTICLE VII.

That the said George F. Seward, from January 1, A. D. 1862, to and including the 31st day of December, 1875, holding and exercising the duties of the office of consul and consul-general of the United States as aforesaid at Shanghai, China, and as such being a disbursing officer of the United States, charged with the receipts and disbursements of the moneys of the United States on account of expenses of the consular court and of the consulate and consulate-general at Shanghai, China, did defraud the United States in the manner following, to wit: That all the moneys received by the said George F. Seward at said Shanghai as such officer on account of the United States were received in silver coin commonly known as Mexican dollars; that said silver coin at said Shanghai at and during the time aforesaid commanded a premium over American gold and over the currency of the United States; that the said George F. Seward, as such disbursing officer, uniformly paid out the

same silver coin he had received, but that the said George F. Seward, then and there intending to defraud the United States, made out his quarterly statements of accounts of said receipts and disbursements showing that he had received the money in the currency of the United States, which had during that time depreciated below the value of the coin of the United States, and that he had therewith purchased gold and with said gold had purchased said silver coin, charging the difference upon both said premiums to the United States as disbursed by him; whereas, in truth and in fact, the said George F. Seward never did purchase any gold and never did receive any currency as such officer on account of the United States; the receipts of said consulate for moneys received exceeding in all instances the amounts disbursed by him.

ARTICLE VIII.

That the said George F. Seward from the 1st day of January, A. D. 1862, to and including the 31st day of December, A. D. 1865, holding during said time the office of consul and the office of consul-general of the United States at said Shanghai, and as such being a disbursing officer of the United States, and by virtue of his office as such consul and consul-general, being required by law to make return quarterly to the Government of the United States of the moneys received at the post-office, or postal agency, at said Shanghai, China, did defraud the United States in the manner following, to wit: that all the moneys received by the said George F. Seward as such postal agent at said Shanghai on account of the United States were received in silver coin, commonly known as Mexican dollars; that said silver coin at said Shanghai at, and during said time, commanded a premium over American gold, and over the currency of the United States; that the said George F. Seward as such disbursing officer uniformly paid out the same silver coin he had received, but that the said George F. Seward then and there, intending to defraud the United States, made out his quarterly statements of account of said receipts and disbursements, showing that he had received the moneys in the currency of the United States, which during said time was depreciated below the value of the coin of the United States and of said Mexican dollars, and had therewith purchased gold, and with said gold had purchased said silver coin, charging the difference upon both said premiums to the United States as disbursed by him, whereas in truth and in fact the said George F. Seward never did purchase any gold, or never did receive any currency as such officer on account of the United States, the receipts of said office exceeding in all instances the amounts disbursed by him.

ARTICLE IX.

That the said George F. Seward, between the 1st day of January, in the year 1876, and the 31st day of December, in said year, then being envoy extraordinary and minister plenipotentiary of the United States to China as aforesaid, unlawfully took and received the salary of the consul-general at Shanghai, China, for the quarter beginning on the 1st day of January, 1876, and ending on the 31st day of March, 1876, and forwarded or caused to be forwarded to the Treasury of the United States a voucher in the name of O. B. Bradford, acting as consul-general during said time, and appropriated the amount called for by said voucher to his own use, not having performed any of the duties of consul-general at said Shanghai during said time.

ARTICLE X.

That the said George F. Seward, between the 1st day of January, in the year 1876, and the 31st day of December, in the year 1876, then being envoy extraordinary and minister plenipotentiary of the United States to China, unlawfully took and received from the Government of the United States the salary for both the offices of consul-general at Shanghai, China, and the office of minister at Peking, China, for and during the first quarter of the year 1876, which said salary so received by him as minister aforesaid amounted to the sum of \$3,637.36, and the salary so received by him for the office of consul-general amounted to the sum of \$1,340.98, which said sum of money so received by him for the salary of said consul-general for said quarter was unlawfully received by the said George F. Seward, as he then and there well knew, and which sum of money the said George F. Seward wrongfully converted to his own use.

ARTICLE XI.

That the said George F. Seward, on the 27th day of March, in the year 1877, then being envoy and minister, as aforesaid, to China, unlawfully suspended one John C. Myers, then being consul-general of the United States at Shanghai, China, from the office of said consul-general at said Shanghai, and deprived him of the same; which said suspension of the said John C. Myers from his office as aforesaid was without authority of law, as the said Seward then and there well knew.

ARTICLE XII.

That the said George F. Seward, being envoy and minister to China as aforesaid, on the 27th day of March, A. D. 1877, well knowing that the said Oliver B. Bradford, who had during the time when said Seward was consul-general as aforesaid, held the different offices specified in Article IV, and who had during said time kept the books of said office of consul-general, and been the private clerk of the said George F. Seward, knew that he, the said Seward, had during the time aforesaid willfully neglected to render true and just quarterly accounts and returns of the business of said office of consul-general and of moneys received by said Seward as such consul-general for the use of the United States, and well knowing that the said Bradford knew that he, the said Seward, had neglected to pay over moneys in his hands as such consul-general due to the United States as required by law, and well knowing that the said Bradford well knew that he, the said Seward, had been guilty of extortion, under color of his said office, in that he had charged excessive and illegal fees for his services as such consul-general, unlawfully suspended and removed one John C. Myers from the office of consul-general at Shanghai, China, he being then and there consul-general of the United States at said Shanghai, China, and appointed and procured to be appointed in the place of said Myers the said Bradford, which said suspension and appointment was without authority of law, and made solely for the purpose of enabling him, the said Seward, and him, the said Bradford, to secrete and conceal the crimes committed as aforesaid.

ARTICLE XIII.

That the said George F. Seward, from the 1st day of January, A. D. 1869, to the 31st day of December, A. D. 1875, then holding and exercising the office of consul-general of the United States at Shanghai, China, willfully neglected to render true and just quarterly accounts and returns of his office, and of moneys received by him for the use of the United States. And the said George F. Seward, during the time aforesaid, holding and exercising the office aforesaid, then and there having as such officer in his custody large and unexpended balances of moneys belonging to the United States at the end of each of said quarters, did neglect to pay over the balances of such moneys due to the United States at the expiration of each and every quarter during said time before the expiration of the next succeeding quarter, and he, the said George F. Seward, was thereby then and there guilty of embezzlement of the public moneys of the United States.

ARTICLE XIV.

That the said George F. Seward, being consul-general of the United States at Shanghai, China, between the 1st day of January, A. D. 1875 and the 31st day of December, A. D. 1875, willfully neglected during the time aforesaid to account to the Secretary of the Treasury and hold, subject to his draft or other direction, all the fees collected by him, the said Seward, as consul-general aforesaid, during the time aforesaid.

ARTICLE XV.

That the said George F. Seward, between the 1st day of January, in the year

1877, and the 31st day of December, in the year 1878, then being envoy and minister as aforesaid to China, and then and there well knowing that the said Oliver B. Bradford, vice-consul-general as aforesaid, clerk of the consular court as aforesaid, was guilty of embezzlement, and that he had been lawfully committed to the consular jail at Shanghai, China, therefor, and that he was in jail under commitment therefor, left his post as envoy and minister as aforesaid to China, and went to Shanghai aforesaid, and then and there unlawfully endeavored to procure the release of the said Oliver B. Bradford from such imprisonment and his discharge from said jail as aforesaid, where he was in commitment as aforesaid, and then and there unlawfully used his official position as minister as aforesaid to procure the discharge and release of the said Bradford from said confinement as aforesaid, and did thereby as aforesaid aid and assist in procuring the release and discharge of said Bradford from said confinement, well knowing him to be guilty of the offenses charged against him as aforesaid.

ARTICLE XVI.

That the said George F. Seward from the 1st day of January, in the year 1877, to the 31st day of December, 1878, being envoy and minister as aforesaid, left his post at Peking as minister aforesaid, and came to Shanghai aforesaid, and while there unlawfully aided and assisted in procuring the release or discharge of the said O. B. Bradford from jail in the consulate at Shanghai, China, where he was in confinement under commitment from the consular court at Shanghai aforesaid, and the release of said Bradford from his confinement as aforesaid, and released the property which had been attached by the Government of the United States to satisfy certain demands of the Government of the United States against him, the said Bradford, and did then and there procure the discharge of the said Bradford from said confinement and permit him to go at large in violation of law.

ARTICLE XVII.

That the said George F. Seward, between the 1st day of January, in the year 1876, and the 31st day of December, in the year 1876, then being consul-general at Shanghai, China, as aforesaid, unlawfully took from the office of said consul-general at Shanghai, China, certain blotters, cash-books, journals, ledgers, and papers, records of the office of the said consul-general at Shanghai, China, the property of the Government of the United States, and carried them away with intent to conceal, destroy, or steal the same, and ever since has, and still does, conceal the same, and refuses to deliver the same as required by law.

And the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said George F. Seward, late consul-general at Shanghai, China, now envoy extraordinary and minister plenipotentiary of the United States to China, and also of replying to his answers which he shall make unto the articles herein preferred against him and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said George F. Seward may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice. Your committee report herewith the evidence taken by them in pursuance of the resolutions of the House, and which fully supports the foregoing articles of impeachment.

Your committee therefore recommend the adoption of the following resolutions: *Resolved*, That George F. Seward, late consul-general of the United States of America at Shanghai, China, and now envoy extraordinary and minister plenipotentiary of the United States of America to China, be impeached of high crimes and misdemeanors while in office.

Resolved, That a committee of seven members of this House be appointed and instructed to proceed immediately to the bar of the Senate and there impeach George F. Seward, late consul-general of the United States at Shanghai, China, now envoy extraordinary and minister plenipotentiary of the United States of America to China, in the name of the House of Representatives and of all the people of the United States of high crimes and misdemeanors while in office, and to inform that body that formal articles of impeachment will in due time be presented and to request the Senate to take such orders in the premises as they deem appropriate.

Resolved, That seven managers be appointed by the Speaker to conduct the impeachment exhibited against George F. Seward, late consul-general of the United States of America at Shanghai, China, and now envoy extraordinary and minister plenipotentiary of the United States of America to China, and that the foregoing articles of impeachment be adopted by the House and presented to the Senate by the said managers in maintenance and support of the impeachment for high crimes and misdemeanors in office of the said George F. Seward.

All of which is respectfully submitted.

WILLIAM M. SPRINGER,
BENJ. DEAN,
STEPHEN L. MAYHAM,
THOS. TURNER.

Mr. SPRINGER. I now move the previous question.

Mr. BUNDY. The minority of the committee have a report which they desire to submit at this time.

The SPEAKER. It will be presented.

Mr. SPRINGER. I have moved the previous question, but I have no objection to the report of the minority being read, and to it being understood that the resolutions of the minority are moved as a substitute for the resolutions reported by the committee; that is, provided the House will come to an immediate vote on the question as soon as this paper is read.

The SPEAKER. The Chair does not know how such a provision as that could be made.

Mr. SPRINGER. I move the previous question.

The SPEAKER. The Chair will recognize the right of the gentleman to make that motion.

Mr. BUTLER. I will ask the gentleman what time he proposes to allow for discussion?

Mr. SPRINGER. I desire to have a vote as soon as possible.

Mr. BUTLER. Will there be an hour for debate?

Mr. SPRINGER. If I take that time I will give half of it to the other side.

The SPEAKER. The views of the minority will be read.

Mr. SPRINGER. Before the reading I desire to move the previous question.

The SPEAKER. The Chair understands that they will be read for information.

Mr. SPRINGER. Yes, and I move the previous question.

Mr. GARFIELD. That admits the amendment of the minority.

Mr. SPRINGER. It admits all.

The SPEAKER. The Chair understands that the gentleman from Illinois [Mr. SPRINGER] wants to allow a vote on both propositions.

Mr. CONGER. I understood the gentleman to say that he moved the previous question and that he had this read for information.

The SPEAKER. As the Chair understands, the gentleman wants to reach a conclusion of the case by a vote on both propositions.

Mr. MILLS. Will the gentleman from Illinois have a separate vote taken on each of the specifications?

Mr. SPRINGER. No, sir.

The SPEAKER. How much debate does the gentleman from Illinois desire?

Mr. SPRINGER. I do not desire any myself; but I am willing at the conclusion of the reading, after the previous question has been moved and seconded, to answer any questions that may be put to me in good faith.

Mr. BUNDY. Now that we may understand ourselves—

The SPEAKER. The Chair understands the gentleman from Illinois not to refuse reasonable debate within the period of one hour. The paper presented by the minority will be read.

Mr. BUNDY. But it is better we have an understanding before the reading of the minority report. I had understood that after the reading of the minority report we should have one hour of debate, to be divided equally between the two sides.

The SPEAKER. The Chair does not understand the gentleman from Illinois to refuse that.

Mr. SPRINGER. I have stated that I desired to have the fairest and fullest discussion possible, consistent with the limited time we have. How much discussion there is to be will depend somewhat upon the disposition of the House when we reach that point. But if there is any discussion, the time will be divided equally between the two sides.

Mr. FRYE. There will be no objection to a limited discussion, I take it.

Mr. SPRINGER. I suppose not. Would the gentleman prefer to have discussion rather than the reading of the views of the minority?

Mr. FRYE. We wish to have the views of the minority read, and to have discussion too. I will say to the gentleman that there is no purpose on this side to filibuster.

Mr. SPRINGER. I have no desire except to bring the House fairly to an issue.

The Clerk read the minority report, as follows:

In considering Mr. Seward's matters, the minority of the committee have been impressed strongly by the following facts:

First. That the consular duties in China are multifarious and difficult.

Second. That the port of Shanghai is the great entrepôt of commerce in China.

Third. That Mr. Seward's charge of the office at Shanghai embraced over a period of fourteen years.

Fourth. That he was not supplied, more particularly in earlier years, with the clerical and other assistance necessary to the efficient performance of his duties.

Fifth. That in assuming responsibility to meet the exigencies of the position Mr. Seward received the approval of the executive authority.

In remarking upon the duties of consular-general of China, Dr. Williams, for more than forty years a resident of China, gives in evidence the following statement, page 654:

"The consulates of China are somewhat misnamed if the idea of a consulate in Europe is applied to them. They are not so much consulates as governments. Territorial jurisdiction there is none, but the protection of life and property which the laws give to Americans in their own country is the treaty secured to them in China, and the consul is the only authorized agent in securing the enforcement of treaty rights. To look upon these officers as mere consulates is to take a very imperfect view of their real nature. They are governments."

In point of fact, our consuls in China wield a very broad authority. They make laws and regulations for the control of our people coming within their jurisdiction. They act as judges; they supervise the districts in which they reside; they are charged with the protection of the interests of our people as against the people and the authority of China. The functions they perform are, therefore, of great importance, and require the exercise of much judicial and administrative ability.

In speaking of the importance of the port of Shanghai as one of the great marts of the world, reference may be made to Mr. Keim's report to the Treasury Department in 1870, in which he says:

"The remarkable rise of the trade at Shanghai will afford some notion of the march of affairs in the East, but it gives but a vague idea of the actual situation." (Page printed correspondent.) Mr. Seward, writing in 1873, says:

"All the teas of central China pass by Shanghai on their way to western countries. Two-thirds of all the silks of China which are exported are produced near Shanghai and are exported from there. More than 90 per cent. of all the cotton goods imported into China are brought to Shanghai and distributed thence to the northern and river ports. Two-thirds of all the opium imported is received there and similarly distributed. The value of the direct exportations of Shanghai is about \$60,000,000; that of all the other ports about \$45,000,000. The value of the direct importations of Shanghai is about \$75,000,000; that of all the other ports \$30,000,000."

The actual labors performed by Mr. Seward at Shanghai during the long period of his service have been in part shown to the committee by the consular books which have been presented to them. This, however, pertains more particularly to the commercial side of the consulate, and for the purpose of showing the extent of the judicial work and of his general administration work, a copy of the return of civil and criminal cases heard by him in a given year, and a copy of the register of his correspondence for a given quarter have been put in evidence. It appears from the former that Mr. Seward heard, in 1864, one hundred and thirty-one civil cases, twenty-one criminal and about three hundred police cases. (Page.) It appears, also, that the number of letters prepared and sent out by him quarterly was about three hundred and fifty.

When Mr. Seward first went to Shanghai an interpreter and a constable were the only officers of the consulate beside himself. Afterward one clerk was appointed. Still later, a second, and in 1875 a third. These clerks were not fully paid by the Government, and he was obliged to draw upon various resources, such as the unofficial fees of the office, the clerk's and marshal's fees to supplement the deficiency of the appropriations. We do not mean to approve the course thus pursued by him, however important was the object he had in view. But the Government was informed of it and did give to it an unqualified approval.

The most notable reference to this matter will be found in the printed corre-

spondence, at page 64. The writer, Mr. Keim, reporting on the Shanghai office, used the following language:

[Extract from Mr. Keim's letter of December 22, 1870, to Treasury Department.]

"The question of the adequate compensation of consular officers in China is also one of importance. At this time I will merely mention the difficulties encountered here. By the second section of the act of June, 1864, the appointment of consular clerks, not to exceed thirteen, is authorized. Their compensation is fixed at \$1,000 per annum. For this sum it would be difficult here to secure the services of a person for the most ordinary work, and impossible to secure a competent clerk, capable of keeping the complicated accounts and papers and transacting the ordinary daily business of the consulate. The consular clerks at this office, both, as I have already stated, efficient in their duties, receive \$1,000 from the Government, and, in addition, the consul-general allows them \$1,250 in cash (each) and quarters in the consular building, which would make their compensation about \$2,500 (each) per annum. This amount is made up from various sources. The unofficial fees contribute per annum not less than \$400; the allowance of cost of post-office, \$1,200; the marshal's fees, that officer receiving only his pay proper, about \$450; fees of the clerk of the consular court, about \$400, making a total of about \$2,450. These fees have reached a large amount, but, up to the sum designated, the consul-general states he applied them to the purposes mentioned. * * * I have no doubt you will perceive from this one of the eccentricities of the present consular system of the United States. All fees should be returned to the Government; all officers should be applied to the purposes for which they were appropriated; all money should be sufficiently compensated, so as to secure efficient men and to enable them to live with becoming respectability."

"It is due to the consul-general to say that he has achieved success in making his office a credit to the Government, and this is entirely owing to his management, as I have mentioned. I cannot agree with the means in principle, but under the circumstances there are numerous reasons for making no complaint. If legislation in the matter of means is not sufficiently liberal to maintain the respectability of the flag, as represented by the officers of the Government, it would hardly be generous to rebuke an officer for making an effort on his own account, provided the result is favorable and obvious."

This letter was communicated to the State Department and to Mr. Seward, and in response to Mr. Seward's remarks upon it the Assistant Secretary of State, Mr. J. C. B. Davis, declared that the explanations were entirely satisfactory. (Page 225.)

In this connection the language used by the merchants in Shanghai in 1863, in a memorial addressed to the Secretary of State, may be quoted, (page 470, correspondence.) They say: "But for the responsibility assumed by the consul the consulate would be closed at this moment to two-thirds of the business which attaches to it." It will be well to refer also to Mr. Seward's letters of October 30, 1862, July 15, 1863, and September 16, 1865, in each of which he tendered to the Government his resignation because of the deficient appropriations made for the support of his office.

The articles agreed upon by the majority of the committee must be considered in the light of this general view of the situation, and first we will submit a reply to articles numbered 5 and 6, as to the continuation of marshal fees, and then proceed to an examination of the several articles and specifications in the order in which they have been presented by the committee.

The arrangement that the marshal should receive \$500 per annum in lieu of fees was made between Mr. Phoenix and Mr. Seward in 1874. The occasion for such an arrangement has already been explained. It was made voluntarily on the part of Mr. Phoenix, who preferred to receive for his services a sum certain in amount rather than only upon uncertain contingencies. At page 98 of the correspondence, Phoenix says: "In place of receiving the 'marshal fees,' I arranged with Mr. Consul-General Seward to take for my services \$500 a year in addition to my salary as marshal." And he testifies (page 152, evidence) that Mr. Seward said to him, "You can either have \$500 a year or the fees of the office." And that he concluded to take the \$500 a year. Apart from the information communicated by Mr. Seward himself to the Government on this subject, Mr. Keim, in his report to the Treasury Department, hereinbefore quoted, states that the marshal fees contributed about \$450 to the fund used for the support and maintenance of the consulate, "that officer receiving only his pay proper."

This report was referred by the Secretary of the Treasury to the Department of State, and by the Department of State sent to Mr. Seward on the 19th of June, 1871, given at page 220 of the correspondence. Mr. Seward replied under date of August 10, 1871, (correspondence, page 220.) In response to this communication Mr. Seward received from the Hon. J. C. B. Davis, the Assistant Secretary of State, the following:

Mr. Davis to Mr. Seward.

No. 283.

DEPARTMENT OF STATE,
Washington, September 26, 1871.

Sir: I have to acknowledge the receipt of your dispatch of the 10th ultimo, without number, and take pleasure in informing you that the detailed statement it gives in response to the charges preferred against you by Mr. Keim, Treasury agent, is entirely satisfactory and fully confirms the good opinion which the Department has always entertained of you.

I am &c.,

J. C. B. DAVIS.

It thus appears from the evidence before the committee: First, that the arrangement by which the marshal was to receive \$500 in lieu of the fees of that office was voluntarily made by that officer and was desired by him; second, that whatever pecuniary gain resulted therefrom was a gain to a fund used to defray the necessary expenses of the consulate; third, that the Government was fully advised of the transaction, and gave it approval and commendation.

It also further appears from Mr. Keim's report that Mr. Seward's course, to use Mr. Keim's own language, "is obviously favorable," and he sums up his judgment in the premises as follows: "It is due to the consul-general to say that he has achieved success in making his office a credit to the Government, and this is entirely owing to his management, as I have mentioned. I cannot agree with the means in principle, but under the circumstances there are numerous reasons for making no complaint."

That "management" having received from the Government at the time commendation instead of complaint, and the officer having been therefore encouraged by his immediate superiors in authority to continue in the course he had adopted, it seems to the undersigned that after the lapse of nearly ten years to hold him now accountable for a technical deviation from the direct line of official regularity is not only inconsistent with law and justice but the very refinement of injustice and cruelty.

The first article upon which the majority of the committee propose to base the contemplated impeachment of Mr. Seward is so broad, general, vague, and complex that it would seem to render impossible any definite answer, as it certainly would render impossible any specific finding. Nor is this unprecedented character of the article, which embraces quite a number of separate distinct, and independent offenses, reduced to any clear degree of certainty by the specifications.

The article is as follows: "Injustice, tyranny, extortion, and bribery."

To which one of these independent offenses the several specifications are intended to apply those who have to act in the premises are left to conjecture.

The committee seem to have been under the impression that legal forms had been heretofore ordained and habitually used only to defeat a conviction, and that the generality of the allegations made would supply all deficiencies in the evidence.

The first specification under this broad and comprehensive article is to the effect that Mr. Seward, being consul-general and having judicial functions to perform as a judge of probate as well as administrative functions as consul-general, did, at the special instance and request of the executor of the estate of one Spedding, give him counsel and advice and receive therefor a fee or reward of 500 taels or thereabouts, and subsequently allow the same in passing the accounts of said executor.

It appears that the services were rendered by Mr. Seward in the course of the settlement of the estate, and that these services were of great value to the executor and to the estate. It also appears that the services so rendered related to matters in connection with the estate which did not in any way come before the court for adjudication or determination. It also appears that the sum paid to Mr. Seward for the services rendered was voluntarily paid and that no question was raised in regard thereto at the time of passing the final account of the executor in which such payment was allowed, and that there was no contest over the estate either by creditors or legatees.

The plain question therefore presented under this specification is whether a consul-general at Shanghai should be impeached for a transaction of this nature in view of the character of the transaction itself, the circumstances under which it took place, and the exceptional character of the functions devolved by law upon that officer. We are of the opinion that he should not, and submit in brief our reasons for this opinion.

The judge of probate exercises the powers of a peculiar jurisdiction in the course of which it must frequently happen that he will be called upon to allow or reject the accounts of executors and administrators containing items in which the judge is himself interested. If, for instance, the judge should be a creditor of the deceased, this particular debt could not be paid until he had passed upon it according to the provisions of the probate law he was administering, nor could the executor or administrator claim a credit for its payment in his account with the estate unless that credit was allowed by the court. We say, in the absence of any law prohibiting such a transaction, and there is no prohibitory law applicable to the matter now under consideration; and we also say, in the absence of fraud or collusion, and in this case there is no evidence whatever, nor any pretense of evidence of either one or the other, that the charge is simply that the act was done, and that the naked act itself is illegal, and a crime or misdemeanor for which the party should be impeached. It is readily admitted that if a case of fraud or collusion were found, it would deserve impeachment. If the judge and the executors conspired to cheat the estate, a criminal conviction would be the just reward of both. But in a case of fair and honest character, where the executor needed advice, counsel, and assistance, and the judge was competent to give it, it certainly is not criminal that he should do so, nor criminal that he should be paid for his services.

The jurisdiction in probate matters of the consul-general at Shanghai is exceptional and peculiar, and the conduct of that officer cannot be judged by the same rules that apply to probate judges in the various States in the Union, who are limited to judicial functions alone, and who do not exercise judicial powers as merely incidental to some administrative office of which they may be the incumbents.

The judicial functions of Mr. Seward were incident to his office of consul-general; and as consul-general he was expressly authorized by the consular regulations, sections 296, 297, and 298, to render unofficial services to his countrymen and to charge for the same what might be regarded as adequate compensation. He was also authorized to refuse to render such services, if he did not desire to perform them, and required so to refuse if they interfered with the performance of his official duties.

The authority given by these sections of the regulations was intended for the benefit and convenience of American citizens rather than for the benefit of the consul, and it is perfectly manifest that it becomes the duty of the consul, in obedience to the spirit of the regulations referred to, to render to any of his countrymen, within the limits of his consulate, all services that they may need and that it may possibly be in his power to render; and to charge a reasonable compensation for such services is plainly, according to the letter and spirit of those regulations, his right.

The regulations further provide (section 327, paragraph 57) that the consul shall take the estates of American citizens dying within the limits of his consulate and administer upon the same. This regulation gives him the office of administrator, devolving upon him all the duties and responsibilities of that office, and subjecting him to all the limitations and restrictions attaching thereto under the law, while at the same time he must, by virtue of his consular office, perform all the judicial duties of a judge of probate. He is, therefore, required by law as administrator to appear before himself as probate judge, and in the latter capacity to pass officially upon his accounts and doings in his capacity of administrator.

For the performance of his duties as administrator he is allowed 5 per cent. upon the amount of the personal estate of the deceased, and the evidence discloses that this was the precise amount he allowed the executor in the case under consideration. The executor received no further benefit whatever from any decision rendered by the consul, and there is no attempt whatever to connect the allowance of this 5 per cent. with the fee paid Mr. Seward for his advice and services.

There being, then, not only no evidence of fraud or collusion between the consul-general and the executor; but, on the contrary, the testimony establishing the fact that the executor was allowed only such compensation as the law itself had fixed as an adequate remuneration for the performance of the duties of that office; and it further appearing that the services rendered by the consul were of great value and that they were not more than justly remunerated, the undersigned cannot see that grounds exist to justify the charge made by the committee in connection with this transaction.

The second specification under the article we are now considering is to the effect that Mr. Seward having in custody a man named Pease, who was charged with various acts of piracy by the Spanish authorities at Manila, released him without trial.

It appears from the evidence that Pease was brought to Shanghai by Admiral Rogers, together with two witnesses said to be cognizant of his transactions, in April, 1871; that Mr. Seward examined into the case and decided to send Pease to San Francisco for trial before the United States courts, they being the only tribunals having jurisdiction in the premises; that before an opportunity offered for his transportation the most important witness, and the one upon whose testimony a conviction could only be had, died in jail; that Mr. Seward thereupon determined that the evidence available would not be sufficient to convict the accused, and in the exercise of his authority as consul-general released him, and immediately, to wit, May 11, 1871, reported the circumstances of the case and the occasion for his discharge to the Department at Washington. (Pages 200, 201, cor.)

The Department approved of the action of Mr. Seward in the premises. But, independently of the report of Mr. Seward at the time, and the approval by the Department of his action in the case, the testimony before the committee not only shows that no imputation of improper conduct can justly be cast upon him for his action in this matter, but also conclusively establishes that his conduct was judicious and proper.

It is clearly proved that the principal witness died, as Mr. Seward stated in his communication to the Department of State; and Mr. Myers, whose relation to this investigation and manifest hostility to Mr. Seward compels the belief that he would palliate nothing calculated to give the color of criminality to any of his acts, says, in a communication, under date of March 26, 1877, (cor., pp. 30, 31,) as follows: "I do not know of any reason, consideration, or circumstance upon which an imputation of wrong can be imputed to Mr. Seward in connection with the Pease case."

Mr. Phoenix, another witness principally relied upon for the inculpation of Mr.

Seward, in respect to the various charges brought against him by Mr. Myers, and contained in the report of the majority of the committee, in his affidavit of March 29, 1877, (cor., p. 34,) says as follows: "I never heard any questions raised as to the merits of Mr. Seward's action in the Pease case until the publication in the Courier of the 21st of February was made. I have no reason to believe that any such question was raised. I do not know of any reason why Mr. Seward's conduct in that case should be questioned. I may say the same in regard to all the cases which came before Mr. Seward during my service as marshal of the court over which he presided. His reputation has been and is that of an eminently just man."

In releasing Pease, Mr. Seward was in the exercise of a judicial or quasi-judicial function, and after examination gave a judgment in the order discharging the prisoners. Throughout the entire evidence in this case there is no evidence showing that that judgment was either corrupt or unwise, and unless proof is adduced sufficient to establish at least a *prima facie* case of corruption in a particular judgment, no sane man will hold that the justice by whom it was pronounced can be impeached or held criminal in any way for having rendered it. In our opinion it was eminently wise and proper in Mr. Seward if he believed that evidence sufficient could not be brought forward to justify the conviction of Pease, to discharge him, and thus save the United States the expense of a useless trial and we may express the regret that other high functionaries of the Government do not seem to be equally considerate for the public time and the public money.

The third specification is that Mr. Seward allowed Mr. Bradford to take jurisdiction over certain seamen, and that Mr. Seward himself arbitrarily increased the sentence of a deserter.

The act of July 20, 1840, section 18, (5 Statutes, page 397,) which is re-enacted in section 1736 of the Revised Statutes, strictly enjoins upon consuls the reasonable performance of all duties enjoined upon them by the laws regulating the shipment and discharge of seamen and the reclamation of deserters on board or from vessels in foreign ports. Section 4600 of the Revised Statutes provides that it shall be the duty of consular officers to reclaim deserters, and discountenance insubordination by every means within their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. Desertion and insubordination by seamen are denounced by the penal legislation of the United States as serious offenses. (See section 4596 Revised Statutes.) The penalty for desertion is imprisonment for not more than three months, and forfeiture of clothes and effects of the seaman aboard the vessel and of the wages or emoluments which he has then earned. The penalty for willful disobedience of any lawful command is imprisonment for not more than two months, and also at the discretion of the court the forfeiture of not more than four days' pay.

For continued willful disobedience or continued willful neglect of duty, the penalty is imprisonment for not more than six months, and also, at the discretion of the court, forfeiture for every twenty-four hours' continuance of such insubordination and neglect of a sum not more than twelve days' pay, or sufficient to defray the expenses necessary to provide a substitute. The general maritime law confers power upon the master of a vessel, in extreme cases, to imprison insubordinate mariners upon shore, and in proper cases there can be no doubt that the power resides in consuls to enforce obedience and subordination on the part of sailors in the same manner. As mentioned above, the statute especially renders it the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power, and strictly enjoins upon them to perform seasonably all the duties imposed by the laws regulating the reclamation of deserters on board or from vessels in port.

The statutes may be correctly said to confer upon consular officers disciplinary jurisdiction over seamen in foreign ports, which is to be exercised conformably to the spirit of the statutes and with reference to the necessities of particular cases, in view of the importance of maintaining the rights of masters and ship-owners and protecting the interests of the commercial marine of the country. This jurisdiction must, of course, be exercised as mildly and considerately as the circumstances of the particular cases will admit of; but before any abuse of power can be justly charged against a consular officer it would be necessary that a full development of the particular circumstances and emergencies of the case should be had. The jurisdiction conferred upon consular officers by the legislation above mentioned is one that is incident to the consular office, which is concerned primarily with the relation of seamen to their ships, as the agencies and instrumentalities of commercial intercourse. The act of 1792 declares that the specification of certain powers to be exercised and performed by consuls and vice-consuls shall not be construed as implying the exclusion of others resulting from the nature "of their appointments or prescribed by any treaty or convention under which they may act."

By the nature of their appointments consular officers have conferred upon them the power, duty, and right to reclaim deserters and discountenance insubordination. This is a function which pertains to them as consular officers, and belongs to all consuls, and as exercised by the consul in China, it is not necessarily exercisable in virtue of special judicial powers conferred upon those consuls. Consuls in China have the same right to reclaim deserters, and discountenance insubordination, and to employ the same means to these ends as consuls in other countries, upon whom no judicial functions are conferred. A deputy consul is a consular officer subordinate to a consul exercising and performing the duties of the consul at the same port or place, (R. S., 1874.) The deputy consul at Shanghai, possessed therefore the same powers and was obliged to perform the same duties which pertain to the consul, in virtue of his consular capacity. He might lawfully exercise the same disciplinary jurisdiction over seamen, with reference to discountenancing of insubordination, which was exercisable by the principal officer.

It is in proof before the committee that Mr. Bradford was deputy consul, and whatever his chief was entitled to do in respect to seamen as a consular officer he was entitled to do in virtue of his appointment.

There is some testimony before the committee that Mr. Bradford exercised this jurisdiction harshly. There is, on the contrary, testimony by most respectable witnesses that his intercourse with seamen was considerate and kindly.

Upon the question of the authority of the deputy consul at Shanghai to exercise the powers in relation to seamen which are incident to and inherent in the office of consul, as consul, no doubt can be entertained.

It is charged in the fourth specification that Mr. Seward allowed Mr. George S. Porter to preside at the trial of one Dominick Lynch, as an accessory after the fact in a case of murder. The only evidence relating to the matter is in the testimony of Mr. Lewis, who stated that Mr. Seward was absent at the time from his office on account of illness. Mr. Porter is spoken of as *deputy consul*. It is not shown in evidence whether or not he was also *vice-consul*. If the theory upon which this charge is based is that a vice-consul alone can exercise the judicial functions of a consul in his absence, it would be incumbent upon the prosecution to prove to the committee affirmatively that Mr. Porter was not vice-consul as well as deputy consul and clerk of the court.

The evidence shows that Mr. Bradford held the three appointments of vice-consul-general, deputy consul-general, and clerk of the court, with the knowledge and approval of the Secretary of State, from whom he received his authority both as vice-consul-general and deputy consul. There is no evidence whatever before the committee to show that Mr. Porter did not hold an appointment from the Secretary of State as vice-consul. If it was necessary that he should have been vice-consul, as distinguished from deputy consul, in order to have jurisdiction to try an offender, the legal presumption is that he was the vice-consul as well as deputy consul. The legal presumption in regard to the acts of all the public officers is, expressed by the fundamental manner of the law, *omnia presumuntur esse rite acta*.

It will not do to charge wrong doing and ask the committee to accept wrong-doing as proven, in the absence of evidence establishing one of the essential elements of the wrong imparted. But the undersigned are not satisfied that it was indispensably necessary that Mr. Porter should hold a separate appointment from the Secretary of State as vice-consul, in order to authorize him to act judicially in the absence of the consul. If in point of fact he had received an appointment as vice-consul from the Secretary of State, the better opinion would seem to be that in the absence of the principal officer he would be entitled to exercise the functions of vice-consul. It is evident that where there is no vice-consul the business of the consulate, in the absence of the principal officer, must proceed. It cannot be pretended that it was ever designed by the law that the statutes against crime should fail of execution in default of the appointment of a vice-consul, where there is a deputy consul competent to exercise the functions of the consul. A deputy consul is expressly described as "a consular officer subordinate to the powers and performing the duties within the limits of the consulate at the same port or place." It would clearly seem that in the absence of the principal officer the deputy might exercise judicial functions when no vice-consul has been in fact appointed by the Secretary of State. There is nothing in the law preventing this same person holding an appointment as deputy consul and vice-consul. Independently of these considerations, it must be observed that no moral complaint has been or can be made against Mr. Seward in respect to this matter. The proof is that he was confined to his home by illness. He had no reason to doubt that in his constrained absence his principal deputy could lawfully perform the duties devolving upon him. It was the interest of the Government and the interest of society that the duties of the consulate should be performed, and to charge him with misdemeanor in relation to such a matter as this is unnecessarily to consume the public time with the consideration of what must be deemed by candid men a frivolous accusation.

It is charged in the fifth specification that Mr. Seward allowed Mr. Bradford to try and determine civil suits of great importance.

It is not known to the undersigned what this allegation is based upon. They have no recollection that such fact is in proof.

The second article presented by the majority of the committee is that Mr. Seward loaned on his own account \$20,000 belonging to the Government, foreclosed in his own court certain mortgages of which he was the beneficiary, became the purchaser at the sale, and ratified the sale.

This charge, like the other, embraces several separate and distinct offenses, and is unaccompanied by any specifications.

In regard to that part of it which refers to the loaning of Government funds, it is unjustified and unsubstantiated by any evidence in the case. The proof apparently shows that Mr. Seward did, in the year 1865, loan money on mortgage, but there is no evidence whatever in the record anywhere showing that the money so loaned was the money of the Government. It was claimed by the counsel for the prosecution in argument before the committee that the money used belonged to the seamen's fund, but the only foundation for the claim was that at and about the time of the negotiations in 1865 a considerable amount of this fund had apparently accumulated in the hands of the consul-general; but there was no proof that the money loaned had been drawn from this fund. On the contrary, it was shown that the apparent balance was not the real balance, and that the fund had been greatly reduced by payments made from it for Government account, (as will appear, pages 763, 764, and 765 evidence, and the letter of Comptroller Taylor, page 764.)

It also appears from the evidence that a year or two after the date of the loans Mr. Seward requested the Department to receive from him the balance of the fund then in hand, and tendered the same; but the Comptroller of the Treasury and the authorities directed him to retain it and use it from time to time for the current expenses of his office, instead of subjecting the United States to the burden of the exchange on drafts drawn against the Government, (evidence of James A. Thompson, chief of the division of foreign intercourse in the office of the First Comptroller of the Treasury, pp. 765, 766.)

It further appeared in evidence that at this time, when this account was adjusted as stated on the pages of the evidence above referred to, the loans alleged to have been made by Mr. Seward had not been refunded, but the parties had failed to meet their obligations, and the property mortgaged to secure those loans had passed into the possession of Mr. Seward.

It is, therefore, apparent that the evidence does not show that the money used in the loans referred to belonged to the Government, while there is proof that the money so used did not belong to the Government, but belonged to Mr. Seward himself.

The third article is to the effect that Mr. Seward promoted the construction of the Woosung Railroad.

The undersigned have been unable to discover anything in Mr. Seward's conduct in connection with this enterprise deserving censure or condemnation, and certainly nothing that could be construed into a malversation in office or justify a criminal prosecution.

His letter to Mr. Fish of May 3, 1876, furnishes, in our judgment, a just and correct view of his position and policy in regard to the railway in question. He says: "I have not altogether approved the course taken in starting this enterprise. It presents, nevertheless, so many elements of promise that I felt disposed to give it such support as I could without departing from sound principles. There are indications that the Chinese authorities are looking from behind the veil with interest for the result." (Page 369, cor.)

Mr. Seward appears to have spoken freely with a Tantai at Shanghai, the Viceroy of Tientsin, and the foreign office of the Chinese government, in regard to the railway. In this connection we refer to statement of Dr. Yates, (page 87, cor.) to Mr. Seward's dispatch May 2, 1876, (page 373, cor.) and that of October 16, 1877, (page 381, cor.)

The latter dispatch and its inclosure indicate that Mr. Seward spoke to the government with freedom upon this subject, and his words must commend themselves to all persons as temperate, discreet, and just.

The statement which appears in the evidence, and which does not purport to be founded upon knowledge, but merely upon rumor, that the railroad was disposed of at 100,000 taels above cost, is entirely refuted by the proof (pages 286, 377, evidence) that it passed to the Chinese at "cost less depreciation."

Article 7 is to the effect that Mr. Seward defrauded the Government by charging a premium on currency and Mexican dollars.

The evidence of Joseph A. Thompson, chief of the division of foreign intercourse in the office of the First Comptroller of the Treasury, commencing on page 760 of the evidence, shows that Mr. Seward's accounts were regularly rendered according to the law and the regulations and finally closed by the accounting officers, and that in those accounts so rendered his transactions were fully submitted to the inspection of the Department. To impeach these accounts some satisfactory evidence of fraud or irregularity would be necessarily required. There is no such evidence in this record. It is in proof in the case, and the evidence is furnished by witnesses called for the prosecution, that the Mexican dollars, which constitute the main body of the currency at Shanghai, vary materially in their relative value to each other, and that when passing in any large amounts from hand to hand that value is accurately tested by certain persons known as schroffs and who made this their business. It also appears that what are known as clean Mexican dollars are valued at the mint at 5 per cent. over gold, while the evidence establishes that the Mexican dollars in circulation and passing from hand to hand are considerably depreciated.

Now, the evidence shows that whenever Mr. Seward drew drafts upon the Government and negotiated them in the market at Shanghai, receiving therefor clean

Mexican dollars, he invariably credited the Government and consequently charged himself with 5 per cent. premium. (Page 769, evidence.)

It is therefore apparent that Mr. Seward had no disposition to deal unfairly with the Government in these transactions, but openly charged himself with a premium which he could have concealed had he been so inclined.

It is further in evidence that upon large payments received from ships, the 5 per cent. was credited to the ships. (See Cowles' tables, page 733, evidence.)

It also appears that the 5 per cent. premium in disbursements was charged only on certain accounts when the amounts were considerable, and when, as a consequence, clean dollars would be demanded in payment, while in his general disbursements, such as to seamen, officers of the consulate, &c., no premium whatever was charged.

The character of the currency at Shanghai was perfectly well-known and recognized at the Department, and whenever Mr. Seward charged a premium on his disbursements such charge, in its character as a premium, appeared on the face of his accounts. Thus fully advised, the Department recognized the propriety of the charge and passed the account. In view of this circumstance, and of the evidence above referred to, the simple naked fact that a premium of 5 per cent. was charged in the exceptional cases indicated can neither sustain nor justify the presumption that Mr. Seward's accounts were either fraudulent or erroneous.

The eighth article is to the effect that Mr. Seward defrauded the Government by charging a premium on currency in his transactions with the Post-Office Department.

It appears from the evidence and the correspondence that Mr. Seward's post-office accounts were stated in currency. He charged himself with the face value of all stamps sold; and in crediting himself in disbursements, he added the premium between the local currency at Shanghai and American paper. On certain receipts (those for box-rents and closed mails) the premium was credited to the Government.

Mr. Seward's practice in this respect was fully explained to the Department in his letter, (printed on pages 406 and 407 of the book of correspondence,) which fully met the approval of the Department; and his accounts were settled on that basis, as is shown in the letter from the Department, on page 437.

In the correspondence referred to Mr. Seward stated to the Department that there was a gain to him; and said, as follows: "It would appear to me that as I receive no compensation in any other way for my oversight and responsibility, the Department may very well let the advantage rest with me." (Page 407.) The claim of Mr. Seward was founded upon section 4023 of the Revised Statutes, by which it was provided that the Postmaster-General might allow to the postal agent at Shanghai a "reasonable compensation for his services, in addition to the necessary expenses for rent, furniture, clerk hire, and incidental expenses."

The ninth article is that Mr. Seward received his salary as consul-general for the first quarter of 1876 while he was minister, and the tenth article is of kindred nature, charging that Mr. Seward received salary as consul-general while minister and did not render services as consul-general during the first quarter of 1876.

Mr. Seward, while consul-general at Shanghai in the month of December, 1875, received orders to take charge of the legation. On the 1st of January, 1876, he assumed duty as chargé d'affaires, and on the 12th, having received notice from the Department of his appointment as minister, he assumed duty as such. On the 10th of April he rendered an account for his services in his diplomatic capacity for the previous quarter and drew his drafts upon the Government for his pay, writing at the time to the Secretary of State giving him a full account of the situation, advising him that he had turned over the consulate-general to the vice-consul-general on the 1st of January and submitting all questions for the determination of the Department, (page 552, correspondence.)

Not knowing what view the Department would take of the questions submitted in his communication, it appears that Mr. Seward did not draw for his salary for the second quarter of 1876, that he never has drawn for that quarter, and has never been paid for that quarter. (555, correspondence.) This appears to have been in consequence of the fact that Mr. Fish disallowed his account for the first quarter of 1876 on the ground that he could not be paid as minister prior to his arrival at Peking, (555, correspondence,) and the amount of his drafts charged to him on the books of the Treasury balanced by the absence of any draft for the second quarter of the same year. A full résumé of this entire matter will be found in Mr. Seward's dispatch of January 25, 1878. (556, correspondence.)

The second article is, that Mr. Seward unlawfully suspended Mr. Myers as consul-general.

It appears that Mr. Seward immediately upon suspending Mr. Myers telegraphed the Government to that effect, and the next steamer from Shanghai sent forward a dispatch giving a full account of his action in the premises. He received a reply from the Secretary of State to his telegram that the Department would await the receipt of the detailed statement promised by mail before deciding definitely in regard to further action in the matter. (Page 21, correspondence.) Subsequently Mr. Seward received a communication from the Department of State, informing him that the removal of Mr. Myers met with the approval of the Department, and ratifying his suspension of that officer. (Page 53, correspondence.) At the same time a formal order was sent forward that the President, in accordance with the requirements of title 19 of the Revised Statutes, had, upon consideration of the facts laid before the Department by Mr. Seward, suspended Mr. Myers from office.

The undersigned are of the opinion that this action of the President in the premises had relation back to the time when Mr. Seward, as minister, issued the original order for Mr. Myers's suspension, and that the President thereby assumed the responsibility of Mr. Seward's act.

The thirteenth article charged that Mr. Seward neglected to render true quarterly accounts and pay over balances at the end of each quarter.

The fourteenth article charges Mr. Seward with neglect to account to the Secretary of the Treasury and to hold subject to draft.

The undersigned are unable to discover in the records any evidence upon which either of these charges can possibly be founded. On the contrary the evidence of the accounting officers of the Government is to the effect that Mr. Seward's accounts were rendered with regularity and the funds in his hands held and disposed of according to law and under the instructions of the Department, and there is no testimony surcharging and falsifying the accounts presented by him.

Articles 15 and 16 are of kindred nature, and charge that Mr. Seward released Mr. Bradford from judicial proceedings knowing him to be guilty of embezzlement.

It appears from the communications from Mr. Evarts (page 244, cor.) that Mr. Bradford was released by order of the Secretary of State.

Article 17 charges Mr. Seward with having taken certain books from the archives of the consulate at Peking.

The subject of this article has been fully considered in the report heretofore made by the undersigned in the matter of the alleged contumacy of Mr. Seward as a witness before the committee.

The investigation in this case has occupied the committee through nearly a hundred and twenty sessions during the last thirteen months. It has taken a broad range and extended over the entire official life of Mr. Seward, from 1862, when he had just attained his majority and assumed the important office of consul-general at Shanghai, to the present time. Diligent and searching inquiry has been made into all of his transactions as consul-general and minister, and the committee have had before it as witnesses two of his successors in office, namely Mr. Myers and Mr. Wells, and two of the clerks in the employ of the consulate during the period of Mr. Seward's administration, and who are still in office under the

present consul-general, and who are brought here at great expense to the Government.

They have also had before them Mr. Phoenix, who was marshal under Mr. Seward. The prosecuting witness has been represented before the committee by able and diligent counsel, and we are impressed with the belief that nothing that could be brought forward of whatever he may have done during his long official career calculated to inculpate Mr. Seward has been omitted. The trial has been searching and the ordeal has been severe. It has developed defects in the law, vagueness and uncertainties in the consular regulations, and a certain necessity for their revision. But we have failed to find after all this labor and all the mass of testimony laid before us any sufficient ground to justify the views expressed in the report of the majority.

It is proper that we should add, in view of that principle of law which declares that good character is a bulwark of defense to the accused, that gentlemen of acknowledged distinction in their respective departments of life, familiar with affairs at Shanghai under the administration of Mr. Seward, have testified that his reputation as a man of honor and integrity was of the very highest order, and that his services as consul-general at Shanghai were in the most marked degree useful to his countrymen and creditable to his country. Dr. J. P. Newman, special agent of the Government to examine consular matters, in a communication to Mr. Fish, under date of December 19, 1873, (page 225, correspondence,) says of Mr. Seward as follows:

"As an educated gentleman and as a competent and judicious officer, Mr. George F. Seward, consul-general at Shanghai, is deservedly popular with the foreigners and the Chinese officials of that important commercial city, and is an honor to the nation he represents."

Similar high commendation will be found in letters addressed to him by the leading men at Shanghai, accompanying testimonials of their regard, and which letters were laid before the committee, and are printed in the correspondence submitted to the House. Such uniform and unvarying testimony is entitled to serious consideration in an investigation like that the committee has been conducting and in an inquiry such as we are now making.

SOLOMON BUNDY.
THOS. M. BAYNE.
MARK H. DUNNELL.

In view of the great importance of the subject and matters embraced in the report of the majority of the committee in the matter of the proposed impeachment of George F. Seward, for alleged high crimes and misdemeanors, and the complicated questions of law involved therein.

Resolved, That the matters embraced in such report, together with the evidence in the case, be referred to the Committee on the Judiciary, to report at any time and at the earliest practicable hour, with their recommendation as to what action should be taken in the premises.

SOLOMON BUNDY.
THOS. M. BAYNE.
MARK H. DUNNELL.

Mr. BUNDY. I interrupt the reading of the views of the minority, Mr. Speaker, to make a suggestion. In view of the importance of time I ask the Clerk to omit reading the bill further than he has already done and to read the resolution agreed upon by the minority of the committee, waiving the reading of the conclusion of the minority report with the understanding that the same shall be printed in the same manner as the majority report.

Mr. SPRINGER. In record and document form.

Mr. BUNDY. Yes, sir. I do this after consultation with the chairman of the committee, with the understanding that we are to have reasonable time, such time as the House by its indulgence is willing to accord to us, to discuss the two resolutions.

The SPEAKER. The Clerk will read the resolution of the minority. The Clerk read as follows:

In view of the great importance of the subject and matters embraced in the report of the majority of the committee in the matter of the proposed impeachment of George F. Seward for alleged high crimes and misdemeanors and the complicated questions of law involved therein.

Resolved, That the matters embraced in such report, together with the evidence in the case, be referred to the Committee on the Judiciary, to report at any time and at the earliest practicable hour, with their recommendation as to what action should be taken in the premises.

Mr. SPRINGER. I demand the previous question on the original resolution and the amendment offered by the gentleman from New York. After the main question has been ordered, I will agree to divide with the other side the hour to which I am entitled under the rules to close the debate.

The previous question was seconded and the main question ordered.

Mr. SPRINGER. I yield now half of the hour to the gentleman from New York. [Cries of "No!" "No!"] I do not desire time myself, but will immediately ask for a vote. No time is lost, for it is only proposed to take up in debate on the resolutions the time which otherwise would have been occupied in reading the report.

Mr. BUNDY. Mr. Speaker, I certainly have renewed occasion to acknowledge kindness and courtesy on the part of the gentleman from Illinois, [Mr. SPRINGER,] the chairman of this committee which has had in charge during the last year and a quarter this question, important not only to this House, but to the people of the country, and still more important to the individual charged gravely in seventeen specific articles incorporated in the report of the majority of this committee. I am not unaware of the value of time at this hour when we are about to close the labors of an eventful session. But my proposition to waive the further reading of the report of the minority of the committee which has been prepared thoughtfully, carefully, and, as I believe, conscientiously, enables me to express to the House the convictions of the minority upon the question now pending.

The House will discover, Mr. Speaker, in voting on this question, we must decide upon what is reflected by these reports concerning the evidence before that committee. But while I have not time, should I take the entire half hour allotted to the minority, to go over and discuss the evidence produced by the witnesses I can only take it upon me to say that the proposed articles of impeachment are based upon the evidence of witnesses that appeared before that committee as they cannot appear before this House, and I trust I shall make no

remark, no assertion, that gentlemen on the part of the majority will contradict or take issue with, when I say in many cases, if not in a majority of instances, they were witnesses, at the head of which was John C. Myers, who came back to this country smarting under removal instigated by the party charged here and now.

I remember, sir, at the instance and request of my distinguished friend from Illinois, [Mr. SPRINGER,] the equally distinguished gentleman from Pennsylvania [Mr. CLYMER] was summoned as a witness to speak well of the character of the witness John C. Myers, and he spoke eloquently of his character and reputation when a young man of the Keystone State, but had my distinguished friend from Pennsylvania been privileged to listen to the evidence of witnesses equally touching the character and reputation of Mr. Myers when in China he would agree with me in charity he would draw the veil over the character and reputation of Myers in China.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ATKINS. Will the gentleman yield to me to make a report from a conference committee?

Mr. BUNDY. I yield for that purpose.

Mr. ATKINS. I submit the following report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 16, 17, 20, 22, 30, 31, 32, 36, 42, 45, 47, 55, 59, 65, 72, 73, 77, 81, 83, 89, 97, 98, 100, 107, 108, 109, 121, 122, 124, 125, 128, 129, 130.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, 33, 34, 35, 37, 38, 40, 42, 43, 44, 48, 49, 50, 51, 53, 54, 56, 57, 58, 61, 62, 63, 64, 66, 67, 71, 74, 76, 78, 79, 80, 82, 84, 85, 86, 87, 94, 95, 96, 99, 102, 103, 104, 105, 105½, 106, 110, 111, 112, 113, 115, 116, 118, 119, 120, 123, 126, 127, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same, with an amendment as follows:

Strike out therefrom the words "and so forth."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert \$40,000.

And the Senate agree to the same.

That the Senate recede from its amendment numbered 21, with an amendment as follows:

Strike out, in line 11, page 13 of the bill, the words "construction of" and insert in lieu thereof the following words: "constructing, equipping, and fitting;" and in line 15, same page, after the word "forty" insert "five."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same, with an amendment as follows:

Strike out, in line 1, page 16 of the bill, the words "seventy-five" and insert in lieu thereof the word "sixty."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 28, and agree to the clause proposed to be stricken out by said amendment, with an amendment as follows:

Add at the end of said amendment the following: "And not exceeding \$500 shall be allowed to any one individual, nor shall the aggregate of such allowances exceed \$10,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$96,152."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same, with an amendment as follows:

Strike out the words "Fort Ellis westward" and insert in lieu thereof the following: "Fort Buford by way of the new post on the Milk River, Fort Benton and Fort Shaw, to Helena, Dakota Territory."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 41, with an amendment as follows:

In lieu of said amendment insert the following:

That the Secretary of War is hereby authorized and empowered to lease the water-power at Moline, or such portion as may be agreed upon, to the Moline Water-Power Company, upon such terms and conditions and for such term of years as may be agreed upon, if the same can be done consistently with the interests of the Government of the United States, said lease to be made upon the condition that the said Moline Water-Power Company shall go on and complete the development of the water-power and maintain it at its own cost and expense.

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$515,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same, with an amendment as follows:

Strike out, in line 23, on page 26 of the bill, the words "continuing the rebuilding of" and insert in lieu thereof the word "rebuilding."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$100,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same, with an amendment as follows:

Strike out the word "judgment" and insert in lieu thereof the words "the decision;" and insert after the word "transportation," in line 8 of said amendment, the following: "but in no event shall more than 50 per cent. of the full amount

allowed by the Quartermaster-General be paid until the decision of the Court of Claims be had in each case."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same, with an amendment as follows:

Strike out all of said amendment down to and including the word "no," in line 5, and insert in lieu thereof the word "no."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same, with an amendment as follows:

In lieu of the sum proposed insert "\$12,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 90, 91, 92, and 93, and agree to the same, with amendments as follows:

In lieu of the entire paragraph insert the following:

For the salary of the director of the geological survey, which office is hereby established under the Interior Department, who shall be appointed by the President by and with the advice and consent of the Senate, \$6,000: *Provided*, That this officer shall have the direction of the geological survey, and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, and that the director and members of the geological survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations; and the geological and geographical survey of the Territories, and the geographical and geological survey of the Rocky Mountain region, under the Department of the Interior, and the geographical surveys west of the one hundredth meridian, under the War Department, are hereby discontinued, to take effect on the 30th day of June, 1879. And all collections of rocks, minerals, soils, fossils, and objects of natural history, archaeology, and ethnology, made by the Coast and Interior Survey, the geological survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress, shall be deposited in the National Museum.

For the expenses of the geological survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, to be expended under the direction of the Secretary of the Interior, \$100,000.

For the expense of a commission on the codification of existing laws relating to the survey and disposition of the public domain, and for other purposes, \$20,000: *Provided*, That the commission shall consist of the Commissioner of the General Land Office, the director of the United States geological survey, and three civilians, to be appointed by the President, who shall receive a per diem compensation of \$10 for each day while actually engaged, and their traveling expenses; and neither the Commissioner of the General Land Office nor the director of the United States geological survey shall receive other compensation for their services upon said commission than their salaries, respectively, except their traveling expenses, while engaged on said duties; and it shall be the duty of this commission to report to Congress within one year from the time of its organization: first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands, as arable, irrigable, timber, pasture, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, supply of water for irrigation, and other physical characteristics; third, a system of land-parceling surveys adapted to the economic uses of the several classes of lands; and, fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers.

The publications of the geological survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology. The annual report of operations of the geological survey shall accompany the annual report of the Secretary of the Interior. All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the director, but otherwise in ordinary octavos. Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication; and all literary and cartographic materials received in exchange shall be the property of the United States, and form a part of the library of the organization; and the money resulting from the sale of such publications shall be covered into the Treasury of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "\$1,000."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 114, and agree to the clause proposed to be stricken out by said amendment, with an amendment as follows:

Strike out "\$1,000" and insert "\$2,000."

And the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same, with an amendment as follows:

Add at the end of said amendment the following: "To pay H. W. Spofford the balance of salary due him as clerk to the Committee on the Census from May 13 to January 31, inclusive, \$264."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same, with amendments as follows:

In lieu of the sums proposed in lines 1, 2, and 3 of said amendment, insert \$1,632,098.78; in line 12 of said amendment, strike out the word "two" and insert the word "one"; in line 15, strike out the word "five" and insert the word "four"; in line 162, after the word "only," strike out down to and including the word "residence," in line 165, and insert in lieu thereof the following: "until the 30th day of June, A. D. 1880;" in line 366, strike out all after the word "dollars" down to and including the word "dollars" in line 367; in line 429, strike out the words "thirty thousand six hundred and thirty" and insert in lieu thereof "twenty-five thousand;" in line 449, strike out the word "ninety" and insert in lieu thereof the words "seventy five."

And the Senate agree to the same.

WM. WINDOM,
S. W. DORSEY,
H. G. DAVIS,
Managers on the part of the Senate.
J. D. C. ATKINS,
ABRAM S. HEWITT,
EUGENE HALE,
Managers on the part of the House.

Mr. ATKINS. I shall not detain the House, Mr. Speaker, but a moment in explanation of this report. I am glad to announce to the House that this is the smallest sundry civil bill passed for several years. The estimates as presented in the Book of Estimates were \$24,808,478. The manuscript estimates which have come in since the Book of Estimates was sent to us were \$7,750,000, making the total estimates \$32,558,478.

The bill as it passed the House amounted to \$16,909,349.49. The Senate has added \$1,565,281, making the grand total \$18,469,630.49. The bill of last year amounted, I believe, to about \$26,000,000.

Mr. GARFIELD. That included the fishery award.

Mr. ATKINS. Yes, sir; that included \$5,500,000, being the amount of the fishery award.

Mr. GARFIELD. Leaving that off would show the exact relation of the two.

Mr. ATKINS. Leaving that off, this is the best bill.

Mr. GARFIELD. It is still less.

Mr. ATKINS. Yes; by several millions of dollars.

Mr. EDEN. Will the gentleman from Tennessee allow me to suggest that some two or three million dollars usually provided for in this bill have been transferred to the legislative appropriation bill?

Mr. ATKINS. That is true.

Mr. HOOKER. I desire to ask the gentleman from Tennessee a question. This bill passed the House under a suspension of the rules. The action of the committee of conference on the numerous amendments made by the Senate is indicated by numbers, which do not show what the character of the amendments is. I desire to know whether there is any appropriation in this bill which allows to the Department of Justice any amount of money for the purpose of paying fees of marshals or deputy marshals?

Mr. ATKINS. There is not. So far as I am concerned, I do not know that it is necessary to give any further explanation. I demand the previous question, and after that is seconded I will be ready to answer any questions which gentlemen may desire to put to me.

Mr. FRANKLIN. I ask the gentleman from Tennessee if he agreed to this report?

Mr. REAGAN. I wish the gentleman to state whether this bill as it comes from the conference committee contains the provision that required the Federal Government to pay one-half of the bonded debt of the District of Columbia.

Mr. ATKINS. It does not.

Mr. HOOKER. What does it do in that particular?

Mr. REAGAN. I would like the gentleman from Tennessee to state what provision is made by the bill on that subject?

Mr. ATKINS. I demand the previous question.

The previous question was seconded and the main question ordered.

Mr. HALE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

Mr. ATKINS. I can answer the question of the gentleman from Missouri [Mr. FRANKLIN] and the question of the gentleman from Texas [Mr. REAGAN] at the same time. The gentleman from Texas asks me to state what the bill provides in regard to the interest and sinking fund on the funded debt of the District. This provision is made:

For the interest and sinking fund on the funded debt \$1,153,583.55.

About \$120,000 of that amount is designed to be a sinking fund, one-half of which is paid by the District of Columbia and the other half by the United States Government.

Now, Mr. Speaker, I state with perfect frankness to the House that I did not in the conference committee favor that proposition. I would have preferred that that feature had not been put into this bill. But, sir, I was overruled by a majority of the House conferees, and overruled, of course, by a majority of the Senate conferees; and I am not willing, it is equally frank for me to say, to defeat this bill simply because that feature is in the bill, although I was not in favor of it. I have nothing further to say upon that point. [Cries of "Vote!" "Vote!"] As the House does not desire that I should go into anything like details, I shall not do so. I am prepared, however, to do so if the House desires it.

Mr. MILLS. The House does desire it.

Mr. FRANKLIN. We want to know the grounds of your objection.

Mr. ATKINS. The ground of my objection was simply that I did not believe it was the duty of the United States Government to assume any portion of that debt. That is the simple reason, very plainly and shortly spoken.

As regards the details that may be in the bill I will state this: the Senate added \$175,000 for the purpose of completing the custom-house and post-office at Chicago. And, Mr. Speaker, I really must say that if that had not been accepted we might have had another funeral.

Mr. HARRISON. It is not I who would have been buried. [Laughter.]

Mr. ATKINS. Then \$15,000 were added in the Senate for the purpose of giving an iron roof to the custom-house at Nashville. I will say frankly, I did not vote for that, but I was overruled by the committee. We added \$75,000 to the bill for new light-houses; \$40,000 of which I believe was put into one light-house on the coast of Louisiana; \$42,000 were added to the bill in the Senate for the purpose of repairing the post-office in the city of New York, which is very essential, as the papers show; \$96,000 were paid for a claim that Baltimore had against the Government of the United States for moneys furnished General Schenck during the war.

Mr. EDEN. That was a war claim?

A MEMBER. Not a poker claim? [Laughter.]

Mr. TUCKER. A loyal claim?

Mr. ATKINS. Certainly. We added \$40,000 for new telegraphic

lines, most of which were in Texas, Montana, and Dakota. Thirty thousand dollars were added for arsenals, simply repairs.

The largest item in the bill in the way of amendments by the Senate was \$300,000 for arrears to land-grant railroads, under a decision of the Supreme Court; and I will state to the House that Attorney-General Devens was before us this morning and said that it was proper and right; that we owed the money, and that it ought to be paid.

Mr. HEWITT, of New York. And we put limitations on it in accordance with his suggestion.

Mr. ATKINS. Yes, as the gentleman states, we put limitations on it in accordance with the suggestions of the Attorney-General. I suppose there will be no objection to it whatever. There are also added \$32,500 for the benefit of the public surveys, which will gratify my friend whom I see standing before me, [Mr. PATTERSON, of Colorado.] We give \$20,000 each to the different surveys—the Hayden, Powell, and Wheeler geological and geographical surveys—for the purpose of closing up that business. We also give \$250,000 for the purpose of building a museum to take care of the property that was given to the Government of the United States by various nations of the earth in 1876, at the close of the centennial exhibition at Philadelphia.

Mr. GARFIELD. That is in the bill as it comes from the conference committee?

Mr. ATKINS. Yes, sir.

Mr. GARFIELD. I am very glad of that.

Mr. ATKINS. Now with regard to the surveys, we have left the sections in the bill relating to surveys precisely as the House sent them to the Senate, with the exception that we have stricken out that part which relates to the publication, which is a very immaterial matter. The Senate conferees felt that at this late hour of the session the senatorial mind could not take in that subject, and consequently they thought they had better leave it out. It involves no money of any consequence, but then it covers half a page of manuscript, and they did not think that the senatorial mind could study its diction at this late stage of the session. With these explanations of the report of the committee I now yield five minutes to the gentleman from Kentucky, [Mr. BLACKBURN.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted upon its amendments to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, and agreed to the conference asked by the House upon the disagreeing votes of the two Houses thereon, and had appointed Mr. SPENCER, Mr. McMILLAN, and Mr. RANSOM conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLACKBURN. I have seen too much of hasty legislation in the closing hours of the session and of the House agreeing to conference reports to hope for a moment that I shall be able to defeat the feature of the bill upon which I am about to speak, but I desire that the House shall know before it agrees to this conference report precisely what will be devolved upon the Government and the District of Columbia by accepting the conclusion of the committee of conference. The section of the bill in relation to the District of Columbia as sent to us by the Senate had been pressed upon the Committee for the District of Columbia of the House and there defeated.

It provides for a sinking fund of \$1,555,583.65. I want to say to the House that this embraces the whole funded debt of the District of Columbia, which amounts to about \$22,000,000, out of which is to be taken the \$13,000,000 of 3.65 bonded debt. Of that amount, sir, it is claimed that \$8,000,000 were issued not only without authority of law but in utter defiance of law. There was a provision of law which declared that the aggregate debt of the District of Columbia should never exceed \$10,000,000. The debt of the District of Columbia was then \$8,000,000, and \$13,000,000 additional was added; a lawless increase of \$11,000,000. It is held by many good lawyers, and that opinion is concurred in by many of us who are not good lawyers, that the holders of those \$8,000,000 of bonds were purchasers with notice by the serial numbers of the bonds that they were not valid in law, and that a very large proportion of that sum was issued in utter and absolute fraud.

This proposition of this section of the bill is to fasten upon the Government of the United States, for the first time, an obligation to pay half of all this funded debt and leave the people of the District of Columbia, already ground into the earth by taxation, to pay the other half of this debt. The law to-day does not require the Government to pay a dollar. The law requires the United States Government to see that the interest is paid, and that a sinking fund is provided for, and that there shall be taxes levied on the property of the District sufficient to do it.

Mr. MILLS. I desire to ask the gentleman from Kentucky if the Government of the United States is called on to pay this debt?

Mr. BLACKBURN. I answer that this provision of the report of the committee of conference binds this Government in its own capacity to the payment of half the debt.

Mr. MILLS. How much is that?

Mr. BLACKBURN. I think about \$22,000,000 in round numbers. I answer further that, in my judgment, for the payment of \$8,000,000

of that sum, neither the Government of the United States nor the District of Columbia nor anybody else is responsible.

Mr. ATKINS. I would suggest to the gentleman that the next Congress can repeal this provision.

Mr. BLACKBURN. This is a permanent provision for the payment of a permanent debt.

Mr. ATKINS. I ask if that cannot be repealed.

Mr. BLACKBURN. I do not care to go into a discussion of the constitutional question whether one Congress can repeal the acts of another. I answer the gentleman in this wise: it is a poor defense of a bad bill to say that the next Congress may repeal it. I appreciate the manly opposition offered to this scheme by the chairman of the Committee on Appropriations. I make no charge upon any member of that conference committee, but, on the contrary, I have the most implicit confidence in the honesty of each of them, but I do say that the First National Bank of New York is the holder of five millions of these questionable 3.65 bonds, which it is claimed by myself and others were issued in fraud in the absence of law and in defiance of law, and that this bank and other persons in like interest demanded the incorporation of that provision in the bill.

I will not seek to invade the precincts of the conference committee, but I challenge members to say that there was nothing which occurred there that raised in their minds a doubt as to whether there were not personal interests to subserve.

Mr. HALE. What was the statement made by the gentleman from Kentucky?

Mr. BLACKBURN. I challenge the members of this House who are on that conference committee to say whether there was not that manifested which raised a doubt in their minds as to whether or not there were personal interests to be subserved in this matter.

Mr. HALE. Will the gentleman allow me to answer for myself?

Mr. BLACKBURN. I want to hear the gentleman, and I also want to hear my friends on my left, [Mr. ATKINS, and Mr. HEWITT of New York,] and the time they occupy I hope will not be taken out of mine.

Mr. HALE. I will say that so far as any anxiety was manifested by parties outside, or so far as any importunities came to my knowledge, they were in the direction of preventing this provision from being retained in the bill. There may have been that anxiety to which the gentleman refers, but I saw none of it.

Mr. BLACKBURN. My experience is very different.

Mr. ATKINS. In answer to the gentleman I want to state that no gentleman has mentioned this matter to me within a week. I do not know but one man who has ever mentioned it to me and he is a member of this House.

Mr. HALE. The gentleman from Kentucky [Mr. BLACKBURN] is mistaken about the solicitude that was shown to us.

Mr. ATKINS. I want to add further that I saw nothing improper in the committee-room. There was not a single man in that committee-room who opened his mouth upon this question, nor was the subject ever mooted at all until it was reached regularly in the bill. That it had warm friends in the committee of conference as a matter of course is true, or it would not now be in the bill.

Mr. BLACKBURN. The gentleman from New York [Mr. HEWITT] has not answered. I simply desire to add that the proposition made by this section of the bill is to bind this Government, not as it is by law now bound, and I state this advisedly, simply to see that a sinking fund is provided by the imposition of a tax on the property of this District—

Mr. ATKINS. For its proportion.

Mr. BLACKBURN. There is no proportion about it. These bonds are to run forty-two years yet. Why, then, this haste and hurry? Not more than twelve months ago Congress passed a bill in which it declared that the United States would pay 50 per cent. of the current expenses of this District; nothing more; not that it would pay any of this funded debt. Now at the end of twelve months, or less than twelve months, from the time that law was passed comes in this proposition to bind the Government to pay absolutely one-half of a funded debt of \$22,000,000, when we warned you here on this floor that \$8,000,000 of that debt was issued not only without authority of law, but in utter defiance of law, and without any consideration to support it either in conscience, in law, or in morals.

Let me go one step further. The estimates submitted to this Congress by the commissioners of the District of Columbia show conclusively that in its present impoverished condition, brought about by maladministration, it is not proper or justifiable for you to fasten upon them this heavy additional burden.

Mr. HOOKER. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. A question.

Mr. HOOKER. If this law now passes, will not these bonds be given a value; and if they pass into the possession of other holders, can you then repeal the law?

Mr. BUCKNER. I will ask the gentleman, as a lawyer, whether he would say that none of the \$13,000,000 of 3.65 bonds was valid as against the District of Columbia?

Mr. BLACKBURN. I will answer the gentleman, and I thank him for asking me the question. I say that every dollar of that \$13,000,000 of 3.65 bonds that was issued, either without authority of law or in defiance of law, and which has passed into the hands of purchasers

with notice, is not voidable but is void, and is not an obligation or a debt against this Government or the District of Columbia.

Now, when you agree to this conference report you agree simply to fasten upon the overtaxed, overburdened, and well-nigh bankrupt people of the District of Columbia a debt to run forty-two years that they cannot meet; also to fasten upon the Government of the United States one-half of an obligation of \$22,000,000, not one cent of which the Government ever owed or is obligated by law to pay, and \$8,000,000 of which I deny that anybody owes. I also assert that a great portion of that which has been issued was issued without any consideration.

Now, here are the facts, and the House can pass upon them. As chairman of the Committee for the District of Columbia I feel that I have done my duty. We killed this very proposition when we were called upon by the Committee on Appropriations to make recommendations for the expenditures of this District. This sundry civil appropriation bill passed the House under a suspension of the rules without one solitary provision on this subject. It went to the Senate Chamber and there the provision was inserted, and it now comes back here in the conference committee report with the protest against it of the chairman of the committee himself.

I feel that I have said all that it is incumbent upon me to say. I do insist that this House has the right to know exactly what are the facts before it undertakes to fasten this burden upon the Government and upon the District.

Mr. HENDEE. The gentleman from Kentucky [Mr. BLACKBURN] was allowed five minutes, and he has used fifteen. I hope the same courtesy will be extended to me in reply, after the gentleman from New York [Mr. HEWITT] has had his say.

Mr. ATKINS. Mr. Speaker, I hope the extra ten minutes occupied by the gentleman from Kentucky will not be taken out of the hour. I yield ten minutes to the gentleman from New York, [Mr. HEWITT.]

Mr. HEWITT, of New York. Mr. Speaker, the Committee for the District of Columbia asked the Committee on Appropriations to provide for the payment of \$1,016,000 toward the annual interest on the bonds of the District of Columbia. The obligation to provide for the payment of this interest is contained in the law under which the 3.65 bonds were issued. The faith of the United States was pledged to provide for that interest, and in the same sentence to provide a sinking fund. These two obligations are not contained in a different provision, but are both incorporated in the same provision of the act.

Now, I am at a loss to comprehend how my able and eloquent friend from Kentucky [Mr. BLACKBURN] can come here and ask us to pay \$1,016,000 interest on bonds alleged to be fraudulent, while at the same time he protests against providing the insignificant sum of \$138,000 for the sinking fund. If it is wrong to pay money into the sinking fund, then it is wrong to pay the interest.

There is in the legislation now proposed no assumption of the debt; but there is an obligation resting upon the United States under the law to pay one-half of the money necessary to discharge the expenses of this District, and in those expenses are included the interest of this debt and the amount required for the sinking fund.

This matter will be made perfectly plain by reading the provision of the statute. I am sorry to do it, but I am going to make an answer to my eloquent friend from Kentucky, in the language of Mr. BLACKBURN, who addressed this House on the 6th of May, 1878, when my colleague [Mr. COX, of New York] protested that it was wrong even to provide for the interest of these bonds. I send to the Clerk's desk Mr. BLACKBURN'S reply to Mr. COX, and ask that it be read.

Mr. BLACKBURN. While the book is being taken to the Clerk I will ask the gentleman one question, and I am sure his courtesy will not refuse an answer. Did not the law at that time require this Government to guarantee the interest on these bonds?

Mr. HEWITT, of New York. Let the Clerk read what I have sent up, and I ask the House to listen carefully.

The Clerk read as follows:

Mr. BLACKBURN. Will the gentleman allow me to read a single sentence in an act approved June 20, 1874, in order to let the House see whether he and the gentleman from Ohio are right when they say that the Government is under no obligation whatever in this regard? I read from page 120 of the United States Statutes at Large, volume 18:

"And the faith of the United States is hereby pledged that the United States will, by proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity."

Mr. COX, of New York. That does not bear out the gentleman's position.

Mr. BLACKBURN. I simply desire to ask in the face of that provision whether there was to be no proportionate assessment of expenses between the Government and the District.

Mr. COX, of New York. If that were so understood, I would vote to repeal the statute. I do not believe such was the intention when it was passed.

Mr. BLACKBURN. Let the gentleman introduce his bill to that effect; but he should not deny the responsibility of the Government while the statute stands unrepealed.

Mr. BLACKBURN. Now will the gentleman answer me only this question: Is that not precisely what I have said to the House to-day? I ask the gentleman from New York to reply.

Mr. HEWITT, of New York. I will let the House judge what the gentleman has said. The House has heard it as well as I.

Mr. BLACKBURN. What I have said is that we are bound for the interest, and not for one dollar of the principal.

Mr. HEWITT, of New York. The gentleman from Kentucky in the debate of May 6, 1878, caused to be read at the Clerk's desk an extract from the statutes in which the interest and the sinking fund were provided for in the same passage; and then, on the interrogation of my colleague, who said he did not think the law required the Government to pay the interest, the gentleman from Kentucky said, "will the gentleman pretend that so long as this provision is on the statute-book the Government is not bound to make provision"—for what? For what is provided for in the statute—the interest and the sinking fund.

Mr. BLACKBURN. I never used the words "sinking fund," and the gentleman must not misquote me.

Mr. HEWITT, of New York. No, I will not misquote the gentleman. He caused to be read the statute containing the words "sinking fund;" and when my colleague put the question whether that bound the Government, the gentleman replied that as long as it was upon the statute-book it did bind the Government.

Mr. BLACKBURN. For the interest and nothing else.

Mr. HEWITT, of New York. I beg the gentleman's pardon; not a word was said about interest.

Mr. BLACKBURN. I ask the gentleman to be candid.

Mr. HEWITT, of New York. I will be candid.

Mr. BLACKBURN. Was there any question except the question of interest then pending, and does not that statute merely require this Government to have taxation imposed upon the property within the District of Columbia to provide a sinking fund for the payment of that principal? I reiterate every word that I have said.

Mr. HEWITT, of New York. Now, Mr. Speaker, the record speaks for itself. I resisted this provision in the sundry civil bill, not because it was wrong, but because it was objected to by my friend from Kentucky; but in the course of the examination I was driven to the conclusion that the faith of the United States was pledged for the establishment of this sinking fund; and for one I will never give a vote or say a word by which the plighted faith of the United States shall ever be called in question.

Mr. ATKINS. I now yield to the gentleman from Maine [Mr. HALE] for ten minutes.

Mr. HALE. Mr. Speaker, I never knew from my personal knowledge any of the circumstances affecting this debt of the District of Columbia, neither do I know where a dollar of it is held to-day; neither have I ever heard until to-day that the First National Bank of New York or any other bank holds a dollar of the 3.65 bonds of the District of Columbia. I know nothing of these matters; and in the investigation of this subject by the Committee on Appropriations and the conference committee there has been no solicitation at the door of that committee on the part of any person evidently having any interest in these bonds. I do know that by the act which has been cited and read the Government is committed to the payment of the interest upon these bonds and to the provision of a sinking fund. I know in addition to that, year by year Congress has been making appropriation with little or no objection for the payment of interest.

I know further, Mr. Speaker, that as years run by when this debt matures there will be more and more pressure upon the Government if this measure does not pass here and now to pay the whole of this debt; and if we do not now provide a sinking fund, the Government appropriating for 50 per cent. of it, but leave it to the termination of the bonds, the Government will in the end pay the whole of it. So as a matter of economy and of good husbandry this is in the interest of the Government and of protecting it. Any man who lives to see these bonds mature at the termination of the time fixed by them, unless we establish this sinking fund, will see such a raid on the Government and Treasury that we will have to pay the whole of it. That is one of the reasons why I sustained with the gentleman from New York the proposition of the Senate. It was to save us in the end. Now, if I have any time left I will yield it to my friend from Vermont.

Mr. HENDEE. Mr. Speaker, I was a little surprised at one feature of the argument of the gentleman from Kentucky, [Mr. BLACKBURN,] and that was this: that these bonds were issued, at least \$8,000,000 of them I think he said, without authority of law. I wish to satisfy this House in just one minute of the incorrectness of that statement. There was a law passed in 1872 which said that the debt of this District should not exceed \$10,000,000. Remember that was in 1872. In 1874 Congress passed an act, which I have here, approved June 20, which provides that the First and Second Comptrollers of the United States Treasury should examine all claims against the District of Columbia under six heads, and whatever amount they found to be due, the commissioners of the sinking fund should issue 3.65 bonds in payment therefor. Now, although there was the law which said the District should not run into debt beyond \$10,000,000, yet Congress two years later passed a law by which it said the debt should be paid in three-sixties, and authorized a way in which to determine the amount and provided no limit whatever as to amount. By this action of Congress the law that required \$10,000,000 should be the limit of the debt was repealed. This, I trust, is a sufficient answer and will satisfy the House of the incorrectness of the gentleman's statement.

Mr. BLACKBURN. Will the gentleman state whether it was repealed in terms or by implication?

Mr. HENDEE. It was not repealed in terms, nevertheless the repeal was complete. The indebtedness was for work, sewer certifi-

cates, amounts due on contracts of all kinds, for improvements and for damages to property and for property taken. And for the purpose of finding out whether there was fraud, as the gentleman has said, in those contracts and the doings of the board of public works, Congress in 1874 created a special committee, and upon it as chairman in this House was Mr. Wilson, of Indiana, and in the Senate Mr. ALLISON, of Iowa. On that committee was Senator THURMAN, who gave his strict personal attention for ninety-odd days to ascertain whether there was fraud in those contracts. In 1876 we went through similar proceedings for the purpose of finding out whether there was fraud in those contracts. After the first examination had been made the special committee of this House and Senate, before spoken of, jointly recommended the law of June 20, 1874, which said that all the debts of the District of Columbia should be ascertained by the First and Second Comptrollers of the Treasury and that payment should be made in these bonds. With such a law I want to know how you can consistently say there can be any of these bonds outstanding that the Government can get rid of paying? It is impossible.

Mr. TUCKER. Let me ask the gentleman a question.

Mr. HENDEE. Certainly.

Mr. TUCKER. You say Congress authorized the issue of these bonds—do you mean three-sixty-fives?

Mr. HENDEE. Yes, sir.

Mr. TUCKER. And that the credit of the Government was pledged?

Mr. HENDEE. Precisely. I will read what that act contains upon that point. It contains these words. After going on to say the debt shall be ascertained in a certain way and that it shall be paid in 3.65 bonds, then follow these words:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such tax as would do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable and create a sinking fund for the payment of the principal thereof at maturity.

There can be no language plainer than that. The United States are not only bound under that law to take care of the interest or see that it is paid, but we are also bound to take care that the principal is paid or provide a sinking fund for that purpose.

Mr. TUCKER. Let me ask another question.

Mr. HENDEE. Certainly.

Mr. TUCKER. Something is said about a proportional appropriation—what was that? Had that been fixed by any previous law?

Mr. HENDEE. It had not. By the organic act which governs this District to-day, passed last year, we provided that the proportional part of the United States should be 50 per cent., and that the District people should pay 50 per cent. That has been established by law, and my friend from Kentucky supported a proposition last year which provided for the payment of the interest on these fraudulent bonds, as he denominates them, and now opposes a sinking fund because, as he says, they are fraudulent. This is hardly consistent.

Mr. BLACKBURN. Let me ask the gentleman a question.

Mr. HENDEE. Certainly.

Mr. BLACKBURN. The gentleman has just admitted that the act of 1872 did limit the aggregate debt of the District of Columbia to \$10,000,000, and that the act of 1874, under which these claims were audited and adjusted, did by inference at least repeal the act of 1872. Will the gentleman be kind enough to take that act which he has lying upon his table and read the tenth section, which is only five lines long?

Mr. HENDEE. Do not be in a hurry about that.

Mr. BLACKBURN. Will the gentleman answer me? The very act in his hand supplies the proof.

Mr. HENDEE. It does not. I believe I have the floor, and I shall hold it if in my power to do so.

Mr. BLACKBURN. I thought the gentleman had yielded the floor.

Mr. HENDEE. Only for a question; not for an argument. I said the gentleman proposed last year to pay the interest on the 3.65 bonds which he now says are fraudulent. The interest alone, which he said should be paid on these bonds, is over half a million annually, and this, the sinking fund for the same, is not \$100,000 a year. It amounts to about \$91,000. That is the amount of the sinking fund which he makes his point against, while he agrees the interest shall be paid, amounting to half a million dollars. The interest on the entire District debt is over a million dollars.

Now, why do we want a sinking fund? Simply because Congress has agreed to create one; and in the second place, because by legislation last year we agreed to assume one-half of the burdens of this District. Now, this is a fair contract. Let us live up to it. We have let four years pass without creating any sinking fund, and it is time it should be done. And why? The longer we delay the greater will that sinking fund have to be. If you make a sinking fund to-day under this act, a dollar put at interest as provided in the act will when the bonds mature be worth \$6. If you wait ten years it will be less, and in proportion as the time is shortened. As a matter of course, if you do not make your sinking fund to-day, when it will be a little over \$90,000, next year it will be \$100,000, the following year \$110,000, and so on. I mean in that proportion; I do not pretend to give the figures exactly. Therefore, it is in the interest of the people of this District, as well as in the interest of the United States, to make this sinking fund at once. I believe no bond should ever be put upon the country without an adequate corresponding sinking fund to take care of it. For these reasons I am in favor of this pro-

vision. Another reason: by a sinking fund we reduce the interest annually, as a matter of course, for the principal is reduced annually by the amount of the sinking fund.

Again, Mr. Speaker, this fund is recommended in plain and certain language by the Secretary of the Treasury, by the commissioner of the sinking fund, who is the Treasurer of the United States, and by the commissioners of the District.

For the reasons I have given, I hope the House will agree to the conference report.

[Here the hammer fell.]

Mr. BUCKNER. Last year, when the bill providing a permanent form of government for the District was before the House, I moved an amendment to accomplish the object which this clause of the bill now reported by the committee of conference is intended to carry out. That is, that of an appropriation for one-half of the expenses, which the Government of the United States has agreed to pay, a sufficient sum should be set apart to pay this sinking fund. Why should this be done? Simply because it is necessary to carry out a law passed in 1874, under which the Government of the United States agreed to do this.

I understand the Government of the United States is just as much bound by proportional appropriations and by the taxation of this District to take care of the sinking fund as it is to provide for the ultimate payment of this debt when it is due and as it is to provide for the interest. We have time and again, year after year, appropriated money from the Treasury of the United States to pay the interest on the three-sixty-five debt. We did so upon the ground that it was due as the plighted faith of this Government that this interest should be paid. Shall we go on and make no provision for the ultimate payment of the debt by a sinking fund or otherwise by means of taxation or appropriation until fifty years shall have elapsed, and let the whole burden then come at once on the Government? Is that the proposition?

I say that would be not only bad faith but bad policy. I say the Government is bound to take charge of and pay a share of this sinking fund in order to pay off this debt of \$13,000,000.

My friend from Kentucky says that the bond is void. I deny the proposition as a legal proposition, and I think I know something about it. I believe the board of audit transgressed its power. They violated, in my judgment, the law under which they acted. The commissioners of the District did the same thing. But the bonds were issued by another set of men, many of them upon certificates; and, in my judgment, when the bonds were issued there is no pretense for saying they are void in the hands of anybody that holds them.

Mr. PRIDEMORE. Will the gentleman yield to me for a question?

Mr. BUCKNER. I do not know that I have any time to yield. As I have said, I moved this proposition as an amendment to the bill last year. My friend from Kentucky will recollect that he asked me not to insist upon it, and I did not, because I believed it might imperil and jeopardize the success of the bill that passed providing for a permanent form of government for the District.

The Government of the United States, whether right or wrong, having pledged its faith in the first instance to the payment of this interest, and the proportion of the expenses of the District to be borne by the Government of the United States having been fixed at one-half, I say it is right, and it does not matter who is benefited or who is injured by it, that the Government should comply with its contract made by the law of 1874. I have understood there was no limitation as to the amount. It was supposed that ten millions would cover the entire debt, but in consequence of an improper construction of the law by the commissioners and the board of audit it ran up beyond that. But whether that be right or wrong, or whether the commissioners or the board of audit performed their duty or not, is not the question, because the bonds were issued by another authority and they had nothing to do but to give the bonds in the place of certificates. In the hands of third parties the bonds are good, and the District government, in my judgment, can never go back upon them.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 2518) granting jurisdiction and authority to the Court of Claims in the case of the schooner Don Pedro;

A bill (H. R. No. 6242) for the relief of soldiers and sailors becoming totally blind in the service of the country; and

A bill (H. R. No. 6270) for the relief of Joseph B. Collins.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 4579) concerning street railroads in the District of Columbia, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. HARRIS, Mr. ROLLINS, and Mr. MERRIMON the conferees on the part of the Senate.

The message further announced that the Senate had agreed to the amendments of the House to the bill (S. No. 1655) to provide for taking the tenth and subsequent censuses.

The message further announced that the Senate had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 5231) making appropriations for fortifications and other works of defense and the amount thereof, for the fiscal year ending June 30, 1880, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The House then resumed the consideration of the report of the committee of conference on the sundry civil appropriation bill.

Mr. ATKINS. I yield five minutes to the gentleman from New York, [Mr. MAYHAM.]

Mr. MAYHAM. Mr. Speaker, I cannot enter into a discussion of the question whether these bonds are valid or not in five minutes. It seems to be enough for the purpose of a discussion upon this question to look at the statutes under which they were issued, and from that determine whether *bona fide* holders of these bonds are entitled to payment of them from the Treasury of the United States.

I call attention to the provisions of an act approved February 20, 1875:

And the faith of the United States is hereby pledged that the United States will by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Now, Mr. Speaker, I do not understand that my distinguished friend, the chairman of the Committee for the District of Columbia, makes any question as to the Federal Government being liable to make provision for the interest on the bonds, and under the plain language of the statute there can be no distinction made between providing for the payment of the interest and the bonds at maturity by the creation of a sinking fund. If the one is binding and obligatory on the Government, the other is equally so.

The same paragraph provides that the Government shall by proper appropriations provide for the interest and provide for a sinking fund sufficient to meet the principal of the bonds at maturity.

Now, if that is so, and if the bonds have been issued and that provision of the statute has been carried out by the officers of the Government, and on the faith of that provision of law these bonds have been issued and gone into circulation, by what principle of justice and good faith can it be said that the Government has to-day been relieved from the obligation of the statute?

I yield the remainder of my time to the chairman of the committee.

Mr. ATKINS. I yield two minutes to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. I was a member of the Forty-third Congress, when this act was passed, and my recollection is that it was reported by Mr. Wilson, of Indiana. If the gentlemen will take the trouble to turn to the RECORD and read the debate when that measure was before the House they will find that there was a disclaimer made at that time that there would be any obligation resting on the Government to pay any part of the principal of the bonds, but that it should provide for the payment of the interest. That disclaimer has been repeated every time this question has come up in the House until to-day. To-day, for the first time in my recollection, it has been asserted on the floor that the Government of the United States is responsible for the sinking fund, or any part of the principal of the bonds.

Mr. MAYHAM. Does it not provide that the Government shall itself pay the bonds?

Mr. MILLS. No, it does not, and it never has been so understood heretofore.

Mr. ATKINS. I now yield three minutes to the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. BLACKBURN. Give me five. The gentleman from Vermont [Mr. HENDEE] took occasion to make a broad issue as to the legality or illegality of these bonds. He held in his hand what he represented to be the act of 1874. He admitted that the act of 1872 declared that the aggregate debt of this District should not exceed \$10,000,000. He will not deny that the aggregate debt of this District at that time was, in round numbers, \$8,000,000. Therefore this board of audit, consisting of the First and Second Comptrollers, were authorized, under the act of 1874, to issue bonds only to the extent of \$2,000,000 unless the act of 1872 was repealed by the act of 1874.

The gentleman from Vermont [Mr. HENDEE] says that that act was repealed by the act of 1874, not in terms, but necessarily. Now the tenth section of the act of 1874, which act he held in his hands, and which he says repealed the act of 1872, provides:

That the act of the Legislative Assembly of the District of Columbia entitled "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same," approved June 20, 1872, is hereby—

What? Repealed? No, sir—
is hereby ratified and approved.

Mr. HENDEE. What was that act?

Mr. BLACKBURN. Let the gentleman answer in his own time. He would not give me any.

Mr. HENDEE. I supposed that you knew.

Mr. BLACKBURN. I propose to say further that the Congress of the United States showed that it understood that these bonds were issued in defiance of law.

Mr. HENDEE. The Attorney-General said—

Mr. BLACKBURN. I do not propose to yield to the gentleman now. I will not answer myself nor let him answer. I say that the Congress of the United States showed that it understood that the bonds were issued in defiance of law. If not, then why did both Houses of Congress pass a joint resolution stopping the First and Second Comptrollers from issuing these very bonds after they had issued \$13,000,000 and left \$2,250,000 yet unprovided for?

Now as to the gentleman from New York, [Mr. HEWITT.] I do not think it was the deliberately formed purpose of that gentleman to be ungenerous or unfair. But when he undertook to put in my mouth a declaration in a session of a former Congress of my conviction that the Government of the United States was bound for the principal of this debt or for one dollar of it, the gentleman in order to sustain his well-earned reputation for fairness must plead ignorance of the record from which he was quoting excerpts. His fairness can only be established at the expense of his information.

That record shows conclusively that I did not utter one word then that I did not utter here this afternoon when I first addressed the House. I said then that the Government of the United States was fairly bound to see that the interest of this debt was paid and that a tax was levied on the property of this District to pay the principal of that debt. But is there no difference between my being bound to impose a tax on your property to pay a certain debt and my being bound to assume that debt myself? That is the issue, and you cannot make anything more out of it. When the original act was passed, upon which the gentleman from New York [Mr. HEWITT] and the gentleman from Vermont [Mr. HENDEE] rely, Mr. Wilson, who reported the bill from the Committee for the District of Columbia, in answer to the following question, said:

Mr. LAWRENCE. Is there anything in the bill which commits Congress to the indorsement or the payment of the District debt?

Mr. WILSON, of Indiana. No, sir. I will call attention to that in a few moments. I think I can show that the committee has been careful about that.

Further on—

Mr. WILSON, of Indiana. * * * The pledge given is simply this: that the Government of the United States having ascertained through an act of Congress hereafter to be passed what will be the proper proportion, then the Congress of the United States pledges itself to pay that proportion, whatever it may be, and by causing taxes to be levied on the property of the District will provide the necessary means to pay the interest and principal at maturity.

It is now simply a question for this House to determine whether, in the face of the estimates of the commissioners for this District, which show conclusively that you will throw this people into bankruptcy if you put this additional burden of taxation on them, and after you have done that to pile upon the Government itself one-half of the \$22,000,000 of bonds, \$11,000,000, which I assert here were issued outside of the statute and in defiance of the law, and a further issue only stopped by a joint resolution of both Houses of Congress declaring that such pilfering should no longer be tolerated—I say the question is, whether you will impose this additional burden on this District and fasten upon the Government a debt that it never owed, and which no rule of law or morals imposes upon it, for payment. If fair dealing is to prevail this amendment must fail. If bank schemes are to triumph, then let it pass. I cannot hope, sir, to defeat this proposition of the committee, but I am content to have warned this House of the results of its hasty action.

Mr. ATKINS. I now yield the remainder of my time, excepting one half minute, to the gentleman from New York, [Mr. HEWITT.]

The SPEAKER. The gentleman has seven minutes of his time remaining.

Mr. HEWITT, of New York. I shall not want all that time. I think that I can appeal to this House for the proof that at no time during the four years that I have had the honor to occupy a seat on this floor have I ever been knowingly uncandid or ungenerous toward any man. The gentleman from Kentucky [Mr. BLACKBURN] in even suggesting for a moment that I have been so by inadvertence simply begs the question. I never charged him with having said that this Government was responsible for the principal of these bonds. I caused to be read his own language, and that language of his was that the Government was bound to provide by taxation upon the people of this District for the interest of these bonds; and he at that time caused to be read the clause of the statute which says that provision shall be made in that way for the interest and sinking fund. Now, the Government is as much bound to provide for the sinking fund as it is for the interest. And this provision which we have brought in here to-day in the sundry civil appropriation bill is a provision for the sinking fund and nothing else; it does not assume the payment of a single dollar of the principal.

Mr. HENDEE. I wish simply to say that I have here the act referred to in the tenth section. If the gentleman wishes to read it he can do so. It has no relation at all to the ten-million-dollar debt.

Mr. HEWITT, of New York. I am anxious the House shall understand this question. I can make it plain in one minute. We agreed, by the imposition of the necessary taxation upon the District of Columbia, to provide for this interest and the sinking fund. We pledged the faith of the United States to that effect. We have assumed the payment of one-half the expenses of this District by an act brought in here by the gentleman from Kentucky himself; and all that this sundry civil bill does is to say that out of the fund thus created, of which the United States Government has agreed to pay one-half, the pledge of the Government to establish a sinking fund shall be fulfilled.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. REAGAN and Mr. BLACKBURN called for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 148, nays 107, not voting 35; as follows:

YEAS—148.

Aldrich,	Cox, Jacob D.	Keifer,	Rice, William W.
Atkins,	Crapo,	Keightley,	Roberts,
Bacon,	Cummings,	Kelley,	Robinson, G. D.
Bagley,	Danford,	Ketcham,	Robinson, M. S.
Bailey,	Davis, Horace	Landers,	Rosa,
Baker, John H.	Deering,	Lapham,	Ryan,
Baker, William H.	Denison,	Lathrop,	Sampson,
Ballou,	Durham,	Ligon,	Saylor,
Banks,	Dwight,	Lindsey,	Sexton,
Bayne,	Eames,	Loring,	Shallenberger,
Benedict,	Errett,	Mackey,	Sinnickson,
Bicknell,	Evans, James L.	Majors,	Smalls,
Blair,	Finley, Jesse J.	Marsh,	Smith, A. Herr
Bliss,	Foster,	Mayham,	Starin,
Boyd,	Freeman,	McCook,	Stewart,
Brentano,	Frye,	McKinley,	Stone, John W.
Brewer,	Gardner,	Metcalf,	Stone, Joseph C.
Bridges,	Garfield,	Mitchell,	Strait,
Briggs,	Hanna,	Monroe,	Swann,
Brogden,	Harmer,	Morse,	Thompson,
Browne,	Harris, Benj. W.	Muller,	Tipton,
Backner,	Harrison,	Neal,	Townsend, Amos
Bundy,	Hart,	Norcross,	Townsend, M. I.
Burchard,	Haskell,	O'Neil,	Van Vorhes,
Bardick,	Hayes,	Overton,	Wait,
Butler,	Hazelton,	Page,	Ward,
Cain,	Henderson,	Patterson, G. W.	Watson,
Caldwell, W. P.	Hewitt, Abram S.	Patterson, Andrew	White, Michael D.
Camp,	Hiscock,	Peddie,	Williams, Andrew
Campbell,	Hubbell,	Phillips,	Williams, C. G.
Candler,	Humphrey,	Pollard,	Williams, James
Caswell,	Hunter,	Powers,	Williams, Richard
Chittenden,	Hungerford,	Price,	Willis, Benj. A.
Clark, Alvah A.	Ittner,	Pugh,	Willits,
Cole,	James,	Reed,	Wood,
Conger,	Jorgensen	Reilly,	Wren,
Covert,	Joyce,		Yeates.

NAYS—107.

Aiken,	Dibrell,	Herbert,	Robertson,
Banning,	Dickey,	Hooker,	Scales,
Beale,	Dunnell,	Hunton,	Singleton,
Beebe,	Eickhoff,	Jones, Frank	Slemmons,
Bell,	Elam,	Jones, James T.	Smith, William E.
Blackburn,	Evins, John H.	Kenna,	Southard,
Roone,	Ewing,	Kimmel,	Springer,
Bouck,	Felton,	Knapp,	Steele,
Bragg,	Finley, Ebenezer B.	Knot,	Stenger,
Bright,	Fleming,	Luttrell,	Throckmorton,
Cabell,	Forney,	Lynde,	Townsend, R. W.
Caldwell, John W.	Fort,	Maish,	Tucker,
Cannon,	Franklin,	Manning,	Turner,
Carlisle,	Fuller,	Martin,	Turney,
Chalmers,	Garth,	McKenzie,	Vance,
Clafin,	Gause,	Mills,	Veeder,
Clarke of Kentucky,	Giddings,	Money,	Waddell,
Clark of Missouri,	Glover,	Morgan,	Walker,
Cobb,	Goode,	Morrison,	Warner,
Collins,	Gunter,	Muldrow,	Whitthorne,
Cook,	Hamilton,	Phelps,	Wigington,
Cravens,	Hardenbergh,	Potter,	Williams, Jere N.
Crittenden,	Harris, Henry R.	Pridmore,	Wilks, Albert S.
Culbertson,	Harris, John T.	Rea,	Wilson,
Cutler,	Hartzell,	Reagan,	Wright,
Davidson,	Hatcher,	Rice, Americus V.	Young, John S.
Davis, Joseph J.	Henry,	Robbins,	

NOT VOTING—35.

Acklen,	Ellis,	Jones, John S.	Sapp,
Bland,	Ellsworth,	Killinger,	Shelley,
Blount,	Evans, I. Newton	Lockwood,	Sparks,
Calkins,	Gibson,	McGowan,	Stephens,
Clark, Rush	Hale,	McMahon,	Thornburgh,
Clymer,	Hendee,	Pound,	Walsh,
Cox, Samuel S.	Henkle,	Rainey,	White, Harry
Dean,	Hewitt, G. W.	Randolph,	Young, Casey.
Eden,	House,	Riddle,	

So the report of the committee of conference was agreed to.

During the roll-call the following announcements were made:

Mr. MONEY. Mr. YOUNG, of Tennessee, who is detained from the House by sickness, is paired with Mr. JONES, of Ohio.

Mr. LOCKWOOD. I am paired with Mr. ELLSWORTH. If he were present, I would vote "no."

Mr. EDEN. I am paired with Mr. HALE, who is absent on committee service. If he were present, he would vote "ay" while I would vote "no."

Mr. THOMPSON. On all general questions I am paired with my colleague, Mr. CLYMER, and being informed that he would vote "ay," if present, I ask to have my vote recorded in the affirmative.

Mr. CALKINS. I am paired with Mr. ELLIS. If he were present, I would vote "ay."

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, who is absent on account of sickness, is paired with Mr. HOUSE.

Mr. HENDEE. I am paired with Mr. HENKLE, and although he would vote the same way I would, I think it better to withhold my vote.

The vote was then announced as above recorded.

Mr. ATKINS moved to reconsider the vote by which the conference

report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. SINNICKSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same: Joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring suit in the name of the United States to quiet and settle the title to lands of the Black Bob band of Shawnee Indians;

An act (H. R. No. 1901) for the relief of Philip W. Stanhope;

An act (H. R. No. 2161) for the relief of the personal representative of the late M. G. Harman, of Virginia;

An act (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie; and

An act (H. R. No. 2472) for the relief of Elias B. Bell, late private of Company E, Third Regiment West Virginia Cavalry.

Mr. RAINEY, from the same committee, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.

An act (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

An act (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas; and

An act (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts.

PRINTING OF REPORTS.

Mr. DICKEY, by unanimous consent, from the Committee on Expenditures in the Treasury Department, asked, and obtained, leave to print all testimony and reports ordered to be printed by said committee, and that the same be recommitted, not to come back under a motion to reconsider.

JAMES ANDERSON.

On motion of Mr. WHITTHORNE, by unanimous consent, leave was granted for the withdrawal from the files of the House and the Committee on War Claims the papers in the case of James Anderson, no adverse report having been made.

COMMITTEE ON AGRICULTURE.

On motion of Mr. CUTLER, by unanimous consent, the Committee on Agriculture had leave to report back to the House, and file all bills and reports accompanying the same with the Clerk of the House, bills of a general and public character to be referred to the Committee of the Whole on the state of the Union and private bills to the Committee of the Whole on the Private Calendar, with the right of any member to print remarks in favor of or in opposition to the same.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. PRUDEN, one of his clerks, announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 1679) for the relief of Catharine and Sophia Germain;

An act (H. R. No. 3855) for the relief of William A. Mann;

An act (H. R. No. 1286) granting relief to John T. Neale, an employé of the Provost-Marshal-General's department in 1861, for injuries received in the line of his duties;

An act (H. R. No. 1243) for the relief of Josephine C. Owen, postmaster at Randolph, New York;

An act (H. R. No. 1144) for the relief of Ann Annis, widow of Harvey Annis, late second lieutenant Company G, Fifty-first Regiment United States Colored Infantry;

An act (H. R. No. 3853) for the relief of William F. Wheeler;

An act (H. R. No. 3558) for the relief of Second Lieutenant Thomas T. Knox, regimental quartermaster First Cavalry;

An act (H. R. No. 4407) for the relief of Andrew Ivory;

An act (H. R. No. 796) for the relief of Jenkins A. Fitzgerald, assistant surgeon United States Army;

An act (H. R. No. 2394) for the relief of Leonard L. Lancaster, late sergeant Second Regiment Cavalry, Wisconsin Volunteers;

An act (H. R. No. 541) for the relief of William H. Carmen;

An act (H. R. No. 585) for the relief of Daniel C. Putnam;

An act (H. R. No. 4289) for the relief of Thomas W. Segar;

An act (H. R. No. 4382) for the relief of Lucinda C. Dillahunty, of Tennessee;

An act (H. R. No. 1162) for the relief of Alfred Muller, late acting assistant surgeon United States Army;

An act (H. R. No. 138) for the relief of Henry M. Meade, late paymaster in the United States Navy;

An act (H. R. No. 846) for the relief of Thomas C. Young, late private Company F, Thirty-ninth Iowa Infantry;

An act (H. R. No. 1301) for the relief of Henry E. Wilkinson, late

first lieutenant Company I, Ninety-ninth Regiment Pennsylvania Volunteers;

An act (H. R. No. 2519) for the relief of Mrs. Julia H. Totten, widow of James Totten, late lieutenant-colonel and assistant inspector-general United States Army;

An act (H. R. No. 3676) for the relief of Benjamin Sanders;

An act (H. R. No. 556) for the relief of James A. Hile, of Lewis County, Missouri;

An act (H. R. No. 521) for the relief of Thomas F. Alexander, of Illinois;

An act (H. R. No. 4987) granting a pension to James H. Cook;

An act (H. R. No. 550) granting a pension to Mary A. Allen;

An act (H. R. No. 989) granting a pension to Mrs. Eliza A. Semple;

An act (H. R. No. 830) granting a pension to Elizabeth Teagarden;

An act (H. R. No. 698) granting a pension to Nathan Udell;

An act (H. R. No. 4698) granting a pension to Helen Crabbe;

An act (H. R. No. 4702) granting a pension to Catharine Gemmill and children;

An act (H. R. No. 4701) granting a pension to George W. Staplin;

An act (H. R. No. 1055) granting a pension to Sammel B. Robertson;

An act (H. R. No. 4983) granting a pension to Sarah H. Bradford;

An act (H. R. No. 4695) granting a pension to James Buchanan;

An act (H. R. No. 4696) granting a pension to Cynthia Spradlin;

An act (H. R. No. 4794) granting a pension to Peter Yarnell, late a private in Company D, Twelfth West Virginia Volunteers;

An act (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers;

An act (H. R. No. 4687) granting a pension to Georgine Thomas, widow of General Charles Thomas, deceased;

An act (H. R. No. 491) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment, Illinois Volunteers;

An act (H. R. No. 1147) granting a pension to Catharine Brennan, widow of John Brennan, late private of Company B, Sixty-eighth Illinois Volunteers;

An act (H. R. No. 1045) to place George W. Browning on the pension rolls;

An act (H. R. No. 4694) granting a pension to James Riley, late private in Company D, Fourth Regiment, United States Infantry;

An act (H. R. No. 4494) granting a pension to John Grubbins;

An act (H. R. No. 4368) granting a pension to Johanna Kuhlman.

An act (H. R. No. 4371) granting a pension to Ludwig Ueber;

An act (H. R. No. 4379) granting a pension to Mary Bradley Cross;

An act (H. R. No. 4391) granting a pension to Susan Humes;

An act (H. R. No. 3408) granting a pension to Samuel V. Adams;

An act (H. R. No. 529) granting a pension to Daniel Middough;

An act (H. R. No. 1959) granting a pension to John Haley;

An act (H. R. No. 2321) granting a pension to Andrew A. Gooding, of Fentress County, Tennessee;

An act (H. R. No. 3416) granting a pension to Mrs. Mary G. Harris;

An act (H. R. No. 3362) granting a pension to Nathan A. Winters;

An act (H. R. No. 3150) granting a pension to Joseph Ward;

An act (H. R. No. 3196) granting a pension to William H. Garrett, late private in Company B, Fifty-sixth Regiment Illinois Infantry Volunteers;

An act (H. R. No. 3112) granting a pension to Henrietta Stringham, widow of Rear Admiral Silas H. Stringham, deceased;

An act (H. R. No. 3108) granting a pension to Hugh B. Makin, late private in Company A, Eighth Regiment United States Volunteers;

An act (H. R. No. 2975) granting a pension to William Reynolds, late a private in Company G, Thirteenth Regiment Indiana Volunteers;

An act (H. R. No. 2711) granting a pension to Thomas Burroughs, late a private in Company G, First Vermont Cavalry Regiment;

An act (H. R. No. 2489) granting a pension to John Gavin, Sixteenth New York Cavalry;

An act (H. R. No. 2289) granting a pension to Mrs. Maria L. Maxwell, widow of William C. Maxwell, Company D, Twelfth Ohio Volunteers;

An act (H. R. No. 480) granting a pension to William W. Stephenson, captain of Company H, Thirty-fourth Regiment Indiana Volunteers;

An act (H. R. No. 2172) granting a pension to De Forest Doty, of Timmouh, Vermont, late a private in Company B, Ninth Regiment Vermont Volunteer Infantry;

An act (H. R. No. 2944) granting an increase of pension to Jacob Parrott, of Hardin County, Ohio;

An act (H. R. No. 2769) granting an increase of pension to Catharine H. Gallagher, widow of Captain John Gallagher, late United States Navy;

An act (H. R. No. 4386) granting arrears of pension to Emilie R. Hooe, widow of the late Brevet Major Alexander S. Hooe, Fifth Infantry, United States Army;

An act (H. R. No. 2927) to restore to the pension-roll the name of Michael S. Corl;

An act (H. R. No. 3625) relating to soldiers while in the civil service of the United States;

An act (H. R. No. 3434) releasing title to a certain cemetery lot in the city of Montgomery, Alabama;

An act (H. R. No. 1277) donating condemned cannon and cannon-

balls to the Colchester Monument Association, of Colchester, Connecticut, for monumental purposes;

An act (H. R. No. 4002) donating a condemned cannon and cannonballs to Post No. 145, Grand Army of the Republic, district of Massachusetts;

An act (H. R. No. 6272) donating condemned cannon to Bayard Post, for purposes therein mentioned;

An act (H. R. No. 1278) donating condemned cannon and cannonballs to Ledyard Monument Association, of Ledyard, Connecticut, for monumental purposes;

An act (H. R. No. 3871) donating condemned cannon to the city of Boston, for monumental purposes;

An act (H. R. No. 4691) granting a pension to Hannah Hallam;

An act (H. R. No. 4697) granting a pension to Philip Thon;

An act (H. R. No. 1842) granting a pension to Henry Grossman, late a private in Company G, of the One hundred and fifty-fourth Regiment Illinois Infantry Volunteers; and

Joint resolution (H. R. No. 247) authorizing the remission of duty on two articles of bronze presented to Hon. R. C. McCormick by American exhibitors at the Paris Exposition.

ORDER OF BUSINESS.

The SPEAKER. The House resumes the consideration of the question of privilege interrupted by the conference report.

Mr. BUTLER. I wish to make a report on a cognate subject.

Mr. SPRINGER. I object at this time.

Mr. BUTLER. It is a privileged report.

The SPEAKER. But not to take the gentleman from the floor on the question of privilege.

Mr. SPRINGER. I demand the regular order. I yielded to the gentleman from New York [Mr. BUNDY] for debate, and not to yield to other business.

Mr. BUTLER. This is a report of the Judiciary Committee.

Mr. SPRINGER. I understand that.

Mr. BUTLER. It was ordered to be made as soon as practicable by the House.

The SPEAKER. One question of privilege is already pending, and cannot be interrupted by another and previous question in force.

Mr. BUTLER. It is about the same matter.

The SPEAKER. It is on a different subject, and the gentleman from Illinois declines to yield.

Mr. CANNON, of Illinois. I move the House take a recess until seven o'clock.

Mr. SPRINGER. The gentleman from New York must occupy his time now, or I will claim the floor and demand a vote.

Mr. BANKS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BANKS. The House has referred to the Judiciary Committee instructions to inquire into a breach of the privileges of the House by Mr. Seward. That committee is ready to report, and it was instructed to make report as soon as practicable. It has direct bearing on the question presented by the committee of which the gentleman from Illinois is chairman. It ought to be received now.

The SPEAKER. The Chair thinks not, as there is already one question of privilege pending and previous question prevailing.

Mr. BANKS. This is the same question, and I make another suggestion to the Chair which I think is worthy of consideration, and it is pertinent to this case. This is the report of the Committee on the Judiciary upon resolutions which includes the report of the committee represented by the gentleman from Illinois, [Mr. SPRINGER.]

The SPEAKER. The Chair desires to say in reply that if he were permitted to receive the report of another committee while one was pending as a question of privilege, still he could not do it at this time, because the gentleman from Illinois [Mr. SPRINGER] is upon the floor and does not yield the floor for such purpose.

Mr. BANKS. The Chair does not appreciate the point of order that I make. The report that the Committee on the Judiciary desired to make relates to the same subject-matter which the gentleman from Illinois has brought before the House.

The SPEAKER. It is true that it relates to another branch of the subject, and the Chair would be very glad to have it come in, but he has no power under the rule to do so except by unanimous consent.

Mr. BANKS. The person sought to be impeached is charged with a breach of the privilege of the House and ought to be relieved of that charge. That is a most important principle, the right of a citizen and public officer, and the House cannot neglect to relieve him from it without dishonor. This public officer is charged with a breach of the privileges of the House.

Mr. SPRINGER. I call the gentleman to order. I did not yield for debate.

The SPEAKER. The Chair is hearing the gentleman from Massachusetts upon the point of order.

Mr. BANKS. We sent this matter to the Committee on the Judiciary, and the committee is ready to report upon the question of excluding that report. We are now required and compelled to vote on the question of the impeachment of this citizen and public officer.

Mr. BUTLER. I desire to make a single suggestion.

Mr. SPRINGER. I cannot yield for any suggestion.

Mr. BUTLER. One of the articles of impeachment now before us is, that Mr. Seward ought to be impeached because he has retained

these books. As the organ of the Committee on the Judiciary I am instructed to report that he was justified, in our opinions, in retaining these books. That is the report of the Committee on the Judiciary after a full consideration of the matter.

The SPEAKER. The Chair cannot recognize a report from one committee while the House is engaged in the consideration of a report from another committee, with previous question prevailing. It would be impossible, without violating the rule of the House which requires the disposition of one subject under previous question before another is entertained.

Mr. SPRINGER. I am instructed to withdraw the seventeenth article of impeachment from the resolutions.

Mr. BANKS. I desire to call the attention of the Chair to a single point, and it is, that this is a charge upon which the Committee on the Judiciary desires to report; and it is the charge of a violation of the privilege of the House. It therefore can interrupt any question; can take any member off the floor. It is a question of the highest privilege.

The SPEAKER. Does the gentleman mean to say that it can interfere with and interrupt the consideration of the question of the impeachment of a public officer?

Mr. BANKS. Unreservedly and assuredly, I say that.

The SPEAKER. The Chair differs from the gentleman.

Mr. BANKS. It concerns the privileges of the House and does not touch the question of impeachment.

The SPEAKER. The Chair thinks the House has already discharged this witness. [Loud cries of "No!" "No!"]

Mr. BUTLER. He is upon the pledge of his personal honor, to be here if needed.

Mr. BANKS. The question was referred to the Committee on the Judiciary, and it is one that could take any man upon this floor off of the floor, because it relates to a breach of the privileges of the House, and I demand that the report of the Committee on the Judiciary be received.

Mr. COX, of New York. I desire to make a discrimination which the gentleman from Massachusetts fails to draw; whereas in the one case it is an attachment for contempt for disobeying the order of the House, the other is a case of impeachment or indictment for public crime, and utterly unlike one from the other. You cannot attach the one to the other no more than you can hold the witness for contempt in court when an indictment is being tried.

Mr. BUTLER. Then when a court of justice brings a witness before it for contempt of its proceedings he must await in custody for three, four, or six weeks, until the case on trial is determined, before he can be relieved by that court from his contempt even, although the court do not believe him to be in contempt.

Mr. COX, of New York. That is the practice in the courts always. [Loud cries of "No!" "No!"]

Mr. BUTLER. Let us follow this matter out. When a party is brought before the jury and is said to be in contempt of the court by withholding competent evidence from the jury, he asks the right to be heard, and that there shall be no issue made which may act so as to prejudice the jury against him.

The court is willing to say no, so that the jury may go on and proceed against him. But it is said that the trial must go through, and he must be indicted and convicted before the fact can be officially known that he is not in contempt and has suppressed no evidence whatever.

Mr. COX, of New York. Will the gentleman allow me to ask him one question?

Mr. BUTLER. Certainly.

Mr. COX, of New York. I desire to inquire of the gentleman whether or not a court ever discharges a witness in contempt until after the case is tried? The uniform practice of every court of competent jurisdiction is to keep him in custody.

Mr. BUTLER. Oh, no. It always discharges the man. It always acts in favor of personal liberty, the highest privilege under God. A man is always discharged when there is nothing against him.

Mr. COX, of New York. Yes, but there is something against this man; there is an indictment.

Mr. BUTLER. No, there is not; but you are trying to get one.

Mr. SPRINGER. On motion of the gentleman from Massachusetts himself, the House has already discharged Mr. Seward; "to report on notice" were his words.

Mr. BUTLER. Discharge him on his own recognizance. You would not have him in jail, would you?

Mr. DAVIS, of North Carolina. I desire to ask the gentleman from Illinois [Mr. SPRINGER] whether the report he makes here is based upon evidence derived from these books or upon evidence *aliunde*?

Mr. SPRINGER. *Aliunde*, outside of the books; we have not seen the books.

Mr. McMAHON. I desire to be heard on the point of order. I have heard a great deal said here about this being a court of justice. I never knew that this body was invested with judicial powers.

Mr. BUTLER. I thought it had some.

Mr. McMAHON. What judicial powers?

Mr. BUTLER. To try its own members.

Mr. McMAHON. Is Mr. Seward a member of this House? By no means. He is simply a public officer. He cannot be deprived of liberty or of his property by any proceeding on the part of this House

except when he is in contempt of this House. This House sits as a grand jury, or partly as a grand jury; not like ordinary grand juries. In the case of ordinary grand juries counsel for the defense are not present, nor are the witnesses for the defense allowed to be present. But in this grand inquest of the nation we allow the witnesses for the defense and the counsel for the defense to be present. This is simply the great body of the people through their representatives inquiring whether a party has done wrong.

This man is brought up before this House, before one of the committees of this House, and asked a question. He refuses to answer that question, and the House refers that matter to the Committee on the Judiciary. The case is still proceeding. Where? Now, here, in the grand jury. Where is the rule of law that requires the grand jury to stop in a case simply to determine whether a party has been guilty of contempt or not, when the other question pending before the grand jury is, Shall he be indicted? The question whether he shall be tried for contempt may be determined now or next week or next month. But the question now pending here is, Shall he be indicted?

I am astonished to hear gentlemen talk about the liberties of the citizen being violated, when the party in this case has been discharged; not actually nor technically, but he is permitted to go free.

Mr. CONGER. Does not one of the articles of impeachment charge that he refused to produce these books?

Mr. SPRINGER. That has been withdrawn.

Mr. CONGER. No member has a right to withdraw it.

Mr. SPRINGER. I have done it.

Mr. McMAHON. It does not make any difference whether that article is withdrawn or not. The question whether that was or was not an impeachable offense was not the question referred to the Committee on the Judiciary. The question referred to that committee was whether his refusal to answer the question propounded to him was a contempt of this House; not whether it was an impeachable offense, but whether it was a contempt of the privileges of this House.

Mr. HANNA. I desire to ask the gentleman a question.

Mr. McMAHON. Yes, sir.

Mr. HANNA. Who withdrew that charge?

Mr. McMAHON. The chairman of that committee.

Mr. HANNA. Is this, then, simply a proceeding of Mr. SPRINGER against Mr. Seward? [Laughter.]

Mr. SPRINGER. I hope that the gentleman from Indiana has learned enough of the rules of this House to know that the mover of a proposition may withdraw it.

Mr. GARFIELD. Permit me to say a single word. I desire to call the attention of this House to the fact that here is a proceeding begun in the first place by bringing a party before the House for contempt. He is under arrest; he is in our custody legally and technically. Our hand is upon him; he is by us restrained of his liberty. Now, while that restraint is still upon him, while he is still not at liberty, a proposition is made here to impeach him.

Now, we on this side say that the two propositions relating to this party are, first, the question of personal liberty; and, second, the judicial proceeding against him. The personal-liberty feature is the higher privilege, and ought to be heard first. A man ought to be free when we proceed to impeach him. To put him in jail, in law; to strike him while he is in jail, is to say that we will follow the law of Rhadamanthus, to punish and then hear. That is not American law, and is not American liberty. The question of his liberty ought to be heard first.

Mr. SPARKS. Is the man restrained of his liberty?

Mr. BANKS. Yes; he is under arrest.

Mr. BUTLER. He must come in here when he is called.

Mr. SPRINGER. I call for the regular order.

The SPEAKER. Gentlemen must be in order. That is first necessary. [A pause.] The gentleman from Massachusetts claims a right to interfere in the proceedings now going on, and to submit a report from the Committee on the Judiciary on the subject of the detention of a witness. The Chair does not intend to discuss the practice of the courts in such proceedings as have been cited. The duty of the Chair is to administer the rules only. If left to his own volition, he would prefer to read at once a decision of a question relating to the detention of a citizen now in custody rather than any other subject. But under the rules the House has decided to consider this question; the gentleman from Illinois [Mr. SPRINGER] is on the floor discussing it; and the rules do not allow him, so far as the Chair is at present advised, to be taken from the floor except in the manner stated in the rules—by a motion to adjourn, by the entering of a motion to reconsider, or by the presentation of a conference report. Therefore the Chair decides that it is not competent for one committee to interfere with the report from another committee when the gentleman who makes the report is on the floor and declines to yield.

Mr. BANKS. I appeal from the decision of the Chair on that question; and in order that the Chair and the House may understand that I take no exceptions thereto I wish to state briefly the grounds on which I make this appeal. [Cries of "Regular order!"]

The SPEAKER. This is the regular order.

Mr. SPRINGER. I object to discussion. The previous question has been ordered; and all questions of order that may intervene are subject to the operation of the previous question, and must be decided, whether on appeal or otherwise, without debate. Rule 133 settles the practice.

The SPEAKER. But this is an appeal from the decision of the Chair touching the subject under consideration. The Chair has decided that under the rules the gentleman from Illinois cannot be taken from the floor, if he claims it, except in the manner allowed by the rules. The gentleman from Massachusetts appeals from that decision, and the Chair is bound to hear the appeal.

Mr. BANKS. I say again that I take no captious exception to the ruling of the Chair, and as the House will bear witness I seldom interfere on questions of order; but this involves so important a question of principle and is likely to lead to such serious consequences if the decision of the Chair should be sustained, that I desire to express my dissent and to ask the judgment of the House upon it.

Let me state the ground upon which I take the appeal. A citizen of the country and a public officer is charged with crime. A committee of the House is instructed to inquire into the nature, the extent, and grounds of this charge against him. That committee, proceeding in the inquiry, calls upon this citizen, this public officer, to give his testimony under oath and to produce certain documents or books which are said to be in his possession. He refuses to do this on the ground that the Constitution protects him in such refusal. He is brought to the bar of the House to answer for a breach of its privileges. Now, that is the point upon which I stand. I do not speak of the question of personal liberty, of which the gentleman from Ohio [Mr. GARFIELD] has rightly and properly spoken; I do not speak of the practice in courts of justice, of which my honorable colleague [Mr. BUTLER] has so earnestly and ably spoken; but I speak of the fact that this man who was under examination by the Committee on Expenditures in the State Department, and who is charged with crime, had been brought before the bar of the House to answer for a breach of its privileges in refusing to comply with the demands of the committee. It is the breach of the privilege of the House that is in question; and until that question is decided no action of this House can be taken upon the general subject of the crime charged against him. The breach of the privileges of the House is the first point to be decided. The House, in acting upon this question of the invasion of its privileges, referred it to the Judiciary Committee; and the instruction given to that committee was to report as early as practicable what action in their judgment should be taken by the House in relation thereto. This man, charged with crime and brought to the bar of the House for a violation of its privileges and the right of its members, is a prisoner of the House. We send the question as to the breach of our privileges to the Judiciary Committee, this man remaining meanwhile in custody. He is now under bonds. He cannot leave this District. He must be at the beck and call of this House until his case shall be decided.

One point beyond this, which is strictly and clearly pertinent, I desire to state. In the order referring this subject to the Committee on the Judiciary "all the evidence and papers pertaining thereto" were also sent to that committee. The Chair properly decided that this referred to the question of the breach of privilege; and so far the Chair was right. But there is another point in this resolution to which I ask the attention of the Chair. The words following those I have just read are, "together with the reports of the committee." Now, sir, the reports of the committee do not refer to the breach of privilege; they refer to the original charges against the prisoner of the House. The Judiciary Committee, therefore, has two subjects within its keeping: one is embraced in the paper relating to the breach of privilege; the other is the reports of the committee upon the whole subject. A reference of the whole subject was necessary in order that the Judiciary Committee should properly comprehend the important questions involved in the reference. The Committee on Expenditures of the State Department was, for the moment, deprived of its jurisdiction of this question by the order of reference to the Judiciary Committee.

Now I come back to my point, which is a very simple one, that until this question of the invasion of the privileges of the House is determined the House is forbidden by every principle of parliamentary law and by every consideration of honor and of justice to pursue its proceedings under the process of impeachment until the rights of the House and its members have been vindicated.

Gentlemen around me say that I am mistaken as to the matters referred to the Judiciary Committee; they say the papers relate to the breach of privilege. I know they do; but there are other papers which do not relate to the breach of privilege.

Mr. DEAN. There were no reports upon any other subject.

Mr. BANKS. Very well; the resolution which the Committee on the Judiciary had before it is a report. The very charge against this man is a report. The evidence against him is a report. Every paper from the beginning of this case should be referred to the Committee on the Judiciary; and it would be an offense against justice and the honor of the House as well as the dignity of the Government to say that he can be impeached here when he stands charged with a breach of the privileges of the House and is in the custody of the House for that offense.

Mr. SPRINGER. I call the gentleman to order.

The SPEAKER. The Chair desires to say that he draws a broad line of separation between the subject-matter under consideration and the administration of the rule which regulates the consideration of the subject. Now the previous question was seconded and the main question was ordered on this subject; and the Chair would like

to ask the gentleman from Massachusetts how he can under such circumstances inject another question on the House in that way?

Mr. BANKS. That is a point to which I was coming, on which I wish to express my opinion.

Mr. SPRINGER. I move to lay the appeal on the table.

Mr. BANKS. I desire to express my opinion honestly and clearly. The SPEAKER. The Chair will hear the gentleman.

Mr. BANKS. The Chair has stated the rule and the practice of the House correctly. The rules to which the Chair has referred and the motions that are to be received, when any question is under consideration, apply to the report or the proposition presented by the gentleman from Illinois, [Mr. SPRINGER,] who represents the Committee on Expenditures in the State Department. That is one subject to which the order of motions cited by the Speaker properly applies. When an invasion of the privileges of this House and of the rights of its members occurs, and is submitted by the Chair to the House, then the same order of motions which in the first instance applied to the subject presented by the gentleman from Illinois, applies to the question connected with the breach of the privileges of the House.

The SPEAKER. This is not a violation of the privileges of a member of this House.

Mr. BANKS. It is a violation of the privileges of every member of the House; because a citizen and public officer has been brought to the bar of the House and arraigned for a violation of its privileges; and that is the only subject now before the House. He is under arrest. If he is not in presence of the House it is only by tolerance. We can bring him to the bar of the House if we please.

The SPEAKER. This is a question of impeaching this same man involved in both proceedings suggested; and how is the Chair to draw a line between the contumacy of a witness and a case of impeachment?

Mr. BANKS. They are different; one has no connection with the other. One is an ordinary act of legislation and the other is a measure to vindicate the right of its members to act as legislators.

Mr. SPRINGER. I move to lay the appeal on the table.

Mr. BANKS. The question as to a breach of the privileges of the House is an interlocutory proceeding. It is exactly like this question of order. There is in the first instance an impeachment; secondly, a charge of violating the privileges of the House, and, thirdly, a question of order which I make myself. Each question is independent of the other, although arising out of the same general cause, and the House must, upon every principle of law and justice, first decide the question of order, then that of the violation of its privileges, and then of the matter of impeachment.

The SPEAKER. The Chair does not say that this is not a question of high privilege; but he does say that, under the rules of this House and under the action of this House under the rules, it is not now in order to precipitate this question.

Mr. GARFIELD. I wish to say one word.

Mr. SPRINGER. I have moved to lay the appeal on the table.

Mr. BANKS. I yield to the gentleman from Ohio, [Mr. GARFIELD,] [Cries of "Vote!" "Vote!"]

The SPEAKER. A motion to lay on the table is not debatable; but the Chair would prefer that the gentleman from Illinois [Mr. SPRINGER] should allow a reasonable number of minutes to the gentleman from Ohio.

Mr. SPRINGER. I cannot yield.

Mr. BANKS. I had the floor and yielded to the gentleman from Ohio.

Mr. SPRINGER. I would yield to the gentleman but for the great pressure of public business.

Mr. GARFIELD. Upon the precise point last made by the Speaker I wish to call attention to one fact. The Speaker makes the point that the House is now acting under the previous question; and while he believes in the superior privilege of a question of personal liberty as a general proposition, the rule of the House holds him that here is a previous question by order of the House laid on this proceeding. Now I call the attention of the House to the fact that since this previous question has been ordered the gentleman from Illinois has been interrupted by a conference report.

The SPEAKER. The Chair stated distinctly that a conference report was in order under the rules.

Mr. GARFIELD. And by that conference report he was taken off his feet.

The SPEAKER. That could interrupt even a motion to adjourn. The Chair made that exception.

Mr. BANKS. He was interrupted also by a question of order. The Chair should make that exception also.

Mr. GARFIELD. Therefore two things have occurred, a motion to adjourn and a motion to consider a conference report. A point of order made by my friend from Massachusetts is a third thing which has taken the gentleman off his feet. Now I claim there is a fourth thing which can take him off his feet. What is that? It is the authority given before he called the previous question to the Committee on the Judiciary to report at any time on this question of the personal liberty of a citizen.

And now in one sentence more I leave it. When the motion to refer the consideration of this question to the Committee on the Judiciary was made the Speaker said—I read his words from the RECORD:

It is a question of privilege, and the Committee on the Judiciary can report it back at any time.

And it is repeated again below.

Now, below that point the Speaker says the same thing. He says "the committee on such a subject as this would have the right to report at any time." We have the statement there repeated.

The SPEAKER. At any time when the business of the House is not regulated by the order of the House. Now, what is the fact here?

Mr. GARFIELD. I ask the attention of the Speaker to one thing more, and then I will close. What is this proceeding of the gentleman from Illinois, [Mr. SPRINGER?] It is claimed that his committee shall have the power necessary to carry articles of impeachment to the Senate and arraign at their bar Mr. Seward.

Mr. SPRINGER. I call the gentleman to order. He is discussing the merits of the resolution, and not the point of order.

Mr. GARFIELD. I say that the moment they do that the Senate has a right to demand the body of Mr. Seward to be brought before the bar, but they cannot have it. Why? Because he is in our custody for a separate offense, a contempt of this House, and before we have settled that question and released him from our custody, we have no right to bring articles of impeachment against him. Can you bring a man into court chained, and require him to stand up with manacles on his hands?

The SPEAKER. This appeal is upon the ground that the Chair declines to allow the order of this House by the ordering of the main question on the question of impeachment to be interrupted by a report from the Committee on the Judiciary.

Mr. BANKS. That is not the point. [Loud cries of "Vote!" "Vote!"] The Chair has mistaken my point of order, and the Chair has no right to state it in another form.

The SPEAKER. The gentleman will be kind enough to reduce it to writing.

Mr. BANKS. My point of order is that when an impeachment against a citizen and public officer is pending, and that citizen is charged with a breach of the privileges of the House, and the question as to that breach of privilege is referred to the Committee on the Judiciary, that interlocutory proceeding stops the proceeding for impeachment; and under the order of the House the Judiciary Committee have a right to present their report at any time.

Mr. SPRINGER. The gentleman is repeating his argument; and I must insist upon the motion to lay the appeal upon the table.

Mr. BANKS. The language of the resolution was that the committee should report as soon as practicable. [Cries of "Vote!" "Vote!"]

The SPEAKER. That does not authorize the committee to interfere with the business of the House which has been fixed by the House. The question is upon laying the appeal upon the table.

Mr. BANKS. I call for the yeas and nays.

The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes.

The message further announced that the Senate had passed a bill and joint resolution of the following titles; in which he was directed to ask the concurrence of the House:

An act (S. No. 1837) for the relief of Joseph L. Stevens, postmaster at Manchester, in New Hampshire; and

Joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employes of the Senate and House of Representatives.

ORDER OF BUSINESS.

The question was taken; and there were—yeas 124, nays 109, not voting 57; as follows:

YEAS—124.

Aiken,	Cutler,	Hunton,	Scales,
Banning,	Davidson,	Jones, Frank	Shelley,
Boale,	Davis, Joseph J.	Jones, James T.	Singleton,
Beebe,	Dibrell,	Kenna,	Slemons,
Bell,	Dickey,	Kimmel,	Smith, William E.
Benedict,	Eden,	Knott,	Southard,
Blackburn,	Ellis,	Landers,	Sparks,
Bliss,	Evins, John H.	Ligon,	Springer,
Blount,	Ewing,	Lynde,	Steele,
Boone,	Felton,	Mackey,	Stenger,
Bouck,	Finley, Ebenezer B.	Maish,	Swann,
Bragg,	Finley, Jesse J.	Manning,	Throckmorton,
Bridges,	Fleming,	Martin,	Townsend, R. W.
Bright,	Forney,	Mayham,	Tucker,
Buckner,	Gause,	McKenzie,	Turner,
Cabell,	Gibson,	McMahon,	Turney,
Caldwell, J. W.	Giddings,	Mills,	Vance,
Candler,	Glover,	Morgan,	Veeder,
Carlisle,	Goode,	Morrison,	Waddell,
Chalmers,	Gunter,	Muldrow,	Walker,
Clark, Alvah A.	Hamilton,	Pelpha,	Warner,
Clark of Missouri,	Hardenbergh,	Potter,	Whitthorne,
Clarke of Kentucky,	Harris, Henry R.	Pridemore,	Wigginton,
Cobb,	Harris, John T.	Rea,	Williams, James
Collins,	Hart,	Reagan,	Williams, Jere N.
Cook,	Hartzell,	Reilly,	Willia, Albert S.
Covert,	Hatcher,	Rice, Americus V.	Willis, Benj. A.
Cox, Samuel S.	Henry,	Robbins,	Wilson,
Cravens,	Herbert,	Roberts,	Wood,
Crittenden,	Hewitt, Abram S.	Robertson,	Wright,
Culberson,	Hooker,	Ross,	Yeates.

NAYS—109.

Aldrich,	Cummings,	Keightley,	Robinson, G. D.
Bacon,	Davis, Horace	Kelley,	Robinson, M. S.
Bagley,	Deering,	Ketcham,	Sapp,
Bailey,	Denison,	Lapham,	Shallenberger,
Baker, William H.	Dunnell,	Lathrop,	Sinnickson,
Baker, John H.	Dwight,	Lindsey,	Smalls,
Ballou,	Eames,	Loring,	Smith, A. Herr
Banks,	Evans, I. Newton	Majors,	Starin,
Bayne,	Evans, James L.	Marsh,	Stewart,
Blair,	Fort,	McCook,	Stone, John W.
Brewer,	Frye,	McKinley,	Stone, Joseph C.
Briggs,	Gardner,	Mitchell,	Straft,
Brogden,	Garfield,	Monroe,	Tipton,
Browne,	Hale,	Neal,	Townsend, Amos
Bundy,	Hanna,	Norcross,	Townsend, M. I.
Burchard,	Harmer,	O'Neill,	Van Vorhes,
Burdick,	Harris, Benj. W.	Overton,	Wait,
Butler,	Haskell,	Patterson, G. W.	Ward,
Cain,	Haves,	Peddie,	Watson,
Camp,	Henderson,	Phillips,	White, Harry
Campbell,	Hiscock,	Pollard,	White, Michael D.
Canon,	Humphrey,	Pound,	Williams, Andrew
Caswell,	Hungerford,	Price,	Williams, C. G.
Clafin,	Hunter,	Pugh,	Williams, Richard
Clark, Rush	Ittner,	Rainey,	Willits,
Cole,	Jorgensen,	Randolph,	
Conger,	Joyce,	Reed,	
Crapo,	Keifer,	Rice, William W.	

NOT VOTING—57.

Acklen,	Elam,	James,	Riddle,
Atkins,	Ellsworth,	Jones, John S.	Ryan,
Bicknell,	Errett,	Killinger,	Sampson,
Bland,	Foster,	Knapp,	Saylor,
Boyd,	Franklin,	Lockwood,	Sexton,
Brentano,	Freeman,	Luttrell,	Stephens,
Caldwell, W. P.	Fuller,	McGowan,	Thompson,
Calkins,	Garth,	Metcalfe,	Thornburgh,
Chittenden,	Harrison,	Money,	Walsh,
Clymer,	Hazelton,	Morse,	Wren,
Cox, Jacob D.	Hendee,	Muller,	Young, Casey
Danford,	Henkle,	Oliver,	Young, John S.
Dean,	Hewitt, G. W.	Page,	
Durham,	House,	Patterson, T. M.	
Eickhoff,	Hubbell,	Powers,	

So the appeal from the decision of the Chair was laid on the table During the roll-call the following announcements were made:

Mr. GARTH. I am paired with the gentleman from New York, Mr. JAMES.

Mr. MONEY. I am paired with the gentleman from Pennsylvania,

Mr. FREEMAN. The gentleman from Tennessee, Mr. YOUNG, is paired with Mr. JONES, of Ohio.

Mr. MULLER. I am paired with the gentleman from Illinois, Mr. BRENTANO.

Mr. BANNING. The gentleman from Missouri, Mr. REA, is paired with his colleague, Mr. POLLARD.

Mr. EDEN. The gentleman from Massachusetts, Mr. MORSE, is paired with the gentleman from Ohio, Mr. DANFORD. My colleague, Mr. KNAPP, is paired with my colleague, Mr. BOYD.

Mr. HENRY. My colleague, Mr. HENKLE, is paired with the gentleman from Vermont, Mr. HENDEE.

Mr. RYAN. I am paired with the gentleman from Missouri, Mr. FRANKLIN.

Mr. CALKINS. I am paired with the gentleman from Louisiana, Mr. ELLIS. If he were present, I should vote "no."

Mr. THOMPSON. I am paired with my colleague, Mr. CLYMER, who is absent by leave of the House on a conference committee.

Mr. FORT. My colleagues, Mr. BOYD and Mr. KNAPP, are paired on this question. Mr. BOYD, if here, would vote "no."

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, is paired with the gentleman from Tennessee, Mr. HOUSE. Both gentlemen are absent on account of sickness.

Mr. BURDICK. My colleague, Mr. SAMPSON, is paired with the gentleman from Tennessee, Mr. CALDWELL. Mr. SAMPSON, if present, would vote "no."

Mr. PATTERSON, of Colorado. I am paired with the gentleman from Pennsylvania, Mr. ERRETT. If he were present, I should vote "ay."

Mr. ITTNER. My colleagues, Mr. BLAND and Mr. METCALFE, are paired.

The result of the vote was announced as above stated.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. I rise to make a report from the committee of conference on the river and harbor appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate do recede from its amendments numbered 3, 8, 9, 13, 14, 21, 26, 27, 37, 39, 40, 41, 48, 62, 65, 77, 86, 91, 93, 96, 101, 107, 108, 113, 126, and 127.

That the House do recede from its disagreement to the amendments numbered 1, 2, 4, 5, 6, 64, 7, 10, 11, 12, 15, 16, 17, 18, 19, 20, 22, 23, 25, 28, 29, 31, 32, 33, 35, 36, 38, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 76, 78, 80, 81, 82, 88, 84, 85, 87, 88, 89, 90, 94, 95, 97, 98, 99, 100, 102, 103, 104, 105, 106, 109, 111, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 128, 129.

That the House recede from its disagreement to the amendment numbered 24, with an amendment as follows:

Strike out, in lines 19 and 20, page 4 of the bill, the words, "two hundred and fifty thousand," and insert in lieu the words "two hundred thousand."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 34, with an amendment as follows:

Strike out from line 7 to line 12, both inclusive, page 7, the whole paragraph, and insert in lieu as follows:

"For improving Mississippi River from Saint Paul to Des Moines Rapids, \$100,000: *Provided*, That not exceeding \$20,000 thereof may be used by the Secretary of War, in his discretion, in making a practical test of the flume invented by M. J. Adams, said test to be made under the supervision and direction of said Adams, but without compensation to said Adams for his services: *And provided further*, That such test shall not be made until the right shall be secured to the United States to use said flume in the event of the favorable result of said test, upon terms satisfactory to the Secretary of War."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 61, with an amendment as follows:

Add after the word "chain," on line 19, page 10, the words, "and not exceeding \$100,000 on the Davis Island dam."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 73, with an amendment as follows:

Strike out, on line 21, page 12, the words, "seven thousand" and insert in lieu the words "five thousand."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 74, with an amendment as follows:

Strike out, in line 25, page 12, the words "twelve thousand" and insert in lieu the words "seven thousand."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 79, with an amendment as follows:

Strike out, in line 20, page 13, the letter "s" from the word "rivers."

And the Senate agree to the same.

That the Senate recede from all of its amendment numbered 92, except on line 17, page 15, the word "fifty."

And the House agree to the same.

That the House recede from its disagreement to the amendment numbered 125, with an amendment as follows:

Insert before the words "Saint Mary's," in line 13, page 22, the words "approaches from Lake Superior to."

And the Senate agree to the same.

GEO. E. SPENCER,
S. J. R. McMILLAN,
M. W. RANSOM,

Managers on the part of the Senate.

JOHN H. REAGAN,
JNO. E. KENNA,
JAY A. HUBBELL,

Managers on the part of the House.

Mr. REAGAN. Mr. Speaker, I shall detain the House but a few moments. This bill as it passed the House appropriated, I believe, about \$5,600,000. Amendments aggregating between \$800,000 and \$900,000 were added by the Senate committee, and the Senate itself put upon the bill additional amounts. I have not been able to aggregate all these amounts, but we suppose the bill as it passed the Senate appropriated about \$7,000,000, independently of an item in relation to the Eads jetties.

Mr. EDEN. I would like the gentleman to state how much the bill appropriates for the Eads jetties.

Mr. REAGAN. If the gentleman will let me go on a few moments, I will tell him everything he wants to know.

Mr. EDEN. I believe we have already appropriated for the Eads jetties about a million dollars more than we owe.

Mr. REAGAN. Mr. Speaker, in addition to the other appropriations made by the Senate, which we have not had time to aggregate, the Senate has inserted a provision to which we have agreed in conference for the construction of a bridge over the Arkansas River at Little Rock. The bill as amended by the Senate contains also provisions modifying the terms of the contract with J. B. Eads for the construction of jetties at the mouth of the Mississippi River. These modifications authorize the payment of about \$750,000 in advance of the time when it would have been paid, or at least under different conditions. I suppose it is not improper for me to state what appears in the RECORD that this proposition had the favorable report of the Senate committee, that it received the support of thirty-eight Senators to ten, and had the almost unanimous concurrence and recommendation of the Committee on Commerce of the House.

Mr. SPARKS. I understand the gentleman to say that the bill as now reported changes the original contract entered into with Eads.

Mr. REAGAN. Yes, sir; in a measure it does.

Mr. SPARKS. And the bill authorizes him to be paid absolutely money which according to existing law would be paid on conditions.

Mr. REAGAN. We authorize payment as the work goes on. Under the original law he was to be paid so much upon every increase of two feet. Under this bill he will be paid so much upon every increase of one foot. He is also in this bill relieved to some extent from the necessity of preserving the original width intended for the thirty-foot depth of channel. That width may be brought down, I believe, to two hundred feet instead of two hundred and fifty.

Mr. SPARKS. Then, as I understand, the bill as reported about lets him out of his contract.

Mr. REAGAN. No, sir; he is still required to make a depth of thirty feet; but he is not required to make the same width of channel which was required under the original contract.

Mr. ROBBINS. I understand—

Mr. REAGAN. Wait a moment. If gentlemen will not be in such a hurry, they shall know all they want to know about this bill, if I know it myself.

Under the law of last session an examining board composed of five

engineers of the highest rank in the Army was appointed to examine into this work, to ascertain its permanency and generally the success of the structure. Among the subjects examined was, as to whether it would endanger the existing work to preserve a width of three hundred and fifty feet and a depth of thirty feet. They have examined that work, and I say for myself, and I believe that I express the views of our committee almost without exception, that this report is the first report that has relieved our minds of doubts of the success of that work and has shown that the work is a success. It has already obtained a depth of twenty-three feet of water for the whole length of the jetties, with the exception of one hundred and sixty feet where the water is twenty-five feet deep, and sixty feet where it is twenty-four feet deep. When the upper ends of the jetties shall have become settled and consolidated so as to retain the water, the engineers report that it will produce a channel depth of twenty-five or twenty-six feet.

That report also removed from our minds another apprehension that I and many others had in reference to the success of this work. We feared that the sediment flowing out of the river would be deposited in front of the jetty channel and shoal the water there. The report shows that not only does it not have that effect, but that during the last year the water in front of the jetties and so on outward has deepened more than one foot instead of shoaled.

Mr. ITTNER. Are the engineers unanimous in their report?

Mr. REAGAN. One other point. It is right that I should mention it, because if we modify the contract in one respect, the question is whether other modifications ought not also to be made. In the first place the engineers testify, one of them at least testified rather than reported, that if thirty feet depth for three hundred and fifty feet width was maintained it would change the regimen of the river at its mouth, increase the volume of water through South Pass and reduce the volume through the Southwest Pass and Pass l'Outre.

They say that to do that would throw a volume of water in the South Pass that would endanger the permanency of the jetties. General Wright in his testimony before the Senate committee said that if he were in charge of the work he would not advise that that should be done. Upon this idea it was thought best to provide for a channel two hundred feet wide and thirty feet deep, rather than one of three hundred and fifty feet in width and thirty feet in depth, so that the work should not be endangered. It is also shown by these engineers that already they have twenty-three feet of water which accommodates the larger part of the commerce that comes into the Mississippi River; about 87 per cent.

Mr. HOOKER. Will the gentleman allow me to ask him a question?

Mr. REAGAN. In one moment.

Mr. HOOKER. What is the aggregate amount appropriated by this bill, including that given for the jetties; and what is the change made in the contract with Captain Eads as to the work to be done at the jetties?

Mr. WHITE, of Pennsylvania. He is telling us that now.

Mr. REAGAN. I will state the whole matter as briefly as I can. Under the original contract and law it was agreed that \$5,250,000 should be paid for this work. There has been paid by the Government about \$2,000,000. The contractors have paid out about \$1,600,000 more than the Government has paid them. Therefore, if we pay the \$750,000 here provided we will not then have paid more than one-half of the amount which has been expended on that work for the benefit of commerce in addition to what the Government has already paid.

One word as to that. The commerce of that river is not to be measured as we would ordinary streams. It is the outlet to the ocean of the commerce of the vast valley of the Mississippi and its tributaries. When we succeed in securing facilities for that commerce to go to the sea and return to the river without interruption we have achieved a great result. When this work was undertaken it was undertaken as an experiment.

Mr. ATKINS. What is the depth at the mouth of the Mississippi River now?

Mr. REAGAN. Twenty-three feet.

Mr. ATKINS. What is the evidence of that?

Mr. REAGAN. The report of five ranking engineers of the United States Army recently made.

Mr. EDEN. Was it not reported at the last session to this House that it was twenty-four feet?

Mr. REAGAN. I do not remember about that, but the report is before the House and the country. It shows that in time, as the operation of the channel is confined by these jetties, a depth of twenty-five or twenty-six feet will be obtained as soon as the jetties are built to the flood-tide and consolidated, so as to confine the water within them.

Mr. GIBSON. I wish to say in reply to the gentleman from Illinois when he asks whether it was not reported that the depth was twenty-four feet: No; the board of engineers now report "that there has been a constant, progressive, general improvement in the jetty channel, at no time more evident than at present." This is the official report, dated January 23, 1879.

Mr. ROBBINS. I wish to ask the gentleman from Texas one question. I understand the gentleman to say they had agreed—

Mr. REAGAN. If gentlemen will ask questions one at a time I will yield to them.

Mr. TUCKER. I rise to a point of order. No one can hear what is going on.

Mr. ROBBINS. I hope the gentleman will yield to me for a question which is not unfriendly to his proposition.

Mr. WADDELL. We had better take a vote.

Mr. REAGAN. Let me answer. I feel bound to let gentlemen know what we have done about this bill.

Mr. ROBBINS. I understand the gentleman to say he had agreed to change this contract so as to pay Mr. Eads when he had increased the distance by a foot.

Mr. REAGAN. That is a change.

Mr. ROBBINS. Do you pay half as much for a foot as for two feet?

Mr. REAGAN. Yes, sir.

Mr. ROBBINS. Now, another question.

Mr. TUCKER. I should like to ask my friend from Texas a question.

Mr. REAGAN. Certainly.

Mr. TUCKER. I understood something has been appropriated by an amendment in the Senate to build a bridge across the Arkansas River at Little Rock.

Mr. REAGAN. Yes, sir.

Mr. TUCKER. On what ground?

Mr. REAGAN. Because the Senate had the power to do it and did it. I do not know any other.

Mr. TUCKER. But had they the constitutional power to do it?

Mr. REAGAN. We have built bridges across the Mississippi and the Ohio Rivers and many other streams, numbers of them, under the authority of the Constitution.

Mr. TUCKER. When?

Mr. REAGAN. I cannot tell you. There are five or six over the Ohio and the same over the Missouri.

Mr. EDEN. I ask the gentleman to let us take a recess so we may figure up and see how much money is appropriated by this bill.

Mr. KENNA. I warn the gentleman from Texas that if he yields to the motion to take a recess this bill will be killed.

Mr. REAGAN. Whether the bill appropriates \$1,000,000 or \$2,000,000 the gentleman from Illinois would oppose it.

Mr. EDEN. I presume the House would like to know exactly how much it does appropriate.

Mr. REAGAN. Nothing can satisfy the gentleman in this bill, and therefore after I have answered questions I propose to call the previous question.

Mr. SPARKS. Let me submit to the gentleman, ought not the House to know the amount of money to be taken from the Treasury by this bill? Now, ought it not to know that fact?

The SPEAKER. The gentleman from Texas will suspend until the members are willing to be seated.

Mr. TUCKER. I would like to ask my friend—

The SPEAKER. The Chair will hear nothing till order is restored.

Mr. TUCKER. If he does, he hears more than anybody else. [Laughter.]

The SPEAKER. (after a pause.) The Chair will now hear the gentleman from Virginia.

Mr. TUCKER. What I wished to ask my excellent friend was what is the amount appropriated for a bridge across the Arkansas River, and are not the abutments of that bridge on the opposite sides of the river within the same State of Arkansas? Can the gentleman show any precedent for the building of a bridge across a river in a single State?

Mr. GARFIELD. We are not building any bridges, are we?

Mr. REAGAN. There is no money appropriated to build that bridge. There is simply a privilege given to others to build the bridge.

Mr. GARFIELD. The gentleman has not stated that the Government is building the bridge out of money from the Treasury?

Mr. REAGAN. Not at all. The Government has never built a bridge with money out of the Treasury. It has simply given privileges to others to build bridges.

Mr. HANNA. I desire to ask the gentleman from Texas a question. How much money does this bill now appropriate as it comes from the conference committee?

Mr. REAGAN. I have already stated the amount, and I will repeat it.

Mr. HANNA. We could not hear you.

Mr. REAGAN. As the bill passed this House it appropriated \$5,000,000. With the amendments placed on it by the Senate, as modified by the conference committee, it is our belief that the amount has been increased about a million dollars, a little more or a little less, independently of what is provided for the payment of the Eads jetties, which is covered by another law. I believe the bill as it now comes from the committee of conference appropriates a little less than \$7,000,000. I demand the previous question.

Mr. HANNA. I desire to ask another question. [Cries of "Vote!" "Vote!"]

Mr. MCCOOK. I would like to know what is the aggregate amount of the bill.

Mr. REAGAN. I insist on the demand for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The main question having been ordered, the question is on agreeing to the report of the committee of conference.

Mr. HANNA. Upon that I demand the yeas and nays. [Cries of "No!" "No!"] It is the only means we have of recording our protest against this bill.

The question being put on ordering the yeas and nays, there were yeas 34, not one-fifth of the last vote.

Mr. EDEN. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. EDEN and Mr. REAGAN were appointed.

The House divided; and the tellers reported—yeas 35, noes 110.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

ADDITIONAL CLERKS.

The SPEAKER. The Chair asks that the Clerk of the House may be authorized to employ four additional clerks during the remainder of the session, to be paid out of the contingent fund such compensation as may be fixed by the Committee of Accounts.

There was no objection, and it was so ordered.

RIVER AND HARBOR BILL.

Mr. PRICE. Is it in order to move that the House take a recess?

Mr. REAGAN. Let us finish this.

Mr. THOMPSON. I move that the House take a recess until half past eight o'clock.

Many MEMBERS. Make it nine o'clock.

The SPEAKER. The Chair will first submit the question on taking a recess until nine o'clock.

Mr. KENNA. I want to say if a recess is taken and this bill does not go to the enrolling clerk it will be defeated for want of time. I want the House to understand that fact. [Cries of "Regular order!"]

The motion to take a recess till nine o'clock was disagreed to.

The SPEAKER. The question recurs on the motion that the House take a recess till half past eight o'clock. The Chair will submit the question whether the vote shall be taken by tellers.

Tellers were ordered; and Mr. REAGAN, and Mr. WHITE of Pennsylvania, were appointed.

The House divided; and the tellers reported—yeas 52, noes 97.

So the House refused to take a recess.

The question recurred on agreeing to the report of the committee of conference, on which the yeas and nays had been ordered.

The question was taken; and there were—yeas 107, nays 63, not voting 120; as follows:

YEAS—107.

Aiken,	Culberson,	Humphrey,	Ross,
Baker, William H.	Davidson,	Ittner,	Ryan,
Ballou,	Deering,	Jorgensen,	Shelley,
Banning,	Dibrell,	Keightley,	Singleton,
Beale,	Dunnell,	Kenna,	Smalls,
Bell,	Durham,	Ligon,	Smith, William E.
Bicknell,	Eames,	Luttrell,	Stewart,
Bliss,	Elam,	Mackey,	Stone, Joseph C.
Bragg,	Evins, John H.	Majors,	Townsend, Amos
Brogden,	Ewing,	Manning,	Turner,
Buckner,	Finley, Jesse J.	Martin,	Vance,
Bundy,	Forney,	McKinley,	Van Vorhes,
Burdick,	Garth,	Mills,	Waddell,
Butler,	Ganse,	Money,	Walker,
Cain,	Gibson,	Monroe,	Ward,
Calkins,	Giddings,	Muldrow,	Watson,
Carlisle,	Glover,	Oliver,	White, Harry
Caswell,	Goode,	O'Neill,	Williams, Andrew
Clarke of Kentucky,	Gunter,	Overton,	Williams, C. G.
Clark of Missouri,	Hartzell,	Page,	Williams, Jere N.
Cole,	Haskell,	Phillips,	Williams, Richard
Conger,	Hatcher,	Pound,	Willis, Benjamin A.
Cook,	Hazelton,	Price,	Willits,
Covert,	Henry,	Keagan,	Wilson,
Cox, Jacob D.	Herbert,	Robbins,	Wright,
Cravens,	Hooker,	Roberts,	Yeates.
Crittenden,	Hubbell,	Robertson,	

NAYS—63.

Bacon,	Dickey,	Keifer,	Robinson, M. S.
Baker, John H.	Dwight,	Lathrop,	Shallenberger,
Blount,	Eden,	Mayham,	Sinnickson,
Boone,	Evans, I. Newton	McCook,	Siemons,
Brewer,	Finley, Ebenezer B.	McKenzie,	Smith, A. Herr
Briggs,	Fort,	McMahon,	Sparks,
Burchard,	Freeman,	Mitchell,	Springer,
Cabell,	Frye,	Muller,	Stenger,
Caldwell, John W.	Gardner,	Patterson, G. W.	Townsend, R. W.
Campbell,	Hamilton,	Potter,	Tucker,
Cannon,	Hanna,	Randolph,	Turney,
Clark, Alvah A.	Hardenbergh,	Reed,	White, Michael D.
Clark, Rush	Harris, Benj. W.	Reilly,	Whitthorne,
Collins,	Henderson,	Rice, Americus V.	Wigington,
Dean,	Hungerford,	Rice, William W.	Williams, James.
Denison,	Huxton,	Robinson, G. D.	

NOT VOTING—120.

Acklen,	Camp,	Felton,	Hunter,
Aldrich,	Candler,	Fleming,	James,
Atkins,	Chalmers,	Foster,	Jones, Frank
Bagley,	Chittenden,	Franklin,	Jones, James T.
Bailey,	Claffin,	Fuller,	Jones, John S.
Banks,	Clymer,	Garfield,	Joyce,
Bayne,	Cobb,	Hale,	Kelley,
Beche,	Cox, Samuel S.	Harmer,	Ketcham,
Benedict,	Crapo,	Harris, Henry R.	Killinger,
Blackburn,	Cummings,	Harris, John T.	Kimmel,
Blair,	Cutler,	Harrison,	Knapp,
Bland,	Danford,	Hart,	Knot,
Bonck,	Davis, Horace	Hayes,	Landers,
Boyd,	Davis, Joseph J.	Hendee,	Lapham,
Brentano,	Eickhoff,	Henkle,	Lindsey,
Bridges,	Ellis,	Hewitt, Abram S.	Lockwood,
Bright,	Ellsworth,	Hewitt, G. W.	Loring,
Browne,	Errett,	Hiscock,	Lynde,
Caldwell, W. P.	Evans, James L.	House,	Maish.

Marsh,	Pollard,	Sexton,	Tipton,
McGowan,	Powers,	Southard,	Townsend, M. I.
Metcalfe,	Pridemore,	Starin,	Vooder,
Morgan,	Pugh,	Steele,	Wait,
Morrison,	Rainey,	Stephens,	Walsh,
Morse,	Rea,	Stone, John W.	Warner,
Neal,	Riddle,	Strait,	Willis, Albert S.
Norcross,	Sampson,	Swann,	Wood,
Patterson, T. M.	Sapp,	Thompson,	Wren,
Peddle,	Saylor,	Thornburgh,	Young, Casey
Phelps,	Scales,	Throckmorton,	Young, John S.

So the report of the committee of conference was agreed to.

During the roll-call the following announcements were made:

Mr. SOUTHARD. I am paired with Mr. CLAFLIN.

Mr. GIBSON. My colleague, Mr. ELLIS, is paired with Mr. CALKINS. If present, Mr. ELLIS would vote "ay."

Mr. GARTH. I am paired with Mr. JAMES. If present, he would vote "no" and I should vote "ay."

Mr. DIBRELL. Mr. HARRIS, of Georgia, is paired with Mr. BAGLEY. If present, Mr. BAGLEY would vote "no" and Mr. HARRIS "ay."

Mr. ROBBINS. My colleague, Mr. STEELE, is paired with Mr. NORCROSS.

Mr. EDEN. Mr. DAVIS, of North Carolina, is paired with Mr. LINDSEY; Mr. ALDRICH is paired with Mr. CHALMERS; Mr. HART is paired with Mr. BAILEY; Mr. PATTERSON, of Colorado, is paired with Mr. ERRETT; and Mr. THOMPSON is paired with his colleague, Mr. CLYMER.

Mr. COVERT. My colleague, Mr. LOCKWOOD, is paired with Mr. ELLSWORTH, of Michigan.

Mr. THROCKMORTON. I am paired with Mr. BROWNE, of Indiana. If he were present, he would vote "no" and I should vote "ay."

Mr. HARRISON. On this question I am paired with Mr. BOUCK. Mr. VEEDER and Mr. HISCOCK are paired.

Mr. HAMILTON. My colleagues, Mr. SEXTON and Mr. FULLER, are paired, also Mr. COBB with Mr. EVANS. I do not know how either of them would vote on this question if they were present.

Mr. BANNING. I desire to announce that Mr. REA is paired with Mr. POLLARD.

Mr. LATHROP. I am requested to announce that my colleagues, Mr. MARSH and Mr. TIPTON, are paired upon this question.

Mr. HENRY. Mr. BRIDGES is paired with Mr. CAMP.

Mr. CLARK, of Iowa. Mr. HARRIS, of Virginia, and Mr. BLAIR are paired. Mr. BLAIR, if present, would vote "no."

Mr. CANNON, of Illinois. I wish to announce that my colleagues, Mr. MARSH and Mr. TIPTON, are paired.

Mr. ROBINSON, of Massachusetts. Mr. BANKS is paired with Mr. WOOD, of New York. I am not authorized to state how either of those gentlemen would vote.

Mr. HENDEE. I am paired with the gentleman from Maryland, Mr. HENKLE.

Mr. STONE, of Michigan. I am paired with Mr. HOUSE, of Tennessee.

Mr. BURDICK. My colleague, Mr. SAMPSON, is paired with Mr. CALDWELL, of Tennessee; also, Mr. HARMER is paired with Mr. COX, of New York.

Mr. MITCHELL. Mr. CUMMINGS is paired with Mr. LYNDE.

The result of the vote was then announced as above recorded.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 2518) granting jurisdiction and authority to the Court of Claims in the case of the schooner Don Pedro.

ASSAY OFFICE IN ARIZONA.

The SPEAKER *pro tempore*, (Mr. FINLEY, of Ohio, in the chair,) laid before the House a memorial of the Legislature of the Territory of Arizona, praying for the establishment of an assay office at the capital or some other convenient point in said Territory; which was referred to the Committee on Coinage, Weights, and Measures.

MILITARY TELEGRAPH IN MONTANA.

The SPEAKER *pro tempore* also laid before the House a memorial of the Legislature of Montana, relative to a military telegraph line in that Territory; which was referred to the Committee on Military Affairs.

PRISON IN MONTANA.

The SPEAKER *pro tempore* also laid before the House a memorial of the Legislature of Montana, praying for the enlargement of the penitentiary in that Territory; which was referred to the Committee on Appropriations.

Mr. CUMMINGS. I now move that the House take a recess until nine o'clock p. m.

The motion was agreed to; and accordingly (at six o'clock and thirty-five minutes p. m.) the House took a recess until nine o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at nine o'clock p. m.

PAY OF COMMITTEE CLERKS, ETC.

Mr. ROBERTS. I move to suspend the rules in order to pass Senate joint resolution No. 71.

The SPEAKER. That motion is not now in order. The gentleman can ask unanimous consent.

Mr. ROBERTS. I will do so, and in order that the House may understand what I desire to have passed I will ask that the joint resolution be now read. It is joint resolution (S. No. 71) in relation to committee clerks, pages, and other employes of the Senate and House of Representatives.

The Clerk read the joint resolution, as follows:

Resolved, &c., That the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and directed to pay the committee clerks, pages, messengers, and other employes of the Senate and House of Representatives who do not receive annual salaries their present rate of compensation, respectively, for thirty days from the date of the adjournment of this Congress; and the money required to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall be immediately available. And further, that the provisions of this resolution shall apply to the persons holding their respective positions at the date of its approval, and they shall receive no other compensation for said time than that herein provided.

The SPEAKER. Is there objection to considering at this time the joint resolution which has just been read?

Mr. SPARKS. I object.

Mr. GARFIELD. There ought to be no objection to that.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I rise to a privileged question, and I desire to present the report and resolutions of the Committee of Elections in the contested-election case of Haralson vs. Shelley, from Alabama.

The SPEAKER. There is one question of privilege already pending, and this cannot be received except by consent.

Mr. SPRINGER. I cannot consent to have that brought in now.

POST-ROUTE BILL.

Mr. MILLS. I ask the gentleman from Illinois [Mr. SPRINGER] to consent that the post-route bill be taken from the Speaker's table and the Senate amendments concurred in. It is a large bill, and in order to have it properly enrolled it should be placed in the hands of the enrolling clerks as soon as possible.

Mr. SPRINGER. I have no objection to that myself.

Mr. WADDELL. I ask unanimous consent that the post-route bill with the Senate amendments thereto be taken from the Speaker's table and the Senate amendments concurred in.

Mr. GARFIELD. Is there anything of a legislative character in that bill?

Mr. WADDELL. I have not read the bill myself, every word of it, but I am assured by the clerk of the committee that there is nothing else in the bill but post-routes.

The SPEAKER. The Chair thinks he can give the assurance that there is nothing of a legislative character in the bill.

There was no objection; and the bill (H. R. No. 6126) to establish post-routes in the several States herein named, returned from the Senate with amendments, was taken from the Speaker's table and the Senate amendments concurred in.

Mr. WADDELL moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARS OF PENSIONS.

Mr. SPARKS. I ask consent that the arrears of pensions appropriation bill, returned from the Senate with amendments, be taken from the Speaker's table and the Senate amendments concurred in.

Mr. ROBERTS. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON one of its clerks, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 6362) making appropriations for the payment of the claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof; and

A bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes.

The message further announced that the Senate requested the return by the House of the concurrent resolution of the Senate for the printing of 5,000 additional copies of the narrative of Hall's second arctic expedition.

The message also announced that the Senate had agreed to the concurrent resolution of the House of Representatives to print the report of J. W. Powell.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries,

who also announced that the President had approved and signed bills of the House of the following titles:

An act (H. R. No. 247) granting a pension to George D. Phillips, a soldier of the war of 1812;

An act (H. R. No. 637) restoring the name of Benjamin Hollingsworth to the pension-roll;

An act (H. R. No. 1304) granting a pension to Anna M. Clippinger;

An act (H. R. No. 2961) for the relief of Jarvis Jackson, of Laurel County, Kentucky;

An act (H. R. No. 3575) granting an increase of pension to Josephine Da C. Thomas;

An act (H. R. No. 3598) granting a pension to Alice B. Munroe;

An act (H. R. No. 4190) for the relief of William H. H. Baldwin;

An act (H. R. No. 4294) to increase the pension of Mrs. Elizabeth S. Roberts;

An act (H. R. No. 4385) granting an increase of pension to Caroline Hawley;

An act (H. R. No. 4393) granting a pension to Mrs. S. A. Harrison;

An act (H. R. No. 4795) granting a pension to Ann Cornelia Lanman; and

An act (H. R. No. 6159) granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812.

IMPEACHMENT OF GEORGE F. SEWARD.

Mr. SPRINGER. I call for the regular order.

The SPEAKER. The regular order is the report of the Committee on Expenditures in the State Department in relation to the impeachment of George F. Seward, upon which the gentleman from New York [Mr. BUNDY] is entitled to the floor for the twenty-six minutes remaining of his time.

Mr. BUNDY. Mr. Speaker, laboring under the disadvantage of having been necessarily interrupted by a report from a committee of conference, I now will attempt to resume at the point where I was when interrupted.

I had referred to one of the principal witnesses called to establish the alleged facts set forth in the report of the majority of the committee. Having no time to refer to all I will refer to but one other of the witnesses called. I said in the first place that I should endeavor to keep within the facts which will not be controverted or attempted to be controverted by any member of the majority of this committee.

I hold in my hand a volume of closely printed evidence, but a quarter part perhaps of all the evidence taken in this case. The testimony upon which these proposed articles of impeachment have been framed comes but from three or four witnesses. The second witness is one Richard Phoenix, who was brought home from China to this country by the power of the House in order to testify against the fair fame and name of Minister Seward.

Without discussing the manner in which he was photographed before the committee by the manner and matter of his testimony, I will refer but to one instance. It will be borne in mind that the evidence shows that this man Richard Phoenix, while acting as marshal and jailer at Shanghai, became the legal custodian of one Pease, referred to in the proposed articles of impeachment. It is alleged that this Pease was a notorious pirate. The evidence of Mr. Phoenix is relied upon to frame articles of impeachment against Mr. Seward. This man Phoenix unblushingly admitted before the committee that while that notorious pirate Pease was in the jail, the key of which was held by this marshal, Phoenix, Pease offered him \$1,000 to release him. When the witness was asked why he did not take the bribe and set the criminal free he replied that he did not believe that he would keep his contract to pay the money. That is the character of one of the witnesses on whose testimony these articles of impeachment are founded.

Now, the witnesses called on the part of the prosecutor, Myers, it is true, had access to the office of the late consul-general, Mr. Seward. These several witnesses, basing their evidence and detailed stories upon what they observed about and concerning the books and official transactions of Mr. Seward, have come before this committee and testified as to his improprieties and irregularities. But I take it upon me to say that these witnesses had no better opportunity to examine and judge and testify, simply because they were about the office and had occasional opportunities to examine the books, than other commercial men who were doing business at Shanghai and other Chinese ports.

Mr. Seward in his behalf called to the witness stand twelve commercial men having intercourse with him, doing business at the consulate daily, men at the head of heavy commercial houses, knowing the atmosphere in which Mr. Seward lived and moved, having better access to his books in one sense and knowing better the reputation of Mr. Seward as consul-general than those men who were hanging about the jails of Shanghai, refusing the offer of bribes only because they believed they would not receive the money. At the head of the list is the name of S. Wells Williams, D. D., for twenty years secretary of legation at Peking, and many years at Shanghai, holding official position. If time allowed me to go through the list I could bring before this House an array of names of individuals almost as high in experience as Dr. Williams. What is the evidence of Dr. Williams and these other witnesses? After all their opportunities to know not only how Consul-General Seward did his business from actual obser-

vation, but by his character established in the public mind at Shanghai, Dr. Williams, called on behalf of Mr. Seward, when asked what was the character of this officer at Shanghai, said, "No man ever had better." This was the uniform evidence of these witnesses, men of high character themselves, standing high in the estimate of commercial houses at Shanghai, standing high throughout the country of their adoption as well as in this country.

Mr. Speaker, I read in a morning paper that this House should do its duty though the name of forty Swards stood in the way. I suppose the writer of that article had possibly the idea that because the person involved in these charges bears the proud name of Seward, some members of this House might shrink from duty. I ask no favor for Mr. Seward simply for the sake of his name. I desire to state the stand-point from which I take my present position. I have listened attentively for at least one hundred patient sittings of this committee to the evidence adduced. I do not believe to-night that if this case were to go to the Senate upon the evidence just as it was produced before our committee, that that body, sitting in judgment upon the case, would hesitate a single minute, if they saw the witnesses as we saw them, to pronounce the same verdict as the members of the Judiciary Committee informed us to-day they have reached upon the question of contempt—that this man, pursued as he seems to be by men of malice, is not guilty.

I do not believe, Mr. Speaker, that if this case were to go to the Senate a conviction would follow. Thus believing in sincerity, I say that I cannot subscribe to the findings embodied in the report of the majority of the committee, but have cheerfully, conscientiously, and unhesitatingly set my hand to the findings of the minority as read at the Clerk's desk. And, Mr. Speaker, when I remember the manner in which this accused man came upon the floor of this House but two or three days since, and when I remember his words, so eloquent and yet so precisely reaching the vital point of this case, I cannot do better than quote them in substance, and say that he is the victim of persecution. Mr. Seward stands ready, I doubt not, to join with me to-day in saying that he has received from this committee nothing but fairness and courtesy in the manner of conducting this investigation. But, Mr. Speaker, the truth will not down, that the witnesses who have come in here and followed Minister Seward have come in a spirit of revenge, smarting under removal by higher authority, hoping to visit upon him punishment for what they believe he may have indirectly brought about. Now, it remains for this House to decide whether, upon evidence of the character which I have conscientiously and I believe truthfully represented and quoted, we will bring down the good name and fair fame of a man of whom Dr. Williams (who had close and intimate relations with the accused for twenty years) says that the verdict of the commercial people and all having relations with him at Shanghai was that the name and fame of no man ever stood higher.

Mr. Speaker, it is not a trifling thing to lend our aid in furtherance of persecution, if that be, as I believe, the animating spirit of this proceeding. I ask the House to pause here now and adopt what the minority of the committee have prudently and reasonably, as I claim, recommended in the resolution appended to the minority report, which I ask may now be read.

Mr. FRYE. I desire to ask the gentleman a question. Was not Mr. Seward formerly consul-general?

Mr. BUNDY. Certainly; at Shanghai.

Mr. FRYE. And he is now minister?

Mr. BUNDY. He is now minister at Peking, and has been for several years.

Mr. FRYE. One question further. Does the evidence touch his acts as consul-general or as minister?

Mr. BUNDY. His acts alone as consul-general, dating back for a series of years.

Mr. SPRINGER. As minister also.

Mr. BUNDY. I am not aware of any charge brought against Mr. Seward as minister.

Mr. SPRINGER. Oh, yes.

Mr. FRYE. I would like to ask one further question. Has the committee examined the law in relation to the question whether Mr. Seward if accused as consul-general can be impeached while not in that office, but holding the office of minister?

Mr. BUNDY. To my recollection, Mr. Speaker, that question has not been so far considered that any vote was taken thereon by the committee.

Mr. BAYNE. Oh, yes; it has been discussed.

Mr. SPRINGER. Senator Carpenter was there and discussed that very ably, taking the ground it could be done.

Mr. FRYE. Is it the opinion of the chairman of the committee that Minister Seward can be impeached as minister for acts done as consul-general?

Mr. SPRINGER. Senator Carpenter was in the committee and discussed that question at length, and he was of the opinion, with all the gentlemen who have signed the report, that Mr. Seward could be impeached for high crimes and misdemeanors while in office. He is in office, and the object of impeachment is to remove an improper person from office.

Mr. BAYNE. The minority of the committee do not entertain any such opinion.

Mr. BUNDY. I desire to say further, in reply to the inquiries of the

gentleman from Maine, that it appears there is one article charging Mr. Seward since he was minister to Peking with a "crime and misdemeanor" in removing John C. Myers, then consul-general at Shanghai.

I ask the Clerk to read the resolution of the minority of the committee.

The Clerk read as follows:

In view of the great importance of the subject and matters embraced in the report of the majority of the committee in the matter of the proposed impeachment of George F. Seward for alleged high crimes and misdemeanors, and the complicated questions of law embraced therein:

Resolved, That the matters embraced in said report, together with the evidence in the case, be referred to the Committee on the Judiciary, to report at any time and at the earliest practicable hour, with their recommendation as to what action should be taken in the premises.

SOLOMON BUNDY.
THOMAS M. BAYNE.
MARK H. DUNNELL.

The SPEAKER. The question is first on the amendment offered by the gentleman from New York, [Mr. BUNDY,] which has just been read.

Mr. BUNDY. How much time have I remaining?

Mr. SPRINGER. I do not desire to discuss the matter at all.

The SPEAKER. The gentleman has nine minutes remaining.

DEFICIENCY APPROPRIATION BILL.

Mr. BLOUNT. I present the report of the committee of conference on the deficiency appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 8, 9, 10, 13, 14, 16, 19, 26, 28, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 55, 56, 57, 60, 64, 65, 67, 82, 84, 89, 90, 91, 92, 93, 95, 96, 97, 98, 101, 104, and 106.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 11, 12, 15, 17, 18, 21, 24, 25, 27, 29, 33, 34, 54, 58, 59, 61, 62, 63, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 83, 85, 86, 87, 99, 100, 102, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 22, and 23, and agree to the same with amendments, as follows:

As to 23, in lines 6 and 11 of amendment 20, strike out the word "three" and insert the word "one";

As to amendment 22, in line 5, strike out "40" and insert "15";

As to amendment 23, in line 4 of said amendment, strike out "30" and insert "20";

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 51, and agree to the same, with an amendment as follows:

Strike out all of said amendment except these words: "For bringing up arrears in draughting and other work in relation to private land claims, \$3,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 52, and agree to the same, with an amendment as follows:

Strike out all of said amendment after the word "prisoners," in line 6 of said amendment, and insert in lieu thereof "\$50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 53, and agree to the same, with an amendment as follows:

Substitute for the matter stricken out the following: "And no clerk of the district or circuit courts of the United States or their deputies shall be appointed a receiver or a master in any case except where the judge of such court shall determine that special reasons exist therefor, to be assigned in the order of appointment."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 80, and agree to the same, with an amendment as follows:

Correcting the spelling of the name of "Shepherd" so that it will read "Shepard."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 88, and agree to the same, with an amendment as follows:

Add after said amendment the following as a new paragraph:

"For the payment of the following-named persons for reporting testimony before committees of the House of Representatives at the third session of the Forty-fifth Congress at times when the official stenographers were engaged with other committees, namely: Joseph I. Gilbert, E. W. Grant, E. C. Bartlett, E. D. Easton, C. J. Hayes, and William F. Bonynge, \$3,700, or so much thereof as may be necessary, on accounts to be rendered by them respectively, certified by the official stenographers for the committees of the House, and approved by the chairmen of the several committees for which the work was done, and by the Committee of Accounts. To pay Henry G. Hayes and Andrew Divine, official stenographers for committees of the House of Representatives, the difference between their compensation as fixed by law and that actually received by them during the fiscal year ending June 30, 1876, and in the months of July and August, 1876, \$300 each, \$1,800. To pay J. C. Kondrup for services as messenger for official reporters of debates during the present session, \$250."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 94, and agree to the same, with an amendment as follows:

Strike out all of said amendment from the beginning down to and including the word "and," in line 4, and in line 8, after the word "intended," insert the word "hereby."

And the Senate agree to the same.

JAMES H. BLOUNT,
W. A. J. SPARKS,
JOHN H. BAKER,
Managers on the part of the House.

W. B. ALLISON,
S. W. DORSEY,
W. A. WALLACE,
Managers on the part of the Senate.

Mr. BLOUNT. I move the previous question on the adoption of the report of the committee of conference.

The previous question was seconded and the main question ordered;

and under the operation thereof the report of the committee of conference was agreed to.

Mr. BLOUNT moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPEACHMENT OF GEORGE F. SEWARD.

Mr. BUNDY. I was about to say, when interrupted, that I trust that after careful consideration, and after realizing, as I trust gentlemen do, the great importance of this question, not only to us, but more especially to the accused, and in consideration of the legal questions that pervade the entire case, they will allow the case to go to the Legal Committee of the House for them to say whether articles of impeachment should be prepared, and, if so, to formulate the same.

Now, if I have any time left, I yield it to the gentleman from Ohio, [Mr. GARFIELD.]

The SPEAKER. The gentleman has four minutes.

Mr. GARFIELD. I only wish to make one suggestion to the House. This side of the House does not propose by dilatory motions to resist the will of the majority in a matter of this kind, but I suggest to gentlemen on the other side whether they do not see at once the thorough impracticability of carrying impeachment articles to-night between now and twelve o'clock, well knowing that no possible action can be taken on them by the Senate between now and the close of this Congress. A new House will be here before whom a trial can be had, and it will rest with that House to say whether they will prosecute the impeachment or not. A new Senate will be organized before anything can be done, and before that new Senate articles of impeachment should be carried if carried at all. Why not do that which has been done in similar cases—order the Clerk of the House to seal up all the testimony and seal up these reports under the seal of the House, with an order that he transmit them to the Speaker of the next House when elected, upon which the next House can take what order it chooses? That will be the House that can present articles of impeachment, and there will then be a Senate before which the impeachment can be tried. But to adopt the articles of impeachment at this hour on the last night of a dying Congress does not have any meaning in the world except to be able to say that the House has carried articles of impeachment against Mr. Seward. I ask gentlemen, as a matter of fact, if that is not the only proper and practical way to do? I do not, of course, ask it in a spirit of controversy; I make it as a suggestion; but I want to say in conclusion that I do hope for the honor of this House, and the lawyers in it, and the American citizens in it, that we will not just throw a mere fling which can have no possible result, whether this man be justly guilty or not, for the sake merely of saying that we have adopted articles of impeachment against a citizen, and let him stand in the situation of being without a possibility of being tried, without a possibility of vindication leaving him in a position in which he can neither be vindicated nor punished.

Mr. COX, of New York. I will ask if the gentleman from Ohio is authorized to say that it shall be agreed that the books belonging to Mr. Seward shall also be sealed up?

Mr. GARFIELD. I do not now say anything about Mr. Seward's books, because I do not know anything about them; but I take it for granted that the State Department will take care of any books belonging to that Department. I do not understand that Mr. Seward has ever refused to give up the books to that Department.

Mr. COX, of New York. They have not these books, however, at has ever the Department.

Mr. SPRINGER. I will answer in one moment the question put to me by the gentleman from Ohio. This House is now acting as a grand jury. We are acting upon our own finding. The next Congress will not have this question before them unless a new investigation takes place. The Senate is the court where this trial can take place. As soon as the articles of impeachment are presented the court may continue the case until the next term. Therefore, if we fail to take this step all the work taken by the committee falls to the ground. This is the work of a patient, laborious, and industrious examination by the committee after thirteen or fifteen months. We have in this report presented the facts.

Mr. CONGER. I desire to ask the gentleman as to the articles of impeachment.

Mr. SPRINGER. The articles have been read in the hearing of members, and this is not a bill that has to be read three times.

Mr. CONGER. I ask for the reading of the articles of impeachment.

The SPEAKER. They have already been read, as the Chair is advised.

Mr. SPRINGER. I object to a rereading. [Loud cries of "Regular order!"]

The SPEAKER. The question is on the proposition submitted by the gentleman from New York, [Mr. BUNDY.]

Mr. CONGER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CONGER. My point of order— [Cries of "Vote!" "Vote!" "Vote!"]

The SPEAKER. The gentleman will state his point of order.

Mr. CONGER. I will, as soon as these angry passions subside for a moment.

The SPEAKER. The gentleman is entitled to make his point of order, if he has one. [Laughter.]

Mr. CONGER. I make the point of order that, since the articles of impeachment reported by the committee were read, the chairman of that committee in his place, in answer to an inquiry, stated that one of those articles had been withdrawn.

The SPEAKER. The Chair does not think that the gentleman has a right, after the main question has been ordered, to withdraw anything.

Mr. CONGER. But the gentleman has told this House that he has withdrawn one of the articles.

The SPEAKER. The Chair does not know that.

Mr. CONGER. And I desire to have them read so that we may know what remains.

The SPEAKER. They have been twice read, and the gentleman from Illinois [Mr. SPRINGER] objects to the third reading.

Mr. CONGER. Then I move to lay them on the table. There should be some way in which we can have an opportunity to understand what they are.

The question was taken upon a *re a voce* vote, when,

Mr. CONGER called for tellers.

Mr. SPRINGER. We may as well make a test vote of this and take it by yeas and nays.

The SPEAKER. The call for yeas and nays supersedes the call for tellers.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 138, not voting, 41; as follows:

YEAS—111.

Aldrich,	Danford,	Jorgensen,	Reed,
Bagley,	Davis, Horace	Joyce,	Rice, William W.
Bailey,	Deering,	Keifer,	Robinson, G. D.
Baker, John H.	Denison,	Keightley,	Robinson, M. S.
Baker, William H.	Dunnell,	Kelley,	Ryan,
Ballou,	Dwight,	Ketchum,	Sampson,
Banks,	Eames,	Lapham,	Shallenberger,
Bayne,	Errett,	Lathrop,	Sinnickson,
Blair,	Evans, I. Newton	Lindsey,	Smalls,
Brentano,	Evans, James L.	Loring,	Smith, A. Herr
Brewer,	Freeman,	Majors,	Starin,
Briggs,	Frye,	McCook,	Stewart,
Browne,	Gardner,	McKinley,	Stone, Joseph C.
Bundy,	Garfield,	Mitchell,	Strait,
Burdick,	Hanna,	Monroe,	Thompson,
Butler,	Harmer,	Neal,	Tipton,
Cain,	Harris, Benj. W.	Norcross,	Townsend, Amos
Calkins,	Haskell,	Oliver,	Townsend, M. I.
Camp,	Hayes,	O'Neill,	Van Vorhes,
Campbell,	Hazelton,	Overton,	Wait,
Cannon,	Hendee,	Page,	Ward,
Caswell,	Henderson,	Patterson, G. W.	Watson,
Clafin,	Hiscock,	Peddle,	Williams, Andrew
Clark, Rush	Hubbell,	Phillips,	Williams, C. G.
Conger,	Hunter,	Pollard,	Williams, Richard
Cox, Jacob D.	Humphrey,	Price,	Willits,
Crapo,	Hungerford,	Pugh,	Wren.
Cummings,	James,	Rainey,	

NAYS—138.

Aiken,	Davidson,	Hewitt, Abram S.	Ross,
Banning,	Davis, Joseph J.	Hooker,	Scales,
Beale,	Dean,	Huntton,	Shelley,
Beebe,	Dibrell,	Ittner,	Singleton,
Bell,	Dickey,	Jones, Frank	Slemmons,
Benedict,	Eden,	Jones, James T.	Smith, William E.
Bicknell,	Eickhoff,	Kenna,	Southard,
Blackburn,	Elam,	Kimmel,	Sparks,
Bliss,	Ellis,	Knott,	Springer,
Blount,	Evins, John H.	Landers,	Steele,
Boone,	Ewing,	Ligon,	Stenger,
Bouck,	Felton,	Lynde,	Swann,
Bragg,	Finley, Ebenezer B.	Mackey,	Throckmorton,
Bridges,	Finley, Jesse J.	Maish,	Townsend, R. W.
Bright,	Forney,	Manning,	Tucker,
Buckner,	Franklin,	Martin,	Turner,
Cabell,	Fuller,	Mayham,	Turney,
Caldwell, John W.	Garth,	McKenzie,	Vance,
Caldwell, W. P.	Gause,	McMahon,	Veeder,
Candler,	Gibson,	Mills,	Waddell,
Carlisle,	Giddings,	Money,	Walker,
Chalmers,	Glover,	Morgan,	Warner,
Clark, Alvah A.	Goode,	Morrison,	Whitthorne,
Clarke of Kentucky,	Gunter,	Morse,	Wigginton,
Clark of Missouri,	Hamilton,	Muldrov,	Williams, James
Clymer,	Hardenbergh,	Patterson, T. M.	Williams, Jere N.
Cobb,	Harris, Henry R.	Phelps,	Willis, Albert S.
Collins,	Harris, John T.	Potter,	Willis, Benj. A.
Cook,	Harrison,	Pridemore,	Wilson,
Covert,	Hart,	Reagan,	Wood,
Cox, Samuel S.	Hartzell,	Reilly,	Wright,
Cravens,	Hatcher,	Rice, Americus V.	Yeates,
Crittenden,	Henkle,	Robbins,	Young, John S.
Culbertson,	Henry,	Roberts,	
Cutler,	Herbert,	Robertson,	

NOT VOTING—41.

Acklen,	Fleming,	Marsh,	Sexton,
Atkins,	Fort,	McGowan,	Stephens,
Bacon,	Foster,	Metcalf,	Stone, John W.
Bland,	Hale,	Muller,	Thornburgh,
Boyd,	Hewitt, G. W.	Pound,	Walsh,
Brogden,	House,	Powers,	White, Harry
Burchard,	Jones, John S.	Randolph,	White, Michael D.
Chittenden,	Killinger,	Rea,	Young, Casey.
Cole,	Knapp,	Riddle,	
Durham,	Lockwood,	Sapp,	
Ellsworth,	Luttrell,	Saylor,	

So the motion of Mr. CONGER to lay on the table was not agreed to. During the roll-call the following announcements were made:

Mr. MONEY. The gentleman from Tennessee, Mr. YOUNG, is paired with the gentleman from Ohio, Mr. JONES.

Mr. MORGAN. My colleagues, Mr. BLAND and Mr. METCALFE, are paired.

Mr. LOCKWOOD. I am paired with the gentleman from Michigan, Mr. ELLSWORTH. If he were present, I should vote "no."

Mr. REA. I am paired with the gentleman from Iowa, Mr. SAPP. If he were present, I should vote "no."

Mr. HOUSE. I am paired with the gentleman from Michigan, Mr. MCGOWAN. If he were here, I should vote "no."

Mr. POWERS. I am paired with the gentleman from Alabama, Mr. HEWITT. If he were present, he would vote "no" and I should vote "ay."

Mr. JONES, of Ohio. I am paired with the gentleman from Tennessee, Mr. YOUNG.

Mr. METCALFE. I am paired with my colleague, Mr. BLAND. If he were present, I should vote "ay."

Mr. WARD. The gentleman from Missouri, Mr. COLE, is paired with the gentleman from Connecticut, Mr. WARNER. Mr. COLE, if present, would vote "ay" and Mr. WARNER "no."

Mr. KEIFER. The gentleman from Iowa, Mr. SAPP, is paired with the gentleman from Missouri, Mr. REA. Mr. SAPP, if present, would vote "ay."

Mr. BOYD. I am paired with my colleague, Mr. KNAPP. If he were present, he would vote "no" and I should vote "ay."

When the roll-call was concluded,

Mr. WILSON moved that the reading of the names be dispensed with.

Mr. CONGER. I object. This is too important a vote to go without the reading of the names.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. SAMPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 934) for the relief of H. M. Billingsley;

An act (S. No. 1087) to provide additional regulations for homestead and pre-emption entries of public lands; and

An act (S. No. 1685) to provide for taking the tenth and subsequent censuses.

Mr. RAINEY, from the same committee, reported that the committee had examined and found truly enrolled joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (S. R. No. 31) approving the adverse decision of the Commissioner of the General Land Office in the matter of the claim of Anna M. Clark;

An act (S. No. 373) to amend an act to provide for the sale of a portion of the reservation of the Confederate Otee and Missouri and the Sac and Fox of the Missouri tribes of Indians in the States of Kansas and Nebraska; and

An act (S. No. 959) for the protection of homestead settlers on the public lands.

IMPEACHMENT OF GEORGE F. SEWARD.

The House resumed the consideration of the report from the Committee on Expenditures in the State Department relative to the impeachment of George F. Seward.

Mr. CONGER. I again request that the proposed articles of impeachment may be read, as many gentlemen are present who have not yet heard them, and this side of the House has already indicated by its votes a desire to hear these articles of impeachment.

The SPEAKER. The gentleman from Michigan asks consent that the proposed articles of impeachment be again read.

Mr. FINLEY, of Ohio. I object.

The SPEAKER. There is objection.

Mr. CONGER. I ask of the Chair as a right that they be read.

The SPEAKER. They have been read twice.

Several MEMBERS. Only once.

The SPEAKER. The Chair is advised by the Clerk that they have been read twice; he knows nothing about the matter himself.

Mr. CONGER. When any considerable number of members desire a paper read the second time, I have never heard it refused.

Mr. BUNDY. The proposed articles of impeachment are embodied in the majority report and certainly have been read only once.

The SPEAKER. The Chair is now informed that the articles of impeachment have been read only once. The resolutions were read twice. Is there objection to reading the articles of impeachment again?

Several members objected.

Mr. POTTER. I ask unanimous consent to present a privileged report. I do not ask for the reading.

Mr. CONGER. Is the request of this side of the House for the reading of these articles of impeachment denied?

The SPEAKER. Several members objected.

Mr. CONGER. Well, I ask the Chair to decide that members of the House may be informed what they are to vote upon. I think our request is reasonable.

ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

The SPEAKER. The gentleman from New York [Mr. POTTER] asks unanimous consent to present various reports from the majority, the minority, and a single member of the committee appointed to investigate alleged frauds in the late presidential election. Is their objection?

MEMBERS. Reports on what case?

The SPEAKER. The gentleman from New York [Mr. POTTER] asks to present the views of the majority, of the minority, and of a single member touching the questions which were referred to a select committee concerning alleged frauds in the late presidential election. Is there objection?

Mr. THOMPSON and others. Let them be read.

Mr. FINLEY. Are they to be read? If so, I shall object.

The SPEAKER. The Chair hears no objection.

Mr. TOWNSEND, of New York. We want to hear these reports read.

Mr. SPRINGER. I ask for a vote upon the pending amendment to the report of the Committee on Expenditures in the State Department.

Mr. TOWNSEND, of New York. I call for the reading of the reports just presented.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, the bill (H. R. No. 4228) to provide for the education of the blind.

The message also announces that the Senate had adopted the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes.

Mr. SPRINGER. I call for a vote on the resolution of impeachment.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I present a conference report, and ask that it be read.

Mr. CONGER. In the mean time those reports have not been read.

The SPEAKER. They have not been read, but they have been received.

Mr. CONGER. I ask for the reading of those reports.

Mr. BLOUNT. I have made a report from the committee of conference, and ask the Clerk to read it.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the year ending June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 9, 10, 12, 13, 14, and 17.
That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 16, and 18.
And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Add at the end of said amendment the following: "Provided further, That from and after the passage of this act Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, may send and receive through the mail free all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December following the expiration of their respective terms of office."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed, insert "\$425,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed, insert "\$90,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed, insert "\$9,150,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

Strike out all of the matter proposed to be inserted by said amendment.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed, insert "\$5,457,376.10."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted, insert the following:

Sec. 3. The Postmaster-General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed.

Sec. 4. That all cars or parts of cars used for the railway mail service shall be of such style, length, and character, and furnished in such manner, as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies.

Sec. 5. That the Postmaster-General shall deduct from the pay of the railroad companies, for every failure to deliver a mail within its schedule time, not less than one-half of the price of the trip, and where the trip is not performed, not less than the price of one trip, and not exceeding, in either case, the price of three trips: *Provided, however*, That if the failure is caused by a connecting road, then only the connecting road shall be fined. And where such failure is caused by unavoidable casualty, the Postmaster-General, in his discretion, may remit the fine. And he may make deductions and impose fines for other delinquencies.

Sec. 6. That the Postmaster-General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts, and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same; and he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable.

Sec. 7. That mailable matter shall be divided into four classes:

- First, written matter;
- Second, periodical publications;
- Third, miscellaneous printed matter;
- Fourth, merchandise.

Sec. 8. Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing, except as hereinafter provided.

Sec. 9. That on mailable matter of the first class, except postal cards and drop-letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof; postal cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture; and drop-letters shall be mailed at the rate of two cents per half ounce or fraction thereof, including delivery at letter-carrier offices, and one cent for each half ounce or fraction thereof where free delivery by carrier is not established. The Postmaster-General may, however, provide by regulation for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery.

Sec. 10. That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections 12 and 14.

Sec. 11. Publications of the second class, except as provided in section 25, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news-agency to actual subscribers thereto, or to other news-agents, shall be entitled to transmission through the mails at two cents a pound or fraction thereof, such postage to be prepaid, as now provided by law.

Sec. 12. That matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the enclosed matter is subject: *Provided*, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.

Sec. 13. That any person who shall submit, or cause to be submitted, for transportation in the mails, any false evidence to the postmaster relative to the character of his publication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall for every such offense be punished by a fine of not less than \$100 nor more than \$500.

Sec. 14. That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation or for circulation at nominal rates.

Sec. 15. That foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster-General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States. Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States.

Sec. 16. That publishers of matter of the second class may, without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication.

Sec. 17. That mail-matter of the third class shall embrace books, transient newspapers, and periodicals, circulars, and other matter wholly in print, (not included in section 12,) proof-sheets, corrected proof-sheets, and manuscript copy accompanying the same, and postage shall be paid at the rate of one cent for each two ounces or fractional part thereof, and shall fully be prepaid by postage-stamps affixed to said matter. Printed matter other than books received in the mails from foreign countries under the provisions of postal treaties or conventions shall be free of customs duty, and books which are admitted to the international mails exchanged under the provisions of the universal postal union convention may, when subject to customs duty, be delivered to addressees in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster-General.

Sec. 18. That the term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such, when the date and the name of the addressee and of the sender shall be therein written, nor by the correction of mere typographical errors in writing.

Sec. 19. That "printed matter" within the intentment of this act is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence.

Sec. 20. That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of any one engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or official matter emanating from any of the Departments of the Government or from the Smithsonian Institution, or which is not declared non-mailable under the provisions of section 283 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

Sec. 21. That all matter of the fourth class shall be subject to examination and to a postage charge at the rate of one cent an ounce or fraction thereof, to be prepaid by stamps affixed. If any matter excluded from the mails by the preceding

section of this act, except that declared non-mailable by section 3993 of the Revised Statutes as amended, shall, by inadvertence, reach the office of destination, the same shall be delivered in accordance with its address: *Provided*, That the party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster-General. If the person addressed refuse to give the required information, the postmaster shall hold the package subject to the order of the Postmaster-General. All matter declared non-mailable by section 3993 of the Revised Statutes as amended, which shall reach the office of delivery, shall be held by the postmaster at the said office subject to the order of the Postmaster-General.

SEC. 22. That mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index-figures of subscription-book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures, or both, indicating the date on which the subscription to such matter will end. Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address thereon, with the word "from" above and preceding the same, and in either case may make simple marks intended to designate a word or passage of the text to which it is desired to call attention. There may be placed upon the cover or blank leaves of any book or of any printed matter of the third class a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence. Upon any package of matter of the fourth class the sender may write or print his own name and address, preceded by the word "from," and there may also be written or printed the number and names of the articles inclosed; and the sender thereof may write or print upon or attach to any such article by tag or label a mark, number, name, or letter for purpose of identification.

SEC. 23. That matter of the second, third, or fourth class containing any writing or printing other than indicated in the preceding section, or made in the manner other than therein indicated, shall not be delivered except upon the payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed to such matter; and any person who shall conceal or inclose any matter of a higher class in that of a lower class, and deposit, or cause the same to be deposited, for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall, for every such offense, be liable to a penalty of \$10: *Provided, however*, That nothing herein contained shall be so construed as to prevent publishers of the second class and news-agents from inclosing, in their publications, bills, receipts, and orders for subscriptions thereto; but such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription-price of the publication or publications to which they refer.

SEC. 24. That the Postmaster-General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first-class postage, so that the contents of such packages may be easily examined; and no package the contents of which cannot be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class.

SEC. 25. That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section 13 of this act: *Provided*, That the rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at one cent each; periodicals weighing more than two ounces shall be subject, when delivered by such carriers, to a postage of two cents each, and these rates shall be prepaid by stamps affixed.

SEC. 26. That all mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery; but postmasters, before delivering the same, or any article of mail matter upon which prepayment in full has not been made, shall affix, or cause to be affixed, and canceled, as ordinary stamps are canceled, one or more stamps equivalent in value to the amount of postage due on such article of mail matter, which stamps shall be of such special design and denomination as the Postmaster-General may prescribe, and which shall in no case be sold by any postmaster nor received by him in prepayment of postage. That in lieu of the commission now allowed to postmasters at offices of the fourth class upon the amount of unpaid letter-postage collected, such postmasters shall receive a commission upon the amount of such special stamps so canceled, the same as now allowed upon postage-stamps, stamped envelopes, postal cards, and newspaper and periodical stamps, canceled as postages on matter actually mailed at their offices: *Provided*, The Postmaster-General may, in his discretion, prescribe instead such regulation therefor at the offices where free delivery is established as, in his judgment, the good of the service may require.

SEC. 27. That any postmaster or other person engaged in the postal service who shall collect, and fail to account for, the postage due upon any article of mail-matter which he may deliver, without having previously affixed and canceled such special stamps, as hereinbefore provided, or who shall fail to affix such stamp, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of \$50.

SEC. 28. That any person who shall use, or attempt to use, in payment of postage, any canceled postage-stamp or postage-stamps, whether the same have been before used or not, or who shall by any means remove, or attempt to remove, or assist in removing, marks from any postage-stamp or postage-stamps, with intent to use the same in payment of postage, or who knowingly shall have in his possession any postage-stamp or postage-stamps canceled, with intent to use the same, or from which such cancellation marks have been removed, or who shall sell or offer to sell any such stamp or stamps, or who shall use or attempt to use the same in payment of postage, or who shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to again use the same for a like purpose, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than \$100 nor more than \$500 for each offense, or by both such fine and imprisonment, in the discretion of the court.

SEC. 29. The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail matter transmitted between any of the officers of the United States, or between any such officer and either of the Executive Departments or officers of the Government, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail matter sent from the Smithsonian Institution: *Provided*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses for postage.

SEC. 30. That section 3955 of the Revised Statutes be, and the same is hereby, amended so as to read as follows: "The Postmaster-General, whenever he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety."

SEC. 31. Any person performing the duties of postmaster, by authority of the

President, at any post-office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster; and all services heretofore rendered in like cases shall be paid for under this provision.

SEC. 32. That so much of this act as is embraced in sections 4 to 30, both inclusive, shall take effect from the 1st day of May, 1879; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

S. W. DORSEY,
T. W. FERRY,
WILLIAM A. WALLACE,
Managers on the part of the Senate.
JAMES H. BLOUNT,
HIESTER CLAYMER,
JOHN H. BAKER,
Managers on the part of the House.

Mr. BLOUNT. I move the adoption of that report.

The report was adopted.

Mr. BLOUNT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS.

Mr. EDEN. I ask by unanimous consent to take up and dispose of a couple of bills returned from the Senate with amendments which will take but a few moments. It is necessary that they should be disposed of to enable the clerks to go to work on their engrossment.

The SPEAKER. The Chair will cause the bills to be read, after which he will ask for objection.

The Clerk read as follows:

A bill (H. R. No. 6362) making appropriation for the payment of claims reported allowed by the commissioners of claims under the act of March 3, 1871, and acts amendatory thereof.

Mr. EDEN. The amendments of the Senate simply correct clerical errors.

Mr. WHITE, of Pennsylvania. Do they add any new claims?

Mr. EDEN. None are added by the Senate amendments.

Mr. BAKER, of Indiana. How much will it take out of the Treasury?

Mr. EDEN. It is the same as when it passed the House. The amendments of the Senate, as I have already stated, are mere corrections of clerical errors.

The amendments were concurred in.

Mr. EDEN moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next bill.

The Clerk read as follows:

A bill (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury.

Mr. EDEN. The amendments of the Senate to this bill merely correct clerical errors. Nothing is added to the bill.

The amendments of the Senate were taken from the Speaker's table and concurred in.

Mr. EDEN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTORAL COUNT.

The SPEAKER, by unanimous consent, presented the report of the Sergeant-at-Arms of the expenses of the committee to investigate frauds in the electoral count; which were referred to the Committee of Accounts.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. CLAFLIN. I present the following conference report.

The Clerk read as follows:

The report of the committee of conference on House bill No. 4579.

The committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill concerning street railroads in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend that the House recede from its disagreement to the amendments of the Senate to sections 1 and 2, and the Senate recede from its amendment to section 3, with the following amendments:

Section 3, line 20, after the word "same," insert the word "proportionate."

Section 3, line 20, strike out the words "or less."

Section 3, line 20, after the word "charged," insert the following: "or may hereafter be charged."

WILLIAM CLAFLIN,
JO. C. S. BLACKBURN,
G. W. HENDEE,
Managers on the part of the House.
ISHAM G. HARRIS,
E. H. ROLLINS,
A. S. MERRIMON,
Managers on the part of the Senate.

The report was adopted.

Mr. CLAFLIN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARGES AGAINST COMMISSIONER DAVENPORT.

Mr. LYNDE, by unanimous consent, from the Committee on the

Judiciary, submitted a report on the charges against Commissioner John I. Davenport in his capacity as chief supervisor of election; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. SPRINGER. I now demand the regular order of business.
Mr. CONGER. There were some reports presented here which were not read.

The SPEAKER. The Chair will cause them to be read.
Mr. SPRINGER. Unanimous consent was given to present those reports on condition they were not to be read.

Mr. WHITE, of Pennsylvania. They ought to be read.
Mr. SPRINGER. I appeal to the record.

Mr. HANNA. We demand that they shall be read.
The SPEAKER. If any gentleman states that he objected at the time, the papers must be read.

Mr. CONGER. I called for the reading of the report at the time.
The SPEAKER. The Chair thinks the gentleman did.

Mr. SPRINGER. No action was asked on those reports. They were simply made to be printed.

The SPEAKER. There can be no controversy that unanimous consent was given for their presentation and printing, but of course if that was done any member had the right to demand the reading of them.

Mr. CONGER. I have been waiting for months to hear that report. I desire very much to hear it.

The SPEAKER. The gentleman from Michigan said he gave no unanimous consent to waive the reading.

Mr. SPRINGER. There is nothing under the sun that would be more entertaining and instructive to gentlemen on the other side of the House than the reading of that report, and I am perfectly willing a special clerk shall be appointed to read it for them.

Mr. HANNA. We demand its reading.
Mr. TOWNSEND, of New York. Children are crying for it. [Laughter.]

Mr. SPRINGER. If gentlemen on the other side wish to filibuster until the hour of adjournment to-morrow for the purpose of preventing one of their own party friends from being impeached for high crimes and misdemeanors they can do so, but they must take the responsibility for it before the country. [Cries of "Order!"]

The Sergeant-at-Arms, by the direction of the Speaker, went round the Hall with the mace, and members resumed their seats.

The SPEAKER. The House having reached a condition of good humor, the Chair hopes they will proceed with business. The report will be read.

Mr. EDEN. I rise to a question of order. I desire to have order in the House so that the gentleman from Michigan can hear this report read.

The SPEAKER. The Chair makes a request that gentlemen may be quiet; business will be transacted with a great deal more expedition.

Mr. McCOOK. I desire to make a parliamentary inquiry. Is there any rule governing the reading of the report, or the order of reading? Would it be proper to have read first the report that was made by the gentleman from Massachusetts?

The SPEAKER. The first thing in order is the reading of the report of the committee.

Mr. McCOOK. Cannot the usual order be reversed?

The SPEAKER. The views of the minority of the committee only come in by consent, and not by any authority.

Mr. McCOOK. I concede that; but as they have been presented at the desk, I think we could get unanimous consent, perhaps, to have them read.

Mr. SPRINGER. I think we can get unanimous consent to print these reports.

The SPEAKER. The Chair would be very glad if that consent should be given.

Mr. SPRINGER. Gentlemen are not serious in insisting on the reading of reports the reading of which would occupy three hours at least.

Mr. THOMPSON. I move that the House take a recess for an hour.

Mr. BALLOU. Is it in order to present a privileged report from the Committee on Printing now?

Mr. SPRINGER. Consent to print has already been given by the House, and the papers are not now before the House.

The SPEAKER. The Chair does not wish to do any act which any one can complain of. The gentleman from Michigan [Mr. CONGER] states distinctly that he made the presentation of these reports contingent on his right to demand the reading. Now, how can the Chair take any other step than have them read?

Mr. BEEBE. There were twenty members here who consented to the presentation of the reports on the express ground that they were not to be read; so that they could not have got in except on that understanding. I made that condition, and other gentlemen standing here in front of me stated that if they were to be read they would not consent to their being received.

The SPEAKER. The Chair recollects that gentlemen so stated.

Mr. BEEBE. The chairman of the committee said they were not to be read.

The SPEAKER. The chairman of the committee had no right to cut off the right of any member of this House to require the reading of the reports.

Mr. FINLEY, of Ohio. I gave my consent on the condition that the report should not be read.

The SPEAKER. If the gentleman from New York [Mr. POTTER] wishes to do so, he can withdraw the report.

Mr. FINLEY, of Ohio. I stated if the reports were to be read I objected, and it was on the condition they were not to be read I consented.

Mr. COX, of New York. What has become of the gentleman from Illinois, [Mr. SPRINGER?]

Mr. SPRINGER. He is here.

The SPEAKER. He stood there mute [laughter] and allowed this to come in.

Mr. SPRINGER. I have consented to nothing that interrupts this proceeding.

The SPEAKER. Then the gentleman from New York [Mr. POTTER] will have to withdraw the report.

Mr. SPRINGER. I call for the regular order.

Mr. HANNA. I call for the reading of the reports. They are not withdrawn.

Mr. BAKER, of Indiana. I desire to make a parliamentary inquiry: whether or not without the consent of the House it is competent now for the gentleman from New York to withdraw the report?

The SPEAKER. It is. The report at this time cannot come in except by consent. But the gentleman from New York the moment the pending subject is disposed of has the right to present the report under the order of the House creating the committee.

Mr. SPRINGER. That is the time when he ought to do it. I call for the regular order.

The SPEAKER. It will be reached immediately after the pending subject is disposed of.

Mr. SPRINGER. Gentlemen on the other side will not want to hear it so badly then.

Mr. CONGER. I thought that what the Chair decided to be a question of the highest privilege affecting the incumbency of the highest office in the nation could take precedence of this hybrid report of the Committee on Expenditures in the State Department. Otherwise we have been misled as to the question of privilege.

The SPEAKER. The Chair regrets the gentleman from Michigan has been misled.

Mr. SPRINGER. If he has been misled it has been by the repeated assurance from that side that if time were allowed for discussion no filibustering motions would be made.

Mr. CONGER. There are no filibustering motions made. We are urging this thing forward with the united energy of the republican party.

Mr. SPRINGER. You are endeavoring to prevent a man confessedly guilty of an impeachable offense from being brought to a trial, and the country understands it.

Mr. HAYES. It is the gentleman from Illinois [Mr. SPRINGER] himself who is consuming time.

Mr. SPRINGER. I call for the regular order.

Mr. TOWNSEND, of New York. I want the reading of those reports.

Mr. POTTER. I desire to say one word.

The SPEAKER. The gentleman from New York desires to make a statement.

Mr. POTTER. I offered this report after consultation with my republican colleagues on the committee with an understanding that it be agreed to on the other side of the House as well as upon ours, that the reports should be offered, and I stated when I offered the reports that I should not ask to have them read. Of course if there was a misapprehension about that and gentlemen now insist upon the reading of the reports there is nothing left for me but to withdraw the report, but I would suggest to the gentlemen that it is hardly worth while to keep myself and other members here all night, and that they can just as well consume the time by calling the roll as by reading these reports.

Mr. TOWNSEND, of New York. One word in reply to my colleague. There seems to be some intimation on his part that I have done something wrong in asking for the reading of these reports. I wish to state here that I have tolerably good hearing and that all these wonderful assurances that are now sprung up on the other side of the House failed to reach my ears, and I presume that they have failed to reach the ears of any living mortal here. [Laughter and applause on the republican side.]

Mr. POTTER. I do not say that there was an assurance of the gentlemen on the other side of the House. I stated that there was an understanding between the members of the committee.

Mr. TOWNSEND, of New York. I had no understanding about it. I called for the reading of the reports under my rights as a member of this House, and I insist upon it now. [Loud cries of "Regular order!"] You may call for the regular order as much as you please, but you cannot prevent me from saying what I want to say.

Mr. POTTER. I withdraw the reports.

IMPEACHMENT OF GEORGE F. SEWARD.

The SPEAKER. The regular order is the consideration of the reso-

lutions of the committee in relation to the impeachment of George F. Seward.

Mr. REED. I rise to make a parliamentary inquiry. I desire to know if the Chair has decided that the gentleman from New York [Mr. POTTER] has a right to withdraw the views of the minority which have been already received by unanimous consent of the House.

The SPEAKER. The minority of a committee has no right to make a report except by the courtesy of the House.

Mr. REED. Precisely, but that courtesy was extended to the minority committee by unanimous consent, and the House is in the possession of the views of the minority, and a member asks that they be read, and under these circumstances has the gentleman representing the majority of the committee a right to withdraw the views of the minority?

The SPEAKER. If he had not it would be a case of the lesser controlling the greater.

Mr. REED. But the House decided to receive the views of the minority. [Loud cries of "Vote!" "Vote!"] Has anybody a right to withdraw the views of the minority without the consent of the House? [Loud cries of "Vote!" "Vote!"]

The SPEAKER. The Chair does not see any point of order in that. The House resumes the consideration of the resolutions proposing to impeach George F. Seward, and the question recurs on agreeing to the amendment offered by the gentleman from New York, [Mr. BUNDY.]

Mr. CONGER. I ask for the reading of the articles of impeachment. [Loud cries of "Vote!" "Vote!"]

The SPEAKER. The Chair thinks it would save time to have them read.

Mr. CONGER. I have no doubt about it. [Loud cries of "Object."]

Mr. BEEBE. I object. I understand my colleague [Mr. POTTER] to have withdrawn the report.

The SPEAKER. Oh, the gentleman does not understand what the proposition is. The reading called for is not the reading of the report made by the gentleman from New York, but the articles of impeachment against Mr. Seward.

Mr. SPRINGER. I understand that the first question is upon the resolution of the gentleman from New York, [Mr. BUNDY,] and I ask for a vote upon that question now.

Mr. SPARKS. Is it not competent to object to the reading of the articles of impeachment, and is not one objection sufficient?

Mr. CONGER. I ask again that the impeachment articles be read in the hearing of the House.

The SPEAKER. The Chair has asked the House to allow that to be done, but gentlemen object.

Mr. SPRINGER. If the gentleman from Michigan can say for himself and his friends upon the other side of the House that as soon as the articles of impeachment are read they will allow a vote to be taken at once upon them without making any further delay, I will withdraw my objection to the reading; but the purpose seems to be to delay and prevent action until the 4th of March, and I object to that and I stand upon my rights here. We may as well meet the question at one point as at another, if the object is to defeat impeachment.

Mr. HANNA. They will be read, and you will never have them voted on. [Laughter.]

Mr. SPRINGER. What's the matter with HANNA? [Laughter.] If it is in order for me to do so, I demand the regular order.

Mr. BUNDY. I think it due to me that I should be heard for one moment in reply to the remarks of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. MAYHAM. I object; debate is not in order. The gentleman has already occupied his time.

Mr. BUNDY. I have not risen to debate. [Loud cries of "Order!"]

The SPEAKER. There is objection, and the gentleman will recognize that the Chair has no discretion in the matter.

Mr. CONGER. Then I move that the House now take a recess for thirty minutes.

Mr. EDEN. Make it fifty minutes.

Mr. CONGER. Will you vote for it, then?

Mr. COX, of New York. The gentleman from Michigan [Mr. CONGER] has not the floor to make that motion.

The SPEAKER. There is no one entitled to the floor for debate, and pending the question on agreeing to the resolutions of the minority of the committee the gentleman has a right to make the motion.

Mr. COX, of New York. There is something wrong in this business.

Mr. CONGER. I do not object to my friends squirming a little, but I want the question put on my motion.

Mr. SPRINGER. The squirming is on the other side. "Let the galled jade wince; our withers are unwrung."

The question was taken upon the motion for a recess; and upon a division there were—ayes 65, noes 101.

Before the result was announced, Mr. CONGER called for tellers.

Tellers were ordered, there being more than 30 in the affirmative; and Mr. CONGER and Mr. SPRINGER were appointed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secre-

taries, informed the House that the President had approved and signed the following bills and joint resolution:

An act (H. R. No. 1651) to validate and confirm certain acknowledgments of deeds and other instruments of writing under seal made in a foreign country for lands lying in the District of Columbia and the records thereof;

An act (H. R. No. 1901) for the relief of Philip W. Stanhope;

An act (H. R. No. 1956) for the relief of Thomas Murphy, of Knox County, Missouri;

An act (H. R. No. 2161) for the relief of the personal representative of the late M. G. Harman, of Virginia;

An act (H. R. No. 2294) to authorize the Secretary of War to place upon the rolls of Company H, Ninth Regiment West Virginia Volunteer Infantry, the name of William S. Massie;

An act (H. R. No. 2472) for the relief of Elias B. Bell, late private Company E, Third Regiment West Virginia Cavalry;

An act (H. R. No. 5065) to give circuit courts appellate jurisdiction in certain criminal cases;

An act (H. R. No. 5271) for the relief of the heirs and legal representatives of Richmond Stevenson, late assistant quartermaster of volunteers, and his bondsmen;

An act (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas;

An act (H. R. No. 6179) donating four condemned cannon to the town of Sutton, in the State of Massachusetts;

An act (H. R. No. 6523) providing for the engraving and printing of portraits to accompany memorial addresses on the late Representatives Leonard, Quinn, Welch, Williams, Douglas, Hartridge, and Schleicher; and

A joint resolution (H. R. No. 127) instructing the Attorney-General of the United States to bring suit in the name of the United States to quiet and settle the titles to lands of the Black Bob band of Shawnee Indians.

HALL'S SECOND ARCTIC EXPEDITION.

The SPEAKER laid before the House a message from the Senate, requesting the return by the House of the Senate concurrent resolution providing for the printing of 5,000 additional copies of the narrative of Hall's second arctic expedition.

There was no objection, and the request of the Senate was granted.

ORDER OF BUSINESS.

The SPEAKER. The pending question is upon the motion of the gentleman from Michigan [Mr. CONGER] that the House now take a recess for thirty minutes, upon which tellers have been ordered and appointed.

The House again divided; and the tellers reported that there were—ayes 57, noes 94.

Before the result of the vote was announced, Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 17, nays 221, not voting 52; as follows:

YEAS—17.			
Banks,	Cannon,	Oliver,	White, Harry
Brewer,	Danford,	Patterson, G. W.	Williams, Richard.
Browne,	Hayes,	Rice, William W.	
Butler,	Humphrey,	Smalls,	
Camp,	Hungerford,	Smith, A. Herr	
NAYS—221.			
Aiken,	Clark, Rush	Franklin,	Kenna,
Aldrich,	Cobb,	Freeman,	Kimmel,
Bagley,	Collins,	Frye,	Knott,
Bailey,	Conger,	Fuller,	Lapham,
Baker, John H.	Cook,	Garth,	Lathrop,
Baker, William H.	Covert,	Gause,	Ligon,
Ballou,	Cox, Jacob D.	Giddings,	Lindsey,
Banning,	Cox, Samuel S.	Glover,	Loring,
Bayne,	Crapo,	Goode,	Luttrell,
Beale,	Cravens,	Gunter,	Lynde,
Becke,	Crittenden,	Hamilton,	Maish,
Bell,	Cullberson,	Hanna,	Majors,
Benedict,	Cummings,	Hardenbergh,	Manning,
Blackburn,	Cutler,	Harmer,	Marsh,
Bliss,	Davidson,	Harris, Benj. W.	Martin,
Blount,	Davis, Horace	Harris, Henry R.	Mayham,
Boone,	Davis, Joseph J.	Harris, John T.	McCook,
Bouck,	Dean,	Harrison,	McKenzie,
Bragg,	Deering,	Hart,	McKinley,
Brentano,	Denison,	Hartzell,	McMahon,
Bridges,	Dibrell,	Haskell,	Metcalfe,
Briggs,	Dickey,	Hatcher,	Mills,
Bright,	Dumell,	Hazleton,	Mitchell,
Buckner,	Durham,	Hendee,	Money,
Bundy,	Dwight,	Henderson,	Monroe,
Burchard,	Eames,	Henkle,	Morgan,
Burdick,	Eden,	Henry,	Morrison,
Cabell,	Eickhoff,	Herbert,	Morse,
Cain,	Elam,	Hiscock,	Muldrow,
Caldwell, John W.	Ellis,	Hooker,	Muller,
Caldwell, W. P.	Errett,	Hubbell,	Norcross,
Calkins,	Evans, I. Newton	Hunter,	O'Neill,
Campbell,	Evans, James L.	Hunton,	Overton,
Candler,	Evins, John H.	Ittner,	Page,
Carlisle,	Ewing,	James,	Patterson, T. M.
Chittenden,	Felton,	Jones, Frank	Phelps,
Claffin,	Finley, Ebenezer B.	Jorgensen,	Pollard,
Clark, Alvah A.	Finley, Jesse J.	Joyce,	Potter,
Clarke of Kentucky,	Forney,	Keifer,	Pound,
Clark of Missouri,	Foster,	Keightley,	Price,

Pridemore,	Shallenberger,	Throckmorton,	Wigginton,
Pugh,	Shelley,	Tipton,	Williams, Andrew
Randolph,	Singleton,	Townsend, Amos	Williams, C. G.
Reagan,	Sinnickson,	Townsend, M. T.	Williams, James
Reed,	Slemmons,	Townsend, R. W.	Williams, Jere N.
Reilly,	Smith, William E.	Tucker,	Willis, Albert S.
Rice, Americus V.	Southard,	Turner,	Willis, Benj. A.
Robbins,	Sparks,	Turney,	Willits,
Roberts,	Springer,	Vance,	Willson,
Robinson, G. D.	Starin,	Veeder,	Wren,
Robinson, M. S.	Steele,	Waddell,	Wright,
Ross,	Stenger,	Wait,	Yeates,
Ryan,	Stewart,	Walker,	Young, John S.
Sayer,	Stone, John W.	White, Michael D.	
Scales,	Stone, Joseph C.	Whitthorne,	
Sexton,	Strait,		

NOT VOTING—52.

Acklen,	Fleming,	Killingier,	Robertson,
Atkins,	Fort,	Knapp,	Sampson,
Bacon,	Gardner,	Knapp,	Sapp,
Bucknell,	Garfield,	Lockwood,	Stephens,
Blair,	Gibson,	Mackey,	Swann,
Bland,	Hale,	McGowan,	Thompson,
Boyd,	Hewitt, Abram S.	Neal,	Thornburgh,
Brogden,	Hewitt, G. W.	Peddle,	Van Vorhes,
Caswell,	House,	Phillips,	Walsh,
Chalmers,	Jones, James T.	Powers,	Warner,
Clymer,	Jones, John S.	Rainey,	Watson,
Cole,	Kelley,	Rea,	Wood,
Ellsworth,	Ketcham,	Riddle,	Young, Casey.

So the motion for a recess was not agreed to.

During the roll-call the following announcements were made:

Mr. LOCKWOOD. I am paired with the gentleman from Michigan, Mr. ELLSWORTH. If he were present, I should vote "no."

Mr. EDEN. The gentleman from Pennsylvania, Mr. CLYMER, is paired with his colleague, Mr. THOMPSON. My colleague, Mr. KNAPP, is paired with my colleague, Mr. BOYD.

Mr. LANDERS. I am paired with the gentleman from Wisconsin, Mr. CASWELL.

Mr. WARD. The gentleman from Missouri, Mr. COLE, is paired with the gentleman from Connecticut, Mr. WARNER.

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, is paired with the gentleman from Tennessee, Mr. HOUSE.

Mr. HUMPHREY. The gentleman from Ohio, Mr. VAN VORHES, is paired with his colleague, Mr. DICKEY.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

An act (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman; and

An act (H. R. No. 4564) for the relief of A. F. Whitman, administrator *de bonis non* of Samuel Kimbro and E. V. Kimbro.

ENROLLMENT OF POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent to offer a resolution to correct a clerical error in the report of the committee of conference on the Post-Office appropriation bill.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the Clerk of the House, in the enrollment of the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, be directed to enroll the clause of said bill making appropriations for the transportation by railroad of the mails, so as to read as follows: "For transportation by railroad, \$9,150,000; of which sum \$150,000 may be used by the Postmaster-General to maintain and secure from railroads necessary and special facilities for the postal service for the fiscal year ending June 30, 1880; and \$16,988.42 to pay the balance due for salary and expenses of the special commission on railway mail transportation;" and be also directed to correct the conference report on said bill to conform herewith.

There was no objection, and the resolution was considered and adopted.

REPORTS FROM PRINTING COMMITTEE.

Mr. BALLOU. I am instructed by the Committee on Printing to present privileged reports, which are important to every member of the House and important for the business of the country. These reports from the Printing Committee relate to the reports on agriculture, on Alaska, the Coast Survey, &c., and if they be not received now there may be no provision for printing these reports. I hope the reports will be received by unanimous consent.

The SPEAKER *pro tempore*, (Mr. BANNING.) Is there objection? Mr. SPRINGER. If gentlemen on the other side will agree to take the vote on these other questions without delay, I will agree to anything. But as long as certain members of the House interpose dilatory motions and points of order for the purpose of defeating the purposes of the majority, I must object to everything that interferes with the regular business.

IMPEACHMENT OF GEORGE F. SEWARD.

The SPEAKER *pro tempore*. The question is upon the adoption of the resolution reported by the minority of the committee.

The resolution was again read.

Mr. BUNDY. I hope we shall come to a vote on that at once.

The question being taken, the resolution was declared not agreed to.

Mr. BUNDY called for tellers.

Tellers were ordered; and Mr. BUNDY and Mr. SPRINGER were appointed.

The House divided; and the tellers reported—ayes 81, noes 92.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 120, not voting 71; as follows:

YEAS—99.

Aldrich,	Danford,	Jorgensen,	Reed,
Bagley,	Davis, Horace	Joyce,	Rice, William W.
Bailey,	Denison,	Keightley,	Robinson, G. D.
Baker, William H.	Dunnell,	Ketcham,	Robinson, M. S.
Ballou,	Dwight,	Lapham,	Shallenberger,
Banks,	Eames,	Lathrop,	Sinnickson,
Bayne,	Evans, I. Newton	Lindsey,	Smalls,
Blair,	Evans, James L.	Loring,	Smith, A. Herr
Brentano,	Foster,	Majors,	Starin,
Brewer,	Freeman,	Marsh,	Stewart,
Briggs,	Frye,	McCook,	Stone, John W.
Brown,	Garfield,	McKinley,	Stone, Joseph C.
Bundy,	Hanna,	Mitchell,	Strait,
Burchard,	Harmer,	Norcross,	Tipton,
Burdick,	Harris, Benj. W.	Oliver,	Townsend, Amos
Cain,	Haskell,	O'Neill,	Townsend, M. I.
Camp,	Hayes,	Overton,	Wait,
Campbell,	Hazelton,	Patterson, G. W.	Ward,
Cannon,	Hendee,	Peddle,	White, Harry
Cladlin,	Henderson,	Phillips,	White, Michael D.
Clark, Rush	Hubbell,	Pollard,	Williams, Andrew
Conger,	Humphrey,	Pound,	Williams, C. G.
Cox, Jacob D.	Hungerford,	Price,	Williams, Richard
Crapo,	Hunter,	Pugh,	Willits,
Cummings,	Ittner,	Randolph,	

NAYS—120.

Aiken,	Dean,	Herbert,	Robertson,
Banning,	Dibrell,	Hooker,	Ross,
Beale,	Durham,	Jones, Frank	Scales,
Beebe,	Eden,	Kenna,	Shelley,
Bell,	Eickhoff,	Kimmel,	Singleton,
Benedict,	Elam,	Knott,	Slemmons,
Blackburn,	Ellis,	Ligon,	Smith, William E.
Bliss,	Evins, John H.	Lynde,	Southard,
Boone,	Ewing,	Mackey,	Sparks,
Bouck,	Felton,	Maish,	Springer,
Bragg,	Finley, Ebenezer B.	Manning,	Steele,
Bright,	Finley, Jesse J.	Martin,	Stenger,
Cabell,	Forney,	Mayham,	Throckmorton,
Caldwell, John W.	Franklin,	McKenzie,	Townsend, R. W.
Candler,	Fuller,	McMahon,	Tucker,
Carlisle,	Garth,	Mills,	Turney,
Chalmers,	Gause,	Money,	Vance,
Clark, Alvah A.	Giddings,	Morgan,	Veeder,
Clarke of Kentucky,	Glover,	Morrison,	Waddell,
Clark of Missouri,	Goode,	Morse,	Walker,
Cobb,	Gunter,	Muldrow,	Whitthorne,
Collins,	Hamilton,	Muller,	Wigginton,
Cook,	Hardenbergh,	Phelps,	Williams, James
Covert,	Harris, Henry R.	Potter,	Williams, Jere N.
Cox, Samuel S.	Harris, John T.	Pridemore,	Willis, Albert S.
Cravens,	Harrison,	Reagan,	Wilson,
Crittenden,	Hart,	Reilly,	Wood,
Culbertson,	Hartzell,	Rice, Americus V.	Wright,
Davidson,	Hatcher,	Robbins,	Yeates,
Davis, Joseph J.	Henry,	Roberts,	Young, John S.

NOT VOTING—71.

Acklen,	Cutler,	Jones, John S.	Ryan,
Atkins,	Deering,	Kelifer,	Sampson,
Bacon,	Dickey,	Kelley,	Sapp,
Baker, John H.	Ellsworth,	Killingier,	Sayer,
Bicknell,	Errett,	Knapp,	Sexton,
Bland,	Fleming,	Landers,	Stephens,
Blount,	Fort,	Lockwood,	Swann,
Boyd,	Gardner,	Luttrell,	Thompson,
Bridges,	Gibson,	McGowan,	Thornburgh,
Brogden,	Hale,	Metcalfe,	Turner,
Buckner,	Henkle,	Monroe,	Van Vorhes,
Butler,	Hewitt, Abram S.	Neal,	Walsh,
Caldwell, W. P.	Hewitt, G. W.	Page,	Warner,
Calkins,	Hiscock,	Patterson, T. M.	Watson,
Caswell,	House,	Powers,	Willis, Benj. A.
Chittenden,	Huntton,	Rainey,	Wren,
Clymer,	James,	Rea,	Young, Casey.
Cole,	Jones, James T.	Riddle,	

So Mr. BUNDY's amendment was disagreed to.

During the roll-call the following announcements were made:

Mr. MORGAN. Mr. BLAND is paired with Mr. METCALFE.

Mr. DIBRELL. Mr. CALDWELL, of Tennessee, is paired with Mr. WREN, and Mr. BUCKNER with Mr. CHITTENDEN. If present, Mr. CALDWELL and Mr. BUCKNER would vote "no."

Mr. CHALMERS. Mr. YOUNG, of Tennessee, is absent on account of sickness.

Mr. RICE, of Ohio. Mr. DICKEY is paired with Mr. VAN VORHES. If present, Mr. DICKEY would vote in the negative and Mr. VAN VORHES in the affirmative.

Mr. HENKLE. I am paired with Mr. SEXTON.

Mr. REA. I am paired with Mr. SAPP. If he were present, I would vote "no."

Mr. FULLER. I am paired with my colleague, Mr. HUNTER. If he were here, I would vote "no."

Mr. COX, of Ohio. My colleague, Mr. MONROE, is paired with Mr. CUTLER. If they were here, Mr. MONROE would vote "ay" and Mr. CUTLER would vote "no."

Mr. RYAN. I am paired with Mr. WILLIS, of New York.

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, is paired with Mr. HOUSE.

Mr. WOOD. Mr. LANDERS is paired with Mr. CASWELL and Mr. COLE with Mr. WARNER.

Mr. BAKER, of Indiana. I am paired with Mr. BLOUNT. If he were here, he would vote "no" and I would vote "ay."

Mr. THOMPSON. I am paired with Mr. CLYMER. If he were present, I would vote "ay."

Mr. LOCKWOOD. I am paired with Mr. ELLSWORTH.

Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT.

Mr. WHITE, of Pennsylvania. Mr. WATSON is paired with Mr. BICKNELL.

Mr. PUGH. Mr. HISCOCK is paired with Mr. HUNTON.

Mr. DEAN. Mr. BRIDGES is paired with Mr. JAMES.

Mr. EDEN. Mr. CLYMER is paired with Mr. THOMPSON, and Mr. KNAPP is paired with Mr. BOYD.

Mr. SPRINGER. I ask unanimous consent that the reading of the names be dispensed with.

Mr. HANNA. I object.

Mr. SPRINGER. I do this to save the clerks, who are worn out.

The vote was then announced as above recorded.

Mr. WHITE, of Pennsylvania. I move that the House take a recess until nine o'clock to-morrow.

Mr. BALLOU. I desire to present a report from the Committee on Printing.

Mr. CONGER. I ask for a separate vote on each amendment.

Mr. SINGLETON. Let the report from the Committee on Printing be presented.

Mr. BALLOU. I am directed by the Committee on Printing to present the following and recommend its passage—

Mr. SPRINGER. I object to any intervening business.

The SPEAKER. The gentleman objects, and the report cannot be received.

Mr. TIPTON. I move to amend the motion for a recess to, say, ten instead of nine o'clock.

Mr. SPRINGER. I desire a vote on this question. We have reached the point when the merits of the proposition are to be voted on.

The SPEAKER. Pending that, the gentleman from Michigan demands a division of the articles of impeachment.

Mr. BUTLER. We want a vote on each article; some I want to vote for and some against.

Mr. KNOTT. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. I ask that members take their seats, so we may know what is going on.

Mr. WHITTHORNE. I rise to a parliamentary inquiry; if the suggestion of the gentleman from Michigan is held to be a matter of right for a separate vote on each article, and the yeas and nays are demanded, it would consume the balance of the time remaining of this session. I suggest, therefore, to my friend from Illinois that he abandon the contest in view of that demand. [Cries of "No!" "No!"]

Mr. BUTLER. I desire to speak to the question of order.

Mr. CONGER. I hope the gentleman will not abandon this case, for I desire we may vote on each article separately.

Mr. HARRIS, of Virginia. Do you demand the yeas and nays?

Mr. CONGER. There are some articles I desire to vote for and some I desire to vote against.

Mr. EDEN. If the gentleman will point out the ones he will vote for we will take a separate vote on them. [Laughter.]

The SPEAKER. The pending question is on the amendment of the gentleman from Illinois, [Mr. TIPTON,] that the House take a recess until ten o'clock.

Mr. SPRINGER. I desire, before that question is put, to ask the other side whether they insist upon dilatory motions by calling separate votes on each one of these articles with a view to consume the remaining time of the session?

Mr. CONGER. That is argument.

Mr. SPRINGER. Then gentlemen on the other side are obstructing the business of the House.

Mr. WHITE, of Pennsylvania. Is it not competent to make a motion for a recess?

Mr. SPRINGER. We have now reached the point when we can vote on the merits of the question. I call for the regular order and for a vote, and yield to nothing.

Mr. COX, of New York. What is the regular order?

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania, [Mr. WHITE,] that the House take a recess until to-morrow morning at nine o'clock, which the gentleman from Illinois [Mr. TIPTON] moves to amend so as to make the hour ten o'clock.

Mr. BALLOU. The gentleman from Pennsylvania yields to me.

The SPEAKER. The gentleman from Pennsylvania cannot yield while there is objection.

CHARGES AGAINST JUDGE BLODGETT.

Mr. KNOTT. If we can have order, I would like to make a brief statement to the House.

The SPEAKER. Gentlemen will be seated, and the House will come to order.

Mr. KNOTT. I should like to prefer a request to the House for unanimous consent with regard to a matter which involves not only

individual rights, but the public service. Some time ago the Committee on the Judiciary were directed to make an inquiry with regard to certain charges affecting the official conduct of Judge Blodgett, of the northern district of the State of Illinois. After a great deal of labor, and great personal inconvenience to themselves, the committee have discharged that duty. It is important that that report should be made.

The SPEAKER. That is a question of privilege. The Chair will recognize the gentleman from Kentucky to call it up immediately after the disposition of the pending question of privilege.

Mr. KNOTT. I see that the pending question is not likely to be disposed of until twelve o'clock to-morrow. Personally I do not care whether the report is made or not. It is a matter of no consequence to me whatever.

The SPEAKER. The Chair desires to recognize the gentleman if he is permitted.

Mr. KNOTT. The proposition I have to submit to the House is simply this: that the report may now be submitted, printed in the Record, and printed in the ordinary way, and that the resolution, which is a very short one, and simply that the charges lie on the table, may be adopted by the House, so that we may be done with it. It can be done in two minutes. As it is a unanimous report of the committee, I suppose no objection will be made.

The SPEAKER. Is there unanimous consent that the gentleman from Kentucky shall make a report from the Committee on the Judiciary?

Mr. BRAGG. I object.

Mr. KNOTT. That closes the case.

IMPEACHMENT OF GEORGE F. SEWARD.

Mr. GARFIELD. Now I desire to appeal to the gentleman from Pennsylvania [Mr. WHITE] to withdraw his motion for a recess, and let the vote be taken on the articles of impeachment.

Mr. WHITE, of Pennsylvania. Why should I withdraw it? Let the House vote it down if it pleases.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. TIPTON] to the motion of the gentleman from Pennsylvania.

The amendment was not agreed to.

The question recurred on the motion of Mr. WHITE, of Pennsylvania, that the House take a recess until nine o'clock a. m.; and being put, there were yeas 11.

The SPEAKER. Is further count insisted on?

Mr. WHITE, of Pennsylvania. Yes, sir.

The other side was counted, and there were 99 votes in the negative. Mr. WHITE, of Pennsylvania. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Illinois, Mr. SPRINGER, and the gentleman from Pennsylvania, Mr. WHITE.

The House again divided; and the tellers reported one vote in the affirmative.

Cries of "No further count."

Mr. WHITE, of Pennsylvania. Yes, sir; I call for further count.

The count proceeded; and the tellers reported—yeas 18, noes 138. So the House refused to take a recess.

Mr. SPRINGER. I call for the regular order.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] asks for separate votes on the articles of impeachment.

Mr. DUNNELL. I understand the gentleman from Michigan will yield so that by general consent the gentleman from Rhode Island [Mr. BALLOU] may make the very important reports he has in charge.

I trust there will be no objection.

Mr. SPRINGER. I want to understand whether it is the intention of the gentlemen on the other side to demand a division and a separate vote on each one of those articles.

Mr. BUTLER. I desire to say a word on this subject of a separate vote. [Cries of "Regular order!"] This is regular, and it is a question of order. If the resolutions make a case against Mr. Seward for acts done as minister while in office, I will vote for his impeachment; but I will not vote for articles impeaching him for what he did as consul-general years and years ago. [Cries from the democratic side of "We will!"] It never has been done. [Cries of "Regular order!"]

The SPEAKER. Debate is not in order, objection being made.

Mr. SPRINGER. I ask the gentleman from Massachusetts if he intends to call for a separate vote on each of these articles?

Mr. BUTLER. I do.

Mr. BALLOU. I desire to ask a question.

Mr. SPRINGER. I do not yield.

Mr. BALLOU. I ask if these reports cannot be made by general consent without prejudice to the gentleman from Illinois?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4579) concerning street railroads in the District of Columbia; that it further insisted upon its amendments to the said bill disagreed to by the House, and asked a further conference with the House on the disagreeing votes of the two Houses,

and had appointed Mr. HARRIS, Mr. ROLLINS, and Mr. MERRIMON to be conferees on the part of the Senate.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. CLAFLIN. I move that a further conference be asked with the Senate on the bill (H. R. No. 4579) concerning street railroads in the District of Columbia.

Mr. SPRINGER. I object.

IMPEACHMENT OF GEORGE F. SEWARD.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] demands a division and a separate vote on the articles of impeachment.

Mr. SPRINGER. He is entitled to that under the rule, of course.

The SPEAKER. The Chair will have the rule read.

Mr. SPARKS. Nobody doubts the rule; what is the use of reading it?

Mr. SPRINGER. There is no necessity for reading; every member has a right to ask for a division on any question.

The SPEAKER. Then the Chair will not have the rule read. The question is upon the first article of impeachment.

The Clerk read the first article of the specifications.

Mr. SPRINGER. The question must first be put upon the first resolution. The specifications are not adopted until after the resolutions have been adopted. [Loud cries of "Oh, no!"]

Mr. GARFIELD. We cannot adopt the resolution until the articles have been adopted.

Mr. SPRINGER. The resolutions are always first adopted in cases of this kind. I ask that the Clerk read the first resolution adopted by the committee, and you will then understand the purport of it.

The Clerk read as follows:

Resolved, That George F. Seward, late consul-general of the United States of America at Shanghai, China, now envoy extraordinary and minister plenipotentiary of the United States of America to China, be impeached of high crimes and misdemeanors while in office.

Mr. SPRINGER. Now, unless the first resolution is passed there will be nothing upon which to predicate any other vote in reference to articles of impeachment.

The SPEAKER. This is the first division.

Mr. SPRINGER. If the House resolves to impeach Mr. Seward, the next question will be, what will be the articles upon which he be impeached.

Mr. GARFIELD. The gentleman is quite mistaken.

Mr. SPRINGER. I will call your attention to the precedents of the Belknap case, where the report made by the gentleman from Pennsylvania was voted on immediately, and the resolution to impeach him: the matter was then referred to the Committee on the Judiciary, who took the testimony of witnesses and brought in their report several days afterward.

Mr. GARFIELD. The precedent in courts-martial is worthy of something, and the first thing is a specification of guilty or not guilty, and then to the charge given, first, all the particulars, and then to the general charge under which the specifications come. If we pass the specifications and do not pass the resolution to impeach, where shall we be then?

Mr. SPRINGER. We never did that until the House resolved to impeach. The question is, shall he be impeached of high crimes and misdemeanors.

The committee appointed by the Speaker takes the matters to the Senate, and then the articles of impeachment are subsequently brought in by the managers.

Mr. GARFIELD. Does not the gentleman see the ridiculous position we should be in if we should pass the resolution to impeach Mr. Seward, and then negative all the specifications?

Mr. SPRINGER. It is precisely what has been done in all cases heretofore.

Mr. GARFIELD. If we agree that the specifications are false, then the other falls as a necessary consequence.

Mr. SPRINGER. Then I will ask the gentleman as to the other part of his proposition. Suppose you adopt all the specifications and resolve not to impeach him?

Mr. GARFIELD. Of course that would be absurd.

Mr. SPRINGER. That is the position you are trying to force the House into.

Mr. GARFIELD. Not at all; if we adopt one, two, or three of the articles and reject the rest, we still need a resolution providing for the carrying of these articles which we have adopted to the Senate, but if they were all rejected, then it would be manifestly absurd.

Mr. SPRINGER. There is no precedent for voting on the articles of impeachment prior to voting on the resolutions to impeach, and I call for a vote.

Mr. BUTLER. I desire to ask the gentleman a question.

Mr. SPRINGER. I must decline to answer any more questions; the time has come to vote.

The SPEAKER. This is really a matter of no great concern.

Mr. BUTLER. I want to know what you are going to impeach Mr. Seward for, so I may vote intelligently.

Mr. SPRINGER. You will find that out afterward.

Mr. HUMPHREY. You propose to impeach him and then take time to find out something to do it with.

Mr. SPRINGER. We have found that out and I call for a vote.

Mr. GARFIELD. The gentleman is bound, unless otherwise directed by the House, to have a vote called on the first proposition in the order in which they stand on the paper. They cannot put it on the bottom of the sheet to be voted upon afterward; we must commence at the top and vote downward.

Mr. COX, of New York. I object to debate.

Mr. SPRINGER. The last resolution of the series adopts the article of impeachment, when it will readily be seen that that resolution relates to these articles, and upon that resolution a division could be had in reference to these questions; but this being the first proposition to be voted upon, I ask the Speaker to put it to the House.

Mr. HUMPHREY. I want to ask the gentleman from Illinois [Mr. SPRINGER] if his proposition is not like that of Sir Roche Boyle, of Dublin, when he proposed to build a new prison, and use the materials of the old one to build the new one, and to keep the prisoners in the old prison until the new one was built? [Laughter.]

Mr. SPRINGER. The gentleman seems to be very much troubled about prisons. There are plenty of prisons already built, and we are trying to get the thieves into them.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] will state his authority for the statement which he has made, that the practice in all such cases is to vote first on the resolutions.

Mr. SPRINGER. In the Belknap case, and in the case of the impeachment of Andrew Johnson.

Mr. BUTLER. Oh, no.

Mr. SPRINGER. I have the precedents here.

Mr. GARFIELD. When the point is raised, we have the right to vote on these propositions in their order.

Mr. SPRINGER. I have here the result in the case of the impeachment of General Belknap. It will be seen that on the 2d of March, 1876, Mr. CLYMER submitted a report, which is very brief, not covering a quarter of a column of the RECORD, and which concluded with the following resolution:

Resolved, That William W. Belknap, late Secretary of War, be impeached of high crimes and misdemeanors while in office.

Then there was a second resolution directing that the evidence taken in the case be referred to the Committee on the Judiciary, with instructions to prepare and report suitable articles of impeachment, and a third resolution directing the appointment of five members of the House to proceed to the bar of the Senate and there impeach Secretary Belknap and request the Senate to take order in the premises.

These resolutions were adopted on the 2d of March, and it was not until several days afterward that the articles of impeachment were adopted. The evidence was referred to the Judiciary Committee, and they formulated the charges and submitted them afterward with a resolution that managers be appointed. That was not done for some time after the other resolutions were adopted.

Mr. GARFIELD. That was perfectly regular; but this is presented in another form. The gentleman from Illinois comes in here and presents us with articles and specifications, concluding with a general resolution to carry these articles and specifications to the Senate as articles of impeachment. That is the programme he has presented here. It is like offering a series of resolutions; and the presiding officer is bound to put the question on the resolutions in their order on the paper which is presented. And we ask a vote first on the first specification.

The SPEAKER. The Chair will cause to be read in addition an extract from the Manual.

Mr. GARFIELD. Furthermore, I understand that the resolution proposes to adopt all these specifications as one, so that if we vote on the resolution first we cannot have separate votes on the proposition.

The SPEAKER. The Clerk will read from the Manual.

The Clerk read as follows:

The proceedings in the case of the impeachment of Judge Peck, in the Twenty-first Congress, were as follows:

The House having resolved that he be impeached for "high misdemeanors in office," it was ordered "that Mr. — and Mr. — be appointed a committee to go to the Senate, and at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach James H. Peck, judge of the district court of the United States for the district of Missouri, of high misdemeanors in office, and acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same, and that said committee do demand that the Senate take order for the appearance of the said James H. Peck to answer to said impeachment."

The SPEAKER. The Manual confirms the position taken by the gentleman from Illinois.

Mr. SPRINGER. I call for the regular order.

Mr. CONGER. I wish to be heard for a moment.

The SPEAKER. On the point of order?

Mr. CONGER. Yes, on the point of order.

The SPEAKER. The Chair has decided that point, but the Chair is quite willing to hear the gentleman briefly.

Mr. SPRINGER. The previous question is operating.

Mr. CONGER. This case is entirely different from either the one referred to in the Manual or the one referred to by the gentleman from Illinois.

Mr. SPRINGER. That is argument.

Mr. CONGER. I wish the gentleman had the modesty to keep quiet a moment until some one else could speak.

Mr. SPRINGER. I wish the gentleman had the modesty after the Chair has decided the question to take his seat.

The SPEAKER. The Chair withdrew the decision so as to allow the gentleman to be heard.

Mr. CONGER. And if the Chair could keep the irrepressible gentleman from Illinois down for a moment, I could go on.

The SPEAKER. The Chair would suggest that they keep each other down. [Laughter.]

Mr. CONGER. I have been struggling to do that for days, and with some considerable amount of success.

Mr. SPRINGER. I call for the regular order.

Mr. COX, of New York. What is the point of order pending?

The SPEAKER. The point of order is as to the order of proceeding.

Mr. COX, of New York. I thought the Chair had decided that.

The SPEAKER. The Chair had decided it, but the gentleman from Michigan desired to be heard briefly, and the Chair thought the most expeditious way was to allow him to be heard.

Mr. COX, of New York. These gentlemen have been arguing the matter all night with a view to delay.

Mr. BUTLER. And we propose to be heard, if in no other way than by our votes.

Mr. COX, of New York. You have been heard all day, and this is only an attempt to shield that which you dare not justify.

Mr. SPRINGER. I call for the regular order.

[Mr. COX, of New York, crossed the Hall and went to the place where Mr. CONGER was standing, who put his hand on the head of Mr. COX and held it there for some time, causing great laughter.]

Mr. COX, of New York. I came over here to suppress what the Speaker cannot, the indefatigable gentleman from Michigan.

The SPEAKER. The Chair thinks that the point of order is well taken. [Renewed laughter.] The Chair thinks that the gentleman does not desire further time. From the examples which have been cited, the Chair thinks that the resolutions should be first considered.

Mr. GARFIELD. Does the Chair hold that after the resolutions have been acted upon the articles can then be voted on separately?

The SPEAKER. Then the division will apply to the articles.

Mr. GARFIELD. We will not have disposed of the matter until those are voted on?

The SPEAKER. The Chair does not know when they will be disposed of. The question now is on the adoption of the resolutions.

Mr. BUNDY. And on that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINGS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUMMINGS. I understand we are now called upon to vote on the resolutions.

The SPEAKER. The gentleman is correct.

Mr. CUMMINGS. We have no evidence before us upon which to base our votes.

The SPEAKER. If the gentleman thinks he has no evidence to justify his voting for the resolutions he can vote against them.

The question was taken; and there were—yeas 109, nays 16, not voting 165; as follows:

YEAS—109.

Aiken,	Davidson,	Herbert,	Roberts,
Atkins,	Davis, Joseph J.	Hooker,	Robertson,
Banning,	Dean,	Hunton,	Scales,
Beale,	Dibrell,	Kenna,	Singleton,
Beebe,	Durham,	Kimmel,	Slemmons,
Bell,	Eden,	Ligon,	Smith, William E.
Benedict,	Eickhoff,	Lynde,	Southard,
Blackburn,	Elam,	Maish,	Sparks,
Bliss,	Ellis,	Manning,	Springer,
Boone,	Evins, John H.	Martin,	Stenger,
Bouck,	Ewing,	Mayham,	Townsend, R.W.
Bragg,	Finley, Ebenezer B.	McKenzie,	Tucker,
Bright,	Finley, Jesse J.	McMahon,	Turner,
Cabell,	Forney,	Mills,	Turney,
Caldwell, John W.	Franklin,	Money,	Vance,
Candler,	Garth,	Morgan,	Veeder,
Carlisle,	Gause,	Morrison,	Waddell,
Chalmers,	Gibson,	Morse,	Whitthorne,
Clarke of Kentucky,	Goode,	Muldrov,	Wigginton,
Clark of Missouri,	Gunter,	Muller,	Williams, James
Clymer,	Hamilton,	Phelps,	Williams, Jere N.
Cobb,	Hardenbergh,	Potter,	Willis, Albert S.
Collins,	Harrison,	Pridemore,	Wilson,
Cook,	Hart,	Rea,	Yeates,
Covert,	Hartzell,	Reagan,	Young, John S.
Cravens,	Hatcher,	Reilly,	
Crittenden,	Henry,	Rice, Americus V.	
Culbertson,	Hewitt, Abram S.	Robbins,	

NAYS—16.

Aldrich,	Briggs,	Evans, James L.	Keightley,
Ballou,	Browne,	Harmer,	Lathrop,
Banks,	Bundy,	Henkle,	Smith, A. Herr
Brentano,	Cannon,	Ittner,	Thompson.

NOT VOTING—165.

Acklen,	Brewer,	Caswell,	Danford,
Bacon,	Bridges,	Chittenden,	Davis, Horace
Bagley,	Brogden,	Clafin,	Deering,
Bailey,	Backner,	Clark, Alvah A.	Denison,
Baker, John H.	Burchard,	Clark, Rush	Dickey,
Baker, William H.	Burdick,	Cole,	Dunnell,
Bayne,	Butler,	Conger,	Dwight,
Bicknell,	Cain,	Cox, Jacob D.	Eames,
Blair,	Caldwell, W. P.	Cox, Samuel S.	Ellsworth,
Bland,	Calkins,	Crapo,	Errett,
Blount,	Camp,	Cummings,	Evans, I. Newton
Boyd,	Campbell,	Cutler,	Felton,

Fleming,
Fort,
Foster,
Freeman,
Frue,
Fuller,
Gardner,
Garfield,
Giddings,
Glover,
Hale,
Hanna,
Harris, Benj. W.
Harris, Henry R.
Harris, John T.
Haskell,
Hayes,
Hazelton,
Hendee,
Henderson,
Hewitt, G. W.
Hiscock,
Hose,
Hubbell,
Humphrey,
Hungerford,
Hunter,
James,
Jones, Frank
Jones, John S.

Jones, James T.
Jorgensen,
Joyce,
Kelfer,
Kelley,
Ketcham,
Killingier,
Knapp,
Knott,
Landers,
Lapham,
Lindsey,
Lockwood,
Loring,
Luttrell,
Mackey,
Majors,
Marsh,
McCook,
McGowan,
McKinley,
Metcalfe,
Mitchell,
Monroe,
Neal,
Norcross,
Oliver,
O'Neill,
Overton,
Page,

Patterson, G. W.
Patterson, T. M.
Peddie,
Phillips,
Pollard,
Pound,
Powers,
Price,
Pugh,
Rainey,
Randolph,
Reed,
Rice, William W.
Riddle,
Robinson, G. D.
Robinson, M. S.
Ross,
Ryan,
Sampson,
Sapp,
Saylor,
Sexton,
Shallenberger,
Shelley,
Sinnickson,
Smalls,
Starin,
Steele,
Stephens,
Stewart,

Stone, John W.
Stone, Joseph C.
Strait,
Swann,
Thornburgh,
Throckmorton,
Tipton,
Townsend, Amos
Townsend, M. I.
Van Vorhes,
Wait,
Walker,
Walsh,
Ward,
Warner,
Watson,
White, Harry
White, Michael D.
Williams, Andrew
Williams, C. G.
Williams, Richard
Willis, Benj. A.
Willits,
Wood,
Wren,
Wright,
Young, Casey.

During the roll-call the following announcements were made:

Mr. HARDENBERGH. Mr. ROSS is paired with Mr. OVERTON.

Mr. SHELLEY. I am paired with Mr. HAZELTON. If he were present, I would vote "ay."

Mr. CLAFLIN. I am paired with Mr. FELTON.

Mr. BAYNE. I am paired with Mr. CLARK, of New Jersey.

Mr. BAGLEY. I am paired with Mr. HARRIS, of Georgia.

Mr. BAKER, of Indiana. I am paired with Mr. BLOUNT.

Mr. HAMILTON. Mr. FULLER is paired with Mr. HUNTER.

Mr. DUNNELL. Mr. WAIT is paired with Mr. JONES, of New Hampshire.

Mr. BELL. My colleague, Mr. HARRIS, is paired with Mr. BAGLEY.

If Mr. HARRIS were present, he would vote "ay."

Mr. EDEN. Mr. KNAPP is paired with Mr. BOYD, Mr. STEELE with

Mr. CALKINS, and Mr. PATTERSON, of Colorado, with Mr. ERRETT.

Mr. SPARKS. Mr. WRIGHT is paired with Mr. DWIGHT.

Mr. WHITE, of Pennsylvania. Mr. WATSON is paired with Mr.

BICKNELL.

Mr. ITTNER. Mr. METCALFE is paired with Mr. BLAND.

Mr. COX, of Ohio. Mr. MONROE is paired with Mr. CUTLER, Mr.

NEAL with Mr. JONES, of Alabama.

Mr. MITCHELL. My colleague, Mr. OVERTON, is paired with Mr.

ROSS.

Mr. WARD. Mr. COLE is paired with Mr. WARNER, and Mr. LAN-

TERS with Mr. CASWELL.

Mr. BOUCK. Mr. THROCKMORTON is paired with Mr. O'NEILL. If

present, Mr. THROCKMORTON would vote "ay."

Mr. MAYHAM. I am paired with Mr. HENDEE, except there should

fail to be a quorum present.

On motion of Mr. DIBRELL, by unanimous consent, the reading of

the names was dispensed with.

The SPEAKER. The vote is 109 to 16.

Mr. TOWNSEND, of New York. No quorum voting.

Mr. SHELLEY. I move there be a call of the House.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. Mr. Speaker, I am instructed by the

conferees on the Army appropriation bill to submit a report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

ABRAM S. HEWITT,

WM. A. J. SPARKS,

CHAS. FOSTER,

Managers on the part of the House.

J. G. BLAINE,

WM. B. ALLISON,

WM. A. WALLACE,

Managers on the part of the Senate.

Mr. TOWNSEND, of Illinois. I rise to a point of order. No quorum being present, we cannot receive that report.

Mr. BRAGG. There is no quorum present. We can only go by the

record.

Mr. WHITE, of Pennsylvania. Nobody ever raises the question of a quorum on the report of a conference committee.

Mr. FINLEY, of Ohio. If there is no quorum present on one subject, there is no quorum present on any.

The SPEAKER. The Chair will again count the House to see whether there is a quorum present.

Mr. BRAGG. I make the point of order that the want of a quorum has been made evident by the yeas and nays.

The SPEAKER. All proceedings were vacated by the reception of the report from the conference committee.

Mr. BRAGG. That was after it was ascertained that there was no quorum present, and when there was nothing in order except the motion to adjourn or that there be a call of the House.

The SPEAKER. That was waived when the gentleman from New York was recognized to present a privileged report.

Mr. FRANKLIN. I desire to make an inquiry. Did not the gentleman from Alabama [Mr. SHELLEY] move that there be a call of the House?

The SPEAKER. The Chair will recognize that when we get back to the other subject.

Mr. CANNON, of Illinois. Can the Chair receive a report from the committee of conference without a quorum?

Mr. FRANKLIN. The gentleman from Alabama moved that there be a call of the House, and it was incompetent to receive the report.

The SPEAKER. It requires a quorum to act on it.

Mr. CLARK, of Missouri. In the absence of a quorum is anything else in order but the motion to adjourn or that there be a call of the House?

The SPEAKER. The Chair recognizes the gentleman from New York to submit his report.

Mr. FINLEY, of Ohio. But before that the point of order was made that there was no quorum, and the Chair virtually sustained that point by failing to announce the vote.

The SPEAKER. The proceedings under that were suspended to receive the report from the committee of conference.

Mr. FINLEY, of Ohio. That cannot be done, because there was no quorum.

The SPEAKER. The Chair can again count the House. The Chair thinks there is a quorum present.

Mr. BRAGG. I desire to make a parliamentary inquiry. Suppose there was but one man in the House—

The SPEAKER. This cannot be determined by a supposition.

Mr. BRAGG. I go by the records, which show there is not a quorum.

The SPEAKER. The Chair did not count a quorum. The Chair will count over again. Some gentlemen have come in since.

The Speaker again counted the House, and announced that one hundred and thirty-eight members were present; the number being less than a quorum.

Mr. BOUCK. There are a dozen more on the lounges.

The SPEAKER. A call of the House has been moved, and pending that the Chair recognizes the gentleman from New York, [Mr. HEWITT.] The Chair directs the following to be read from the Digest.

The Clerk read as follows:

The report of a committee of conference is, under the practice of the House, so highly privileged that it has been held to be in order even pending a motion for a call of the House.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. There has been no motion for a call of the House.

The SPEAKER. There was a motion for a call of the House, and the Chair entertained it.

Mr. BRAGG. Was not the motion for a call of the House in consequence of the want of a quorum?

The SPEAKER. What else would it be for except for the want of a quorum?

Several members called for the regular order.

ARMY APPROPRIATION BILL.

The SPEAKER. The report of the committee of conference will be again read.

The report was again read.

Mr. HEWITT, of New York. I move that the House insist on its disagreement to the amendments of the Senate.

Mr. GARFIELD. I hope the gentleman will state to the House what have been the points of disagreement in the committee of conference.

Mr. HEWITT, of New York. I will try to do it.

Mr. Speaker, the conferees on the part of the Senate and on the part of the House are in no disagreement as to any questions of money involved in this bill. The bill was so carefully matured in the House that but few amendments were offered in the Senate, and the conferees on the part of the Senate were promptly willing to recede from those amendments, on hearing the proper explanation; so that I am able to say if other matters could have been arranged this bill could have been reported to the House without the addition of a single dollar, except for a military post which had been recommended subsequently to the passage of the bill by the House.

There were, however, two points of disagreement in the bill.

The bill provided for the reorganization of the Army in many clauses which were added after full consideration here, as the House will remember. Those clauses were only informally discussed by the conferees. Practically they were passed over in order to see if an agreement could be arrived at on the final provision of the bill in regard to the presence of the troops at the polls. It was very soon apparent that upon this point no agreement was likely to be reached.

I think I can state without impropriety that there would have been no difficulty in arranging for such a reorganization of the Army as would have been satisfactory to this House and to the Senate. Both sides professed their willingness to accommodate themselves to the pressing and admitted necessity which exists for a reorganization of the Army.

But upon the other point, as to whether it shall continue to be lawful for troops to be present at the polls under any circumstances, the

difference seemed to be irreconcilable. The conferees on the part of the Senate declined to assent to the repeal of so much of the two sections of the Revised Statutes as authorize troops to be present at the polls. The issue, therefore, was fairly and clearly defined. On the one side we insisted that the time had come when it should no longer be lawful for a soldier to be at the polling place on the day of election. Upon the other side it was insisted with equal force that this provision of the statute should be maintained, and the power should remain in the executive to order the troops to the polls on the day of election if in his judgment it was necessary to preserve the peace.

Mr. Speaker, this presents an issue which involves the very essence of free government. The difference between a despotic government and a free government is this: that in a despotism the military power is superior to the civil; in a free government the civil dominates the military power. And this principle was one which we never fought for; it came to us as an inheritance from our fathers. It was so well recognized that when the Constitution was formed it was not even deemed necessary to insert an article to that effect. But as a protection against military interference provision was made that citizens might bear arms, and that no soldiers should be quartered upon them without their consent. No English-speaking man for two hundred years has questioned the principle that soldiers should never be present at the polls; and the question could never have been raised in this country, the demand could never have been made in our land, but for the unhappy calamity of a civil war. In time of civil war all political rights must be surrendered to the necessities of the conflict. And so it was here. We surrendered the right we had inherited, and which up to that hour we had exercised, that no soldier should show himself at the polls. We surrendered that safeguard as we surrendered many other things that were dear to us. A convertible currency, specie payments, almost every traditional right, disappeared in the presence of the great danger with which we were confronted.

Now, for fifteen long years we have been striving to recover that lost ground. We have made gigantic efforts, sacrifices such as the world never saw, to get back to the resumption of specie payments; and yet we have done nothing for the resumption of our political rights, the rights which lie at the very foundation of this Government.

The time has come to recover this lost ground, and I think it is a reproach to our patriotism that the resumption of specie payments should have preceded the resumption of the rights necessary for the preservation of free government. It is an imputation upon this liberty-loving people and its representatives that they have allowed the time to pass by until now, when the question is finally about to be settled in this bill, and in another bill, the result of the conference on which will soon be reported to this House.

Now, Mr. Speaker, can we surrender this question? Would we be justified by the people of this country, now that the issue has been raised in conceding the principle in time of profound peace, fifteen years after the close of a civil war, that soldiers may be ordered by the executive power to the polls on the day of election? I, Mr. Speaker, of all men in this House am most anxious that there shall be no extra session; I have everything to lose and nothing to gain by it. All that I have in the world is engaged in business operations which are always damaged by extra sessions of Congress. I am sure I speak the voice of the industrial interests of this country when I say they want this Congress to go in peace. But, Mr. Speaker, there are things greater than money, greater than profits—without which money disappears and profits are an illusion—things for which men have sacrificed fortunes and family and life in every age of the world, and the greatest of all is the right of self-government. And this question in this bill lies at the very foundation of the struggle for civil liberty which has lasted since governments were founded and survives, as this scene bears witness, to this very hour. Let me say that the recovery of these rights is almost as difficult as their establishment. If when this opportunity comes once and is passed by unheeded, then rarely does the opportunity come a second time. If the provision authorizing the presence of troops at the polls shall remain upon our statute-books, when an unscrupulous Executive—and we may have such a one—shall occupy the presidential chair with his power to control the troops at the polls, the people of this country will never elect his successor. That danger confronts us. We are asked why we press this issue now. We press it now because we have had an admonition that when the Army bill failed in the Forty-fourth Congress the Army was maintained without law for months, nearly to the time of the next election, before Congress was called together and provision could be made for its support.

Unless the provision for which we have made so zealous a struggle goes into this bill, if the Army exists on the 30th day of June, 1880, then under the precedent we have seen the Army can be continued without law till the next political election. If there should be a disposition—and I trust there will be none—but if there should be a disposition to use the Army for political purposes, it will be impossible ever again, in my judgment, to elect a President of the United States by the voice of the people.

It is for that reason that conferees on the part of the House have felt themselves constrained to plant themselves firmly upon the ground that they would never yield this provision, and I trust that they will be sustained by the unanimous voice of the House.

The issue thus made is one which we are ready to accept before the country. Let the people decide whether they are prepared to surrender the sacred right of untrammelled suffrage which this bill seeks to guard, and the provisions which in the legislative bill are designed to maintain unimpaired the trial by jury, which is the great achievement of our race. Unless the blood which courses in our veins has degenerated from the vital fluid which has made the Anglo-Saxon people great and free, I cannot doubt the result of the appeal which I now make to the country. [Loud applause on the democratic side of the House and in the galleries.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, and further insisted upon its amendments disagreed to by the House to the amendment of the Senate No. 20, and asked for a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DORSEY, Mr. FERRY, and Mr. WALLACE the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. FOSTER. The gentleman from New York has very correctly stated the disagreement of the conference committee so far as he knew it.

Mr. HEWITT, of New York. Before my colleague proceeds, I desire to make a motion for the previous question.

Mr. FOSTER. I do not know that I will yield to the gentleman to make that motion.

Mr. Speaker, the gentleman from New York has been on one conference committee, that of the Army bill.

The SPEAKER. The gentleman from Ohio will suspend. The gentleman from New York [Mr. HEWITT] was listened to with great attention by gentlemen upon the other side of the House, and the Chair thinks it only fair that the gentleman from Ohio should be listened to with equal attention upon the opposite side of the Chamber.

Mr. FOSTER. The gentleman from New York, as I was remarking, has been on the conference committee on the Army bill alone. Fortunately or unfortunately for me, I have been on the conference committees of both of the bills where these political questions arise, and I can say to the House that so far as my own action is concerned I think I have fully realized the importance of trying to come to an agreement on these bills and save the country the annoyance of an extra session.

With this feeling I offered what I thought was a fair basis of compromise, or settlement if you please, which included the question which is now before the House. That basis was something like this: that the republican side of the House would agree to the proposition that is embraced in this Army bill, and would agree further to what is known as the jury clause in the legislative bill; and that the democrats should recede from what is known as the supervisors and marshals clause in the legislative bill.

Mr. ATKINS. If my friend will allow me; I do not like to interrupt him. He is speaking of the conference on the legislative, executive, and judicial appropriation bill. Does my friend confine his remarks to himself, or does he speak of other members of the conference?

Mr. FOSTER. I am speaking of the proposition that I made.

Mr. ATKINS. For yourself?

Mr. FOSTER. For myself. We were informed in conference by our democratic friends that they could not yield anything. Now, while I have no right to speak here of what the Senators might have done on this question, yet upon my own responsibility I am willing to say that I believe if this basis of settlement had been agreed to by our democratic friends an agreement would have been reached.

For myself I care but little about this proposition in the Army bill. I do not know but that the time has about come when we perhaps ought to agree to it, though I am not quite ready for it yet. The gentleman from New York [Mr. HEWITT] has said a great deal about English-speaking people and the liberty-loving traits of their character. Sir, I think we republicans are as much in love with liberty as are the English people or as my friend from New York. I have yet to learn from any responsible source that the troops ever prevented any single voter from voting as he pleased. On the contrary they have assisted hundreds and thousands of poor people to vote, who otherwise could not have voted.

We republicans are not quite ready to yield to all these demands. And what is the nature of these demands? Are you going to force us to repeal these laws by provisions on an appropriation bill? I know we have had a great deal of discussion about legislation upon appropriation bills. It has been said that the republicans in times past have been in the habit of legislating upon appropriation bills. I agree to that, and for myself I cannot see any great harm in legislating upon appropriation bills when both Houses agree to it.

But this proposition never was brought into this House as an independent measure. You never sought to have it passed through this House and sent to the Senate as an independent measure. But you come in here with this proposition on an appropriation bill, and you

undertake through the means of an appropriation bill to force the proposition upon the Senate. There, in my judgment, is where the wrong of legislating upon appropriation bills comes in.

I have been as anxious as my friend from New York or any other gentleman could be to reach a conclusion. I have worked for it steadily. The only propositions that have come from anybody, so far as relate to a basis of settlement, have come from republicans. But our democratic friends stood like adamant in refusing to concede one single thing, refusing to dot an *i* or cross a *t*; and that left nothing for us to do but to agree to disagree.

You gentlemen on the other side will have the next Congress. You can repeal these laws by means of bills passed in the regular form. If the President should see fit to veto them, you can then put them upon appropriation bills and probably force him to take them.

There will be no election between now and 1880, except in California, to be affected by these laws; and I want to say to gentlemen on the other side, and I think I speak for my friends on this side, that we are willing to make an exception of California for the purpose of reaching a settlement.

Mr. FINLEY, of Ohio. Does that exception mean that you will send no troops to California?

Mr. TOWNSEND, of New York. Oh, dear! [Laughter.]

Mr. FINLEY, of Ohio. We do not ask the gentleman to make any exception for California.

Mr. FOSTER. I will say to my constituent [laughter] that what I mean is that we would agree to incorporate a provision in the bill excepting the State of California from the operation of these laws next year.

Mr. FINLEY, of Ohio. That is exactly what I asked.

Mr. FOSTER. That is the only State that votes before 1880. Why this haste? Why do you sit here and propose to defeat two of the most important appropriation bills for the purpose of gaining this single point which you can gain just as easily next year when you will have both Houses of Congress? You cannot use it before then if you get them.

And my friend from New York is in trouble about a veto next year and about the President having shown his ability once to maintain the Army for six months, and that he may do it again. I want to say to my friend from New York that the President can veto this bill now just as easily as he could one like it next year. There can be nothing in that argument.

You simply propose to make an issue here and crowd down the throats of the republican party this special legislation. Now, in the interest of the people of this country, in order to save them from the annoyance and loss of an extra session of Congress, which is always a damage to the country even when the republican party is in power, we propose to save the annoyance of an extra session of Congress controlled by democrats. [Laughter.]

Mr. SOUTHWARD. Had not my colleague better introduce a resolution for a suspension of the rules and an entire abolition of Congress?

Mr. FOSTER. I think the people of this country, just at this time, would hail that with a great deal of satisfaction. [Laughter.]

Now, I do not know that I want to extend this debate any further at this time. On our side we have, I think, offered everything that we possibly could for the sake of securing a basis of settlement—a basis which I believe at one time my friend from New York and many other gentlemen on that side were willing to accept. But I am told—I guess there is no truth in it—that the Speakership contest enters into this controversy; that the Bourbon elements have got control of the other side of the House and have bulldozed my friend from New York and others into taking a strong position on this question; but I do not believe that. [Laughter.] I yield to my colleague, [Mr. GARFIELD.]

Mr. GARFIELD. I accept the courtesy of the gentleman—

Mr. HEWITT, of New York. How much time does the gentleman from Ohio want?

Mr. GARFIELD. Five minutes, perhaps.

Mr. COBB. Mr. Speaker, I should like to know whether debate is in order.

Several MEMBERS. Certainly.

Mr. COBB. I am getting tired of sitting here doing nothing.

The SPEAKER. Debate is in order.

Mr. GARFIELD. Mr. Speaker, it is only just that the precise situation of this legislation and the fair relation of all parties to it should be perfectly understood. It has been quite fully stated on both sides, but I desire to enlarge a little upon one or two features of what has been said.

The gentleman from New York [Mr. HEWITT] has certainly drawn very largely upon what, if I should follow his example, would be my imagination, in his statement that the liberties of this country are now in danger or ever have been in danger from the legislation embraced in the two clauses of the sections of the statutes proposed to be repealed by this legislation. I admit that in a monarchical country like England, especially as England was in the days when their first army law passed, there was danger, great danger, in giving any considerable power to the army. But in a country like ours, where the Legislature controls the purse of the nation, it can freeze the Army to death when it chooses. In a country like ours, where the Chief Magistrate is liable to be impeached for any serious violation of law,

for any malfeasance or misfeasance on the part of any military officer, where the whole spirit of the Government is civil, and the military is completely subordinated, it seems to me that the alarms which my friend from New York raises are wholly imaginary.

Now gentlemen ought to bear in mind what these two sections are. They ought to remember in the first place the time when they were passed and the object for which they were passed. It ought to be borne in mind that both the sections sought to be modified in this appropriation bill are restraining sections—sections indeed leveled against the Army—one of them laying heavy penalties upon any soldier, whether enlisted man or officer, who may in any way interfere with the freedom of elections.

Notice the language of these sections:

Sec. 3502. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

Sec. 3525. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than \$5,000, and suffer imprisonment at hard labor not less than three months nor more than five years.

Gentlemen talk as though these sections had been adopted to empower the Army to interfere with the freedom of elections. On the contrary they were in precisely the opposite direction. It should be remembered that these sections were enacted in 1865, when the roar of battle was still in our ears; when our guns were still smoking; when none of the States in rebellion had been reconstructed; when none of them had been restored to their place in the circle of the Union; when all was chaos; when from governor down to the humblest officer in every one of those States there was no one that bore in the new order of things any recognized authority; when even the machinery for the service of ordinary civil process had all to be set up anew; when by the necessity of the case the military occupation of all that part of the country was indispensable even in the view of the most extreme opposers of the Union. It was at that time, when our Government was seeking to restore civil authority in the place of the chaos that the war had left, when it was necessary to have armies all through that portion of the country—it was at such a time that the victorious Government in the interest of liberty put up these muniments and armaments against any aggression of the military upon the right of electors by saying to them: "You shall obstruct no man in his free right to the suffrage. If you do, imprisonment and fine shall be visited upon the officer or man who may do it." That is what those laws were for, and that is what they are to-day—laws restrictive of the military power with exception of the single clause which does not prohibit them from keeping the peace at the polls. Is that a wrong; an act of tyranny? Perhaps the law is now as necessary as it was in 1865. I am free to admit for one that these enactments were passed at a period so different from the present that probably we can without serious harm in any direction muster them out, as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go, though I do not quite see how anybody can say that while a State may call out its own militia to keep the peace at its own polls, (and nobody calls that tyranny, nobody calls that wickedness, injustice, and a menace to civil liberty,) so it seems to me that a nation when it has its own elections, which its own Constitution says it may regulate as to the time, place, and manner of holding them, may with great propriety use its own military force to keep the peace at its own national polls. That is all there is in these two sections that any gentleman has complained of. Now I believe as a matter of fact no one will say that any citizen during the thirteen years and more that this law has stood on our statute-book has been denied the full and free exercise of the elective franchise in consequence of the presence of armed soldiers of the United States near the polls. If there has been such a case, I will join with any man of any party in deprecating it, in deploring it, in doing what I can to prevent its recurrence.

But lest it should be a rock of offense and a stone of stumbling to any man in this country, I for one would be willing to let it go out of the law rather than even appear to sin against the liberty of the citizen. Whether our appropriations fail or pass depends upon three things. We are confronted with three propositions that gentlemen on the other side have put upon the appropriation bills; and I may be permitted to repeat them in a word. First, this one which I have already discussed is on the military bill; second, the repeal of the juror test oath, which is on the legislative bill; and, third, the repeal of the election sections on the same bill. These are three, and the only three, things that prevent us from closing our work and shaking hands at twelve of the clock to-morrow, with the session ended and the work of Congress to be resumed only in December next.

[Here the hammer fell.]

Mr. GARFIELD. I ask the gentleman to allow me a few moments longer.

Now, I say, Mr. Speaker, for my separate self, and I believe I speak the sentiment of a very large number of gentlemen around me, that to save the country from the evils of an extra session I am willing, and I have not hesitated to express myself to both sides in conversa-

tion the last three days—for all law is the result of a compromise, unless it is passed by a unanimous vote—I for one am willing to abandon the first two of these differences, to give up the clauses in relation to the use of the Army and to give up the jurors' test oath, if the other side will abandon the attempt to repeal the election laws.

On this latter subject I stated my opinions fully when it was first under debate. I said then, and I say now, we will not allow the repeal to pass this Congress. From that position we will not recede. But in that debate, while I said we would use all our constitutional power to prevent these laws from being swept from the statute-books, I was careful not to state that I would consume the remainder of the session in resisting the passage of the election law through this House. Why? Because I am so far loyal to the body of which I am a member that I admit that a majority of this House has a right to adopt such measures as they choose in conformity with the Constitution and the rules of the House. But now the situation is wholly different. There is another branch at the other end of this Capitol co-ordinate and coequal with ourselves, and this House has no right whatever to force its opinions upon that House and, on our part, declare that we will yield nothing. I think it fair and honorable and just that if one side yields two of these points the other should yield one. Even now, far into the morning of the last day of the session, if a fair spirit of adjustment were manifested, our conference committees may meet and give us these bills for the support of the Government, with no dishonor to either, and with no real or fancied grievances on the other side which they will not have even more ample time than now to correct long before any national election is held.

Whether this will be done depends upon gentlemen on the other side. From the first they have manifested a determination to force their views recklessly and roughly not only upon the minority here but upon the majority in the other House. This will be seen by the insolent tone of the paper which has given voice to their purposes and methods. I read from its issue of Saturday morning, though feeling that an apology is needed for repeating its vulgar and indecent spirit:

We are authorized to state, for the benefit of Mr. HAYES and his miserable gang, and for the information of any possible democrat who may hesitate or feel weak in the knees, that, if the worst comes to the worst, there is an organization in the House, embracing eighty-odd men, pledged upon their honor to stand by Mr. SOUTHWARD and filibuster out the remaining thirty hours of the session, rather than let the legislative, executive, and judicial bill pass without repealing the election law. The fraud in the White House and his pals are welcome to whatever comfort they can extract from this information.

Mr. HEWITT, of New York. What paper have you read from?

Mr. GARFIELD. That is from the Washington Post of this morning, in which its party programme for the day's congressional work is announced. I should be glad to know that is not the truth. I should be glad to find that in spite of this we may still honorably finish the public business intrusted to our hands and let the country enjoy for a few months the blessings of our silence.

Mr. CLARK, of Missouri. I wish to ask the gentleman a question. What party has been filibustering during this evening's session?

Mr. REED. No party has filibustered on appropriation bills.

Mr. CLARK, of Missouri. The party on your side of the House has done the entire filibustering.

Mr. HEWITT, of New York. I now call for a vote.

Mr. TOWNSHEND, of Illinois. I ask the gentleman from New York to do me the fairness to give me what he has already promised me, an opportunity to be heard.

Mr. SOUTHWARD. My name has been mentioned, and I hope I may be heard.

Mr. TOWNSHEND, of Illinois. The gentleman from New York has yielded to two on the other side, and we on this side have a right to be heard.

Mr. HEWITT, of New York. I yield five minutes to the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. The gentleman from New York has uttered a truthful sentiment here, which is creditable to him. He has mentioned the fact that during the late civil war the people of this country did surrender many things, one of which was specie payments. Another surrender of the people of this country was to a large extent their constitutional liberty. He has also announced that we have resumed specie payments; but we have not yet resumed our liberties. I have no more to say upon that point, except to say the time has arrived for a resumption of our liberties. I want now further to call the attention of this House to the spectacle which has been presented here to the American people during the past few days.

Why is it that there is an extra session imminent? It is because gentlemen upon the other side of the House, since last Saturday, have been filibustering and obstructing legislation in order to screen a man holding an exalted position as a representative of the Government abroad from punishment who is charged with high crimes and misdemeanors. There are some other issues before us to which I will refer. Let me call your attention to the fact that an appropriation bill making provision for postal expenses has been in a conference committee and there is a disagreement upon it. Why? Because the Senate, a republican body, has said to the House, "Unless you yield to us a scheme for subsidizing the Brazilian steamship line there shall be an extra session." Another issue is presented before the country upon the Army bill, when it is insisted we have reached that period

of peace in the country when soldiers should be taken from the polls in order that we may have free elections, a republican Senate says to us in plain language it will force an extra session before the authority to use troops at the polls shall be repealed. The point, then, that the Senate makes upon us here, as uttered by the gentlemen from Ohio [Mr. FOSTER and Mr. GARFIELD] here to-night, is that in reference to the bill providing for the legislative, executive, and judicial expenses of the Government, there shall be no repeal of laws which provide for the appointment of republican recruiting sergeants at the polls in the shape of deputy marshals and supervisors. I want to state the fact before the House and the country that the democratic side of this House has not been guilty of resorting to filibustering or any means of obstructing legislation in order to provoke an extra session. If an extra session shall be found necessary, it is because the republican party is obstructing legislation, and because the democratic party is standing up here for free elections and against the Brazilian subsidy. [Laughter on the republican side.]

Now, one other point. The gentleman from Ohio [Mr. FOSTER] uttered a sentiment which, in my judgment, finds an echo in the hearts not only of the minority in this House, but in the hearts of the majority of the party to which he belongs, when he says he desires that the Congress of the United States, the representative body of the people, should be abolished. What would follow? A monarchical form of government. [Laughter on the republican side.] Let me say one word to my democratic friends. You stand here to-day upon these important issues before the country; you are compelled to decide whether you will surrender free elections; you are called upon to decide whether you will surrender to monopolists and subsidy-schemers; you are compelled to face the Senate to-day upon these important propositions. Surely there is not a man here who calls himself a democrat who will not stand firm upon these issues until adjournment of this session in support of these propositions.

[Here the hammer fell.]

Mr. HEWITT, of New York. I now yield five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. We have here a proposition for compromise from the opposite side of the House. They propose that they will yield the use of troops at the polls and the test oath, and that we shall yield the marshals and supervisors, but they say in the same breath that they do not care anything about the question of troops at the polls and are willing to yield that. They said in the beginning they did not care anything about the test oath and were willing to yield that. But the real battle-ground is upon the marshals and supervisors of elections, and now they generously tender to this side of the House that they will give up nothing and that we must give up everything. The position taken by the republicans is necessitating an extra session of Congress upon the country. For what purpose? Let it be distinctly understood here and in the country: first, because they insist upon the use of the Army at the polls; second, because they insist upon the test oath for the purpose of packing juries; third, because they insist on a body of electioneers at the polls in the shape of supervisors and marshals, to be paid out of the Treasury and to be used in the interest of the republican party. These are the three questions upon which the parties are divided.

I say these three propositions are embraced in, first, doing away with the presence of soldiers at the polls; second, the abolition of the test oath, and third, doing away with marshals and supervisors on and before the day of election. It is the question of the freedom of election and the non-presence of hired and bribed agents to work for a particular political party.

Now, it has been said that this side of the House—and my name has been mentioned in connection with it—are determined to filibuster to enforce the repeal of these obnoxious statutes. In response, I want to say that we have no occasion to filibuster; we have the majority and we stand here as one man, with not a single solitary exception, determined to maintain these rights at all hazards.

An extra session will bring annoyance, it is said, and bring large expense. An extra session will not bring the amount of expense that is brought by the salary of these marshals and supervisors. Five hundred thousand dollars will not pay the bill for your marshals and supervisors and your courts incident to them. A less amount will pay the expense of an extra session of Congress.

Since at the next session we will have an opportunity to repeal these laws, it is asked why insist upon it now? If we will have the opportunity to repeal them at the next session why does that side of the House resist their repeal now?

Mr. GARFIELD. Will my colleague yield for a question?

Mr. SOUTHARD. Not if my time is not extended.

Several MEMBERS. We will extend your time.

Mr. SOUTHARD. Then, I will answer the question.

The SPEAKER. The gentleman from New York [Mr. HEWITT] has control of the time.

Mr. GARFIELD. The gentleman speaks of the expense of this law, of that part of it which results from the prosecution and punishment of persons who violated the election laws by fraudulent voting. Does he not think that money should be expended?

Mr. SOUTHARD. The expense resulting from the interference of these marshals and deputies should not be paid, and it amounts to a very large sum. That together with the expense of the supervisors

and marshals will amount to a great deal more than the cost of an extra session of Congress could possibly amount to.

Mr. REED. What an answer that is.

Mr. SOUTHARD. Let us have punishment for crime if crime is committed. But the purity of elections cannot be protected by keeping agents there to watch voters and interfere with voters before the act of voting.

[Here the hammer fell.]

Mr. HEWITT, of New York. How much time is there remaining of the hour?

The SPEAKER. The question is upon the demand of the gentleman from New York [Mr. HEWITT] for the previous question.

Mr. GARFIELD. On what?

The SPEAKER. On the motion to insist upon the disagreement of the House to the Senate amendment.

Mr. GARFIELD. I move to amend that by asking for a further conference.

Mr. HEWITT, of New York. I do not yield for that.

Mr. SINGLETON. I would be very much pleased to have a few minutes.

Mr. HEWITT, of New York. How much time is left?

The SPEAKER. Five minutes.

Mr. HEWITT, of New York. I yield two and a half minutes to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. SINGLETON. The effect of these laws upon the people of the South is very different from that upon the people of the North. Under these laws as they now stand upon your statute-book the marshals have a right to appoint any number of deputies they may think proper, and they invariably select men of their own political party.

A MEMBER. Not always.

Mr. SINGLETON. They are at least antagonistic to the white people of the South. They are generally men who have very little standing, often illiterate colored men, or if white, those who have not ordinarily as much brains as would lie upon your thumb-nail. Let me say to you in all truth, however unpalatable it may be to republican taste, that these white men who are opposed to our people and willing to officiate in this capacity are under the ban of society. Whenever such men are selected by the marshals, they are selected because of their known antipathy to our white citizens, and their readiness to do the will of their masters. They therefore go to the ballot-box with their prejudices against our people and to persecute them to the bitter end.

Mr. RANDOLPH. They ought not to be allowed to vote, ought they?

Mr. SINGLETON. They are vested with power to arrest any man, not upon affidavit, but upon mere suspicion that he is endeavoring to obstruct proper voting. They are not required to wait for an affidavit or for proper proof to show that such an attempt is being made, but in their ignorance or prejudice arrest at their own volition. Should they see the best citizen talking in an earnest manner with a colored voter, or remonstrating with him as to his vote, as he might do with another white man, they have the power to take him from the polls at once and carry him before a commissioner or before a United States judge, no matter how far distant he may be removed from home and friends. The judge or commissioner is of the same stripe of politics, and unless the prisoner should happen to have friends at that particular point he is at once ordered to jail because he cannot give the required bail. Now, this is happening almost every day. And when the time comes around for trial, how does it operate? The prisoner is in the hands of a marshal who summons a jury to suit himself. No respectable white man in the South can serve on that jury unless he can take the oath that he neither gave aid, comfort, nor countenance to his dearest relative during the war. Thus the jury is made up of men whose sympathies are all against the prisoner, and conviction follows in every case. Call you this liberty? If so, what, in your republican vocabulary, do you call slavery? With judge, marshal, district attorney, jury, and witnesses, all of one political faith and interested in one result, namely, the supremacy of the republican party, what hope is there of securing the ends of justice? Such trials have been worse than mockery. The forms of law have been prostituted to malicious party ends. Perjury on the part of witnesses has been added to perjury on the part of jurors, and the republican party has greatly rejoiced at convictions had under such circumstances.

[Here the hammer fell.]

Mr. FOSTER. Will the gentleman allow me to ask him a question?

Mr. SINGLETON. If I am allowed to do so I will answer it.

Mr. FOSTER. Is it not the fact that a large number of people arrested under these laws in Mississippi have confessed themselves guilty?

Mr. SINGLETON. Yes, because they have been compelled to do so from the persecutions to which they were subjected; because they chose rather to do it and face the penalty than remain in jail.

Mr. THOMPSON. If the previous question is seconded, will that cut off all amendments and prevent the possibility of any further action on this bill? And I desire to ask further if the purpose is to effect that?

The SPEAKER. The Chair knows nothing of the purpose.

The previous question was seconded and the main question ordered.

The SPEAKER. The question is on the motion of the gentleman from New York that the House further insist upon its disagreement to the Senate amendment to the Army appropriation bill.

Mr. GARFIELD. Is it in order to move to amend that so as to ask for a further committee of conference?

Mr. HEWITT, of New York. I do not yield for that.

Mr. GARFIELD. Can it be done afterward?

Mr. SAYLER. It can be done by the Senate.

The SPEAKER. The Senate can ask for a further conference.

Mr. GARFIELD. Will it be in order after the motion of the gentleman from New York [Mr. HEWITT] is agreed to for the House to ask for a further conference?

The SPEAKER. Agreeing to the motion disposes of the subject.

Mr. GARFIELD. I trust the gentleman will allow an amendment that the House ask for a further conference.

Mr. HEWITT, of New York. I decline to yield.

The motion of Mr. HEWITT, of New York, was then agreed to.

Mr. HEWITT, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARS OF PENSION.

Mr. SPARKS. I ask consent to take from the Speaker's table the arrears of pension bill, with the Senate amendments thereto.

Mr. MCKENZIE. I object.

Mr. SPARKS. I will state that these amendments are merely formal.

Mr. THOMPSON. Send them up, and let us hear them.

Mr. TUCKER. I object.

IMPEACHMENT OF GEORGE F. SEWARD.

The SPEAKER. The Chair will submit the question again on agreeing to the resolution presented by the Committee on Expenditures in the State Department. When the question was taken a quorum did not vote.

The question was again taken; and there were—ayes 99, noes 1.

Mr. TOWNSHEND, of Illinois. I wish to inquire whether gentlemen on the other side want to fritter away the few remaining hours of this session?

Mr. LUTTRELL. Members on the republican side who sit in their seats and refuse to vote are responsible for this waste of time.

Mr. SPRINGER. If the gentlemen on the other side of the House who are refusing to give us a quorum will withdraw the point of order as to a quorum and allow the resolution to stand as having been adopted, I will yield the floor for other business.

Mr. CONGER. In other words, when the gentleman has gained all he wants he is willing to surrender.

Mr. SPRINGER. I recognize the fact that it is within the power of the minority here, by refusing to vote and by interposing dilatory motions, to prevent the action of the House upon this question. I do not desire to prevent the passage of some measures which my friends here feel that their constituents are demanding should be passed before this Congress adjourns. [A voice, "Don't give up!"] I do not give up anything; but when members who were sent here to perform their duties feel justified (I do not question their right to do as they think fit) in staying here and refusing to vote, or interposing dilatory motions against the transaction of proper and legitimate business in this House, I do not desire to persist in a position that will prevent necessary legislation.

Mr. HARRIS, of Massachusetts. Mr. Speaker, what is the question?

The SPEAKER. The question is on the adoption of the resolution reported by the Committee on Expenditures in the State Department. When the vote was last taken no quorum voted.

Mr. BUTLER. I move to refer the whole matter to the Committee on the Judiciary.

Mr. SPRINGER. We have voted that down once.

Mr. CLARK, of Missouri. I call for the regular order.

The SPEAKER. The Chair is trying to find out what is the regular order. What disposition of the question does the gentleman from Illinois [Mr. SPRINGER] propose?

Mr. SPRINGER. I call for the yeas and nays on the adoption of the resolution.

The SPEAKER. The gentleman demands the yeas and nays.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent that the message from the Senate in reference to the Post-Office appropriation bill be read. The Clerk read as follows:

Resolved, That the Senate disagree to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes; that it further insist upon its amendments to said bill, disagree to the amendments of the House to the amendment of the Senate numbered 20, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. DORSEY, Mr. FERRY, and Mr. WALLACE be the conferees on the part of the Senate.

Mr. BLOUNT. I move that the House further insist on its disagreement to the twentieth amendment of the Senate, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BLOUNT, Mr. CLYMER, and Mr. BAKER of Indiana, as the conferees on the part of the House.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. CLAFLIN. I rise to a privileged question. I move that the House consent to the request of the Senate for a further conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4579) concerning street railroads in the District of Columbia.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CLAFLIN, Mr. BLACKBURN, and Mr. HUNTON as the conferees on the part of the House.

IMPEACHMENT OF GEORGE F. SEWARD.

The SPEAKER. The question is on ordering the yeas and nays upon agreeing to the resolution reported from the Committee on Expenditures in the State Department.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 2, not voting 182; as follows:

YEAS—106.

Aiken,	Davidson,	Henry,	Robbins,
Atkins,	Davis, Joseph J.	Herbert,	Roberts,
Banning,	Dean,	Hewitt, Abram S.	Robertson,
Beale,	Dibrell,	Hooker,	Singleton,
Beebe,	Durham,	Hunt,	Siemons,
Bell,	Elden,	Kimmel,	Smith, William E.
Benedict,	Eickhoff,	Knott,	Southard,
Blackburn,	Elam,	Ligon,	Sparks,
Blount,	Ellis,	Lynde,	Springer,
Boone,	Evins, John H.	Maish,	Stenger,
Bouck,	Ewing,	Manning,	Townsend, R. W.
Bragg,	Finley, Ebenezer B.	Martin,	Tucker,
Bright,	Finley, Jesse J.	Mayham,	Turner,
Calhoun,	Forney,	McKenzie,	Turney,
Caldwell, John W.	Franklin,	McMahon,	Vance,
Candler,	Garth,	Mills,	Veeder,
Carlisle,	Gause,	Money,	Waddell,
Chalmers,	Gibson,	Morgan,	Wigginton,
Clarke of Kentucky,	Glover,	Morrison,	Williams, James
Clark of Missouri,	Goode,	Muller,	Williams, Jere N.
Cobb,	Gunter,	Phelps,	Willis, Albert S.
Collins,	Hamilton,	Potter,	Willis, Benj. A.
Cook,	Hardenbergh,	Pridemore,	Wilson,
Covert,	Harrison,	Rea,	Yeates,
Cox, Samuel S.	Hart,	Reagan,	Young, John S.
Cravens,	Hartzell,	Reilly,	
Crittenden,	Hatcher,	Rice, Americus V.	

NAYS—2.

NOT VOTING—182.

Acklen,	Deering,	Keightley,	Ross,
Aldrich,	Denison,	Kelley,	Ryan,
Bacon,	Dickey,	Kenna,	Sampson,
Bagley,	Dunnell,	Ketcham,	Sapp,
Bailey,	Dwight,	Killinger,	Sayler,
Baker, John H.	Eames,	Knapp,	Scales,
Baker, William H.	Ellsworth,	Landers,	Sexton,
Ballou,	Errett,	Lapham,	Shallenberger,
Banks,	Evans, I. Newton	Lathrop,	Shelley,
Bayne,	Evans, James L.	Lindsey,	Sinnickson,
Bicknell,	Felton,	Lockwood,	Smalls,
Blair,	Fleming,	Loring,	Smith, A. Herr
Bland,	Fort,	Luttrell,	Starin,
Bliss,	Foster,	Mackey,	Steele,
Boyd,	Freeman,	Majors,	Stephens,
Brentano,	Frye,	Marsh,	Stewart,
Bridges,	Fuller,	McCook,	Stone, John W.
Briggs,	Gardner,	McGowan,	Stone, Joseph C.
Brogden,	Garfield,	McKinley,	Strait,
Browne,	Giddings,	Metcalfe,	Swann,
Backner,	Hale,	Mitchell,	Thompson,
Bundy,	Hanna,	Monroe,	Thornburgh,
Burchard,	Harmer,	Morse,	Throckmorton,
Burdick,	Harris, Benj. W.	Muldraw,	Tipton,
Butler,	Harris, Henry R.	Neal,	Townsend, Amos
Cain,	Harris, John T.	Norcross,	Townsend, M. I.
Caldwell, W. P.	Haskell,	Oliver,	Van Vorhes,
Calkins,	Hayes,	O'Neill,	Wait,
Camp,	Hazelton,	Overton,	Walker,
Campbell,	Hendee,	Page,	Walsh,
Cannon,	Henderson,	Patterson, G. W.	Ward,
Caswell,	Henkle,	Patterson, T. M.	Warner,
Chittenden,	Hewitt, G. W.	Peddie,	Watson,
Claffin,	Hiscock,	Phillips,	White, Harry
Clark, Alvah A.	House,	Pollard,	White, Michael D.
Clark, Rush	Hubbell,	Pound,	Whitthorne,
Clymer,	Humphrey,	Powers,	Williams, Andrew
Cole,	Hungerford,	Price,	Williams, C. G.
Conger,	Hunter,	Pugh,	Williams, Richard
Cox, Jacob D.	James,	Rainey,	Willits,
Crape,	Jones, Frank	Randolph,	Wood,
Culbertson,	Jones, James T.	Reed,	Wren,
Cummings,	Jones, John S.	Rice, William W.	Wright,
Cutler,	Jorgensen,	Riddle,	Young, Casey.
Danford,	Joyce,	Robinson, G. D.	
Davis, Horace	Keifer,	Robinson, M. S.	

During the above roll-call the following announcements were made:

Mr. BELL. My colleague, Mr. HARRIS, is paired with Mr. BAGLEY. If present, Mr. HARRIS would vote "ay."

Mr. MORSE. I am paired with Mr. BRENTANO.

Mr. HARDENBERGH. Mr. ROSS is paired with Mr. OVERTON.

Mr. RICE, of Ohio. Mr. DICKEY is paired with Mr. VAN VORHES. If present, Mr. VAN VORHES would vote "no" and Mr. DICKEY "ay."

Mr. DAVIS, of North Carolina. Mr. STEELE is paired with Mr. CALKINS. If present, Mr. STEELE would vote in the affirmative.

Mr. PATTERSON, of Colorado. I am paired with Mr. ERRETT. If Mr. ERRETT were present, I would vote in the affirmative.

Mr. SHELLEY. I am paired with Mr. HAZELTON. If he were present, I would vote in the affirmative.

Mr. ROBERTS. My colleague, Mr. WALSH, is paired with Mr. REED.

Mr. MONEY. Mr. YOUNG, of Tennessee, who is detained from the House by sickness, is paired with Mr. JONES, of Ohio.

Mr. REAGAN. Mr. THROCKMORTON, who is absent on account of sickness, is paired with Mr. O'NEILL.

Mr. WHITE, of Indiana. Mr. FULLER is paired with Mr. HUNTON.

Mr. THOMPSON. I am paired with Mr. CLYMER, who is absent by leave of the House.

Mr. COX, of Ohio. My colleague, Mr. MONROE, is paired with Mr. CUTLER. My colleague, Mr. NEAL, is paired with Mr. JONES, of Alabama. If present, my two colleagues would vote in the negative.

Mr. SPARKS. Mr. WRIGHT is paired with Mr. DWIGHT.

Mr. KEIFER. Mr. SAPP is paired with Mr. REA. I do not know how either would vote.

Mr. JORGENSEN. Mr. DAVIS, of California, is paired.

Mr. BAGLEY. I am paired on all questions to-night with Mr. HARRIS, of Georgia.

The SPEAKER. The vote is 102 yeas to 2 nays.

Mr. CONGER. No quorum voting.

Mr. POTTER. It is very evident from the action of gentlemen on the other side of the House that it will be utterly impossible for the gentleman from Illinois to secure a quorum with which to pass the resolution, and I desire under the circumstances to inquire of him whether he has not discharged his whole duty in pressing his resolution to this point? It is physically impossible to compel gentlemen on the other side of the House to vote, even if they were compelled under the rules to attend. Since they have seen fit to take the ground that they will not permit themselves to be recorded as present; since we cannot procure a majority on our side of the House, it is folly to consume time and prevent the transaction of other necessary business, and I ask the gentleman whether his whole duty has not been discharged and whether he is not prepared to permit other business to go on.

Mr. WADDELL. I submit that there are other gentlemen besides the gentleman from New York who have a duty to perform.

Mr. COX, of New York. And there are gentlemen besides the gentleman from Michigan.

Mr. POTTER. I ask the gentleman to yield to me to offer a privileged report for no other purpose than to have it printed.

Mr. SPRINGER. I yield to the gentleman to make his report.

Mr. BUNDY. Regular order!

Mr. TOWNSEND, of New York. I object to it.

Mr. SPRINGER. There are a number of gentlemen who have measures on the Speaker's table which they desire to reach and have action on before the adjournment, and I am satisfied that it is the fixed determination of the minority in the House to break up a quorum whenever this question is called.

Mr. CONGER. The gentleman has no right to make that statement. [Cries of "Order!"]

Mr. SPRINGER. I do make it.

Mr. CONGER. You have no right to make it. Your action is louder than your words.

Mr. GOODE. Let the other side have the responsibility.

Mr. TOWNSEND, of New York. You have tried to imprison him and then to impeach him, and now I will recommend you to take up a collection.

Mr. SPRINGER. If they are not determined to break up a quorum, let them answer to their names and the result be announced.

Mr. CONGER. I ask that the articles of impeachment shall be read before the vote is taken, and for six hours that has been refused.

The SPEAKER. The Chair desires to state that the impeachment articles have been read.

Mr. CONGER. They were read in the presence of a part of the House, but many members are now here who were not present when they were read.

The SPEAKER. That was the fault of the absentees.

Mr. SPRINGER. Will the gentleman allow a vote to be taken if they are read? I put that to him. Will you allow a vote on them when they are read?

Mr. CONGER. I should like to hear them read.

Mr. SPRINGER. I ask whether you desire to have them read for information or delay?

Mr. HANNA. That is our business.

Mr. SPRINGER. Will you when you have heard them read allow a vote to be taken without further delay? I am asking in good faith, for information.

Mr. CONGER. The gentleman has refused for six hours to let the specifications be read, and now if he is willing to have them read let him repent and say so.

Mr. SPRINGER. Did I understand the gentleman to ask whether I was willing to repent?

Mr. CONGER. That question occurs to every gentleman in the House.

Mr. SPRINGER. If I have done anything here as a representative of the people that I should regret and repent of I would like to know what it is. I only ask that an officer of this Government who has been embezzling public funds should be brought to trial, while gentlemen on the other side are trying to prevent it. I will submit to the country who should repent.

Mr. BUTLER. No argument! I object! I object! [Cries of "Loud-er."] I object! I object!

Mr. SPRINGER. The gentleman objects to having this man brought to trial.

Mr. BUTLER. I object to having him brought to justice wrong end foremost.

Mr. SPRINGER. If it is left to the gentleman from Massachusetts Seward will never be brought to justice either end foremost.

[Laughter.]

Mr. BUTLER. I object!

Mr. SPRINGER. I knew you would object.

The SPEAKER. The question of a quorum is raised, and on the last vote there did not appear to be a quorum voting.

Mr. BRAGG. I move that there be a call of the House.

Mr. SPRINGER. I am willing now to yield the floor for a time for other business.

The SPEAKER. If the gentleman yields it, he must yield it absolutely.

Mr. SPRINGER. I do yield it.

Mr. WHITTHORNE. I rise to a parliamentary inquiry. Is it in order to move to postpone the consideration of the present question until ten o'clock to-morrow morning?

Mr. MAYHAM. As a member of the Committee on Expenditures in the State Department I have not taken any part in this discussion or attempted to delay the action upon it, but I feel that it is my duty as a Representative upon this floor to make a statement. After the labor of almost a year, most arduous and expensive to this country, which has been had upon this subject—[Loud cries of "Order!"]

Mr. CONGER. I object to the gentleman making an argument. I want to hear the specifications read.

Mr. MAYHAM. When the committee came into the House this morning it was by a compromise between the gentleman from New York, [Mr. BUNDY,] who had charge of the report of the minority—

[Loud cries of "Regular order!"]

Mr. BUTLER. Talk shall not be all upon your side. I demand the regular order.

Mr. SPRINGER. The talk has been upon the other side.

Mr. BUTLER. I call for the enforcement of the rules of the House. I demand the regular order.

The SPEAKER. One rule is, that members shall be quiet.

Mr. BUTLER. But when the rules are not enforced members cannot keep quiet.

Mr. MAYHAM. I am speaking under the rules. [Loud cries of "Regular order!"]

The SPEAKER. The gentleman is not in order; the main question has been ordered.

Mr. BUTLER. The only thing in order is to proceed with the call of the House.

Mr. MAYHAM. I desire to make a parliamentary inquiry. [Loud cries of "Regular order!"] If an agreement was made between two members of the committee—

The SPEAKER. Oh, the Chair has nothing to do with that.

Mr. TOWNSEND, of New York. I call for a vote on the motion that there be a call of the House.

The question was taken on the motion that there be a call of the House; and it was agreed to.

COMMITTEE ON ENROLLED BILLS.

The Chair asks unanimous consent to appoint an additional member of the Committee on Enrolled Bills.

There was no objection; and the Speaker thereupon appointed Mr. LATHROP as an additional member of the Committee on Enrolled Bills.

CALL OF THE HOUSE.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Acklen,	Cutler,	Kelley,	Steele,
Bacon,	Davis, Horace	Kenna,	Stephens,
Beale,	Dickey,	Killinger,	Swann,
Benedict,	Dwight,	Knapp,	Thornburgh,
Bicknell,	Ellsworth,	Loring,	Throckmorton,
Blair,	Errett,	Mackey,	Van Vorhes,
Bland,	Felton,	McGowan,	Wait,
Boyd,	Fleming,	Metcalfe,	Walker,
Brentano,	Fort,	Monroe,	Walsh,
Bridges,	Fuller,	Norcross,	Warner,
Brogden,	Giddings,	O'Neill,	Watson,
Buckner,	Harris, Henry R.	Overton,	White, Harry
Caldwell, W. P.	Hazleton,	Powers,	White, Michael D.
Caswell,	Hewitt, G. W.	Rainey,	Willits,
Chittenden,	House,	Randolph,	Wood,
Clark, Alvah A.	Hunter,	Reed,	Wren,
Clymer,	James,	Riddle,	Wright,
Cole,	Jones, Frank	Ross,	Young, Casey.
Covert,	Jones, James T.	Sampson,	
Culbertson,	Jones, John S.	Sexton,	

Mr. TOWNSEND, of New York. I move to dispense with further proceedings under the call.

The motion was agreed to; and all further proceedings under the call were dispensed with.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I ask the attention of the House for one moment. I have a proposition to make which I trust will receive the assent of both sides of the House. I move that the consideration of the pending question, the report of the gentleman from Illinois, [Mr. SPRINGER,] be postponed, say until ten o'clock this morning, or until a later hour, until half past ten. I make this proposition in the interest of the public health of this country, as I am informed my friend from Louisiana [Mr. GIBSON] desires to introduce a bill in relation to infectious diseases. I do it also in the interest of the pensioners of the country, as I understand my friend from Illinois [Mr. SPARKS] desires the consideration of the bill making appropriations for arrears of pensions. There are also many gentlemen upon this floor who are interested in matters of public moment. Just now everything is blocked by the consideration of the report of the gentleman from Illinois, [Mr. SPRINGER.] I trust that there will be unanimous consent given to postponing this subject until eleven o'clock, I will say.

Mr. BUTLER. That is right; we will agree to eleven o'clock.

Mr. TOWNSEND, of New York. We understood distinctly that the gentleman from Illinois had withdrawn it.

The SPEAKER. He could not do that, as the main question was ordered upon it.

Mr. POTTER. I move to reconsider the vote by which the main question was ordered.

The motion was agreed to.

Mr. WHITTHORNE. I now move to postpone the subject until eleven o'clock.

The motion was agreed to.

ALLEGED FRAUDS IN LATE PRESIDENTIAL ELECTION.

Mr. POTTER. I now present to the House and move to have printed the report of the majority, the views of the minority, and the views of a single member of the committee on alleged frauds in the late presidential election.

Mr. BRAGG. I call for the reading of those reports.

Mr. CONGER. Do they include the cipher-dispatch report?

Mr. TOWNSEND, of New York. It will show when they are printed.

The reports were received and ordered to be printed.

Mr. POTTER. I now send to the Chair the report upon the cipher dispatches as well, and move that that be printed.

Mr. CONGER. There will be no objection to that.

The motion was agreed to.

The SPEAKER. The Chair desires to make a suggestion—

Mr. BRAGG. I insist upon the reading of the reports.

The SPEAKER. The reports will be read.

Mr. MORSE. If the reports are to be read, I move that the House now take a recess until 9 o'clock this morning.

ORDER OF BUSINESS.

Mr. SINGLETON. Before that is done, I ask the House to take up the Senate bill known as the yellow-fever bill. It will be very hard upon us in the South if this session is permitted to close without our passing some bill on that subject.

Mr. GIBSON. I am authorized by the committee—

Mr. SINGLETON. I hope the House will reconsider its action upon that bill.

The SPEAKER. The reading of the reports from the presidential election committee has been called for.

Mr. GIBSON. I am authorized by the committee on the prevention of epidemic diseases to move to suspend the rules and pass the Senate bill, amended by what is known as the McGowan bill. The object is to secure a conference with the Senate, in which case we believe that a bill can be agreed upon with such amendments as will make it satisfactory to the House.

Mr. TOWNSEND, of New York. If you will not take the Senate bill you will not have any.

Mr. SINGLETON. Then I move, as a substitute, that the Senate bill be taken up and passed.

Mr. GIBSON. I am not authorized by the committee to accept any substitute.

Mr. TOWNSEND, of New York. Then we will vote you down and vote for Mr. SINGLETON's bill.

Mr. SPARKS. I understand that the Senate bill was laid on the table, and the motion to reconsider and table carried.

The SPEAKER. The Chair considers that the reports from the committee on electoral frauds must be read, if that is demanded.

Mr. BALLOU. Pending these other questions, I rise to make a privileged report from the Committee on Printing, which will take but a short time.

Mr. CLARK, of Missouri. What is the question before the House?

The SPEAKER. The reading of the reports from the electoral fraud committee is called for by the gentleman from Wisconsin, [Mr. BRAGG.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, in-

formed the House that the Senate had agreed to the report of the committee of conference on the Post-Office appropriation bill.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I rise to a privileged report. I submit the report of the committee of conference upon the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes. As this report is almost entirely like the one submitted sometime since, I will ask only that section 32 of the bill as agreed upon by the committee of conference be read by the Clerk. That is the principal change from the former report.

The Clerk read section 32, as follows:

SEC. 32. That the Postmaster-General is hereby authorized to take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage-stamps of the denominations now in use on ordinary envelopes shall be placed. And the Postmaster-General is also authorized to introduce and furnish for public use a double postal-card, on which shall be placed two one-cent stamps, and said card to be so arranged for the address that it may be forwarded and returned, said cards to be sold for two cents apiece; and also to introduce and furnish for public use a double-letter envelope, on which stamps of the denominations now in use may be placed, and with the arrangement for the address similar to the double postal-card; said letter-sheet and double postal-card and double envelope to be issued under such regulations as the Postmaster-General may prescribe: *Provided*, That the appropriations for postal cards and letter envelopes for the years ending June 30, 1879 and 1880, shall be available for the purchase of said letter-sheet envelopes, double or return postal-cards, and double-letter envelopes: *And provided*, That no money shall be paid for royalty or patent on any of the articles named.

Mr. BLOUNT. The report also recommends a change in the eleventh amendment by substituting "\$9,150,000" for "\$9,400,000."

The report of the committee of conference was adopted.

ALLEGED FRAUDS IN PRESIDENTIAL ELECTION.

The House resumed the consideration of the report presented by Mr. POTTER.

Mr. BURCHARD. I move to suspend the rules, so as to dispense with the reading of the report of the committee and allow the gentleman from Rhode Island [Mr. BALLOU] to make reports from the Committee on Printing.

The SPEAKER. The Chair will cause Rule 141 to be read.

The Clerk read as follows:

When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

Mr. BURCHARD. But it is in order to move to suspend the rules and dispense with the reading.

The SPEAKER. The present occupant of the Chair has always held that where a paper is presented for action any member has a right to have it read.

Mr. SPRINGER. But where a report is presented for printing only, I think the rule is the other way. Suppose a member should offer a resolution to print the Agricultural Report, could any member demand the reading of the whole report before the order for printing was made? That is an absurdity. If any single member could call for the reading of every document, the printing of which is ordered by the House, we could do no business at all. But when we are called upon to vote to approve a proposition, then every member has a right to hear that proposition read. In no other case, however, does that rule apply.

Mr. BRAGG. If there be any force in the argument of the gentleman from Illinois, then any scandalous document may be placed upon our files, may be printed by order of the House, without the House knowing what it is.

Mr. SPRINGER. Such a thing is impossible in a House of Representatives composed of honorable gentlemen.

The SPEAKER. The Chair has decided that where the House is called upon to vote upon a paper, it is the right of a single member to have that paper read.

Mr. SPRINGER. No vote is to be taken in this case.

The SPEAKER. The Chair, having caused Rule 141 to be read, submits to the House the question, whether the motion made by the gentleman from Illinois [Mr. BURCHARD] shall be entertained.

Mr. BRAGG. I wish to make a parliamentary inquiry. Does Rule 141 apply to reports? Does it not apply to papers other than reports, the reading of which is objected to by some member? Has the rule any application at all to the report of a committee?

The SPEAKER. There have been a great number of instances where the rule giving a member the right to call for the reading of a report or other paper has been suspended. The present occupant of the chair, however, has always held that where action by the House is involved, where members are called upon to vote *pro* or *con*, every member has the right to have read the paper on which he is required to vote.

Mr. GARFIELD. This is not such a case.

The SPEAKER. The Chair, recognizing the fact that in this case no member is required to vote upon the paper, submits the question to the House.

Mr. BURCHARD. The reason I suggested a suspension of the rules was because, as I understood, the request was made to order the report printed, and some gentleman objected unless it should be read.

The SPEAKER. The Chair submits to the House the question, Is the House willing that the Chair shall entertain the motion to suspend the rules in the manner stated?

The question was decided in the affirmative.

The question being then taken on the motion to suspend the rules to dispense with the reading of the report, it was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. DIBRELL obtained the floor.

The SPEAKER. The Chair desires to make a statement. The House has now reached a point where gentlemen acting in behalf of committees will have the right to move to suspend the rules; and the Chair desires that the vote upon suspension, if it is not manifest that two-thirds have voted in the affirmative, shall be taken only by tellers, so as to give to every committee the opportunity to submit a motion to suspend the rules through the member it may have authorized for that purpose, and, further, that the Chair may be able to reach that part of his roll containing the names of individual members desiring to be recognized for motions to suspend the rules.

Mr. SPARKS. I want to make an inquiry of the Chair. Has not the Committee on Appropriations a special privilege?

The SPEAKER. In what respect?

Mr. SPARKS. On behalf of the Committee on Appropriations, I move to take from the Speaker's table the arrears of pension appropriation bill for the purpose of concurring in the amendments of the Senate.

A MEMBER. You are not instructed by the Committee on Appropriations to do that.

The SPEAKER. The Committee on Appropriations has no right that any other committee has not, except one—to report at any time for commitment to the Committee of the Whole.

Mr. ATKINS. I deem it proper to state in the presence of the House that I did say to the gentleman from Illinois [Mr. SPARKS] that I had no doubt the Committee on Appropriations would authorize him to do just what he is doing. The members of the committee were scattered and could not be got together; and I did make that statement. Of course I do not claim to be any other than the humblest member of that committee; but I did say that I had no doubt the committee would authorize him to ask this action on the part of the House.

Mr. SPARKS. I move to suspend the rules and concur in the Senate amendments to this bill. It is an appropriation bill.

Mr. DURHAM. I say that the gentleman is not acting by authority of the committee at all; and he cannot have a meeting of that committee to-night, because a majority of the members are not on the floor.

Mr. SPARKS. I move to suspend the rules—

The SPEAKER. The Chair does not entertain the motion. The gentleman from Tennessee [Mr. DIBRELL] is on the floor upon a motion to suspend the rules.

GENERAL JAMES SHIELDS.

Mr. DIBRELL. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

Be it enacted, &c. That the President is hereby authorized and directed to appoint James Shields, of Missouri, formerly a brigadier-general and brevet major-general during the Mexican war and a brigadier-general of volunteers during the late civil war, a brigadier-general in the United States Army on the retired list, with rank and pay from and after the date of the passage of this act; and that all acts and parts of acts inconsistent herewith be, and the same are hereby, suspended so far as to enable the President to make said appointment: *Provided*, That from and after the date of said appointment all pensions heretofore granted said James Shields shall cease.

Mr. DIBRELL demanded tellers.

Tellers were ordered; and Mr. DIBRELL and Mr. KETCHAM were appointed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4579) concerning street railroads of the District of Columbia had been adopted.

GENERAL JAMES SHIELDS.

The question recurred on the motion to suspend the rules and pass the bill.

The House divided; and the tellers reported—ayes 109, noes 37.

Mr. TOWNSEND, of New York, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 112, nays 55, not voting 124; as follows:

YEAS—112.

Aiken,	Caldwell, John W.	Dibrell,	Gause,
Aldrich,	Calkins,	Dunnell,	Glover,
Atkins,	Carlisle,	Durham,	Goode,
Banning,	Chalmers,	Eden,	Gunter,
Beale,	Clarke of Kentucky,	Elam,	Hamilton,
Beche,	Clark of Missouri,	Ellis,	Hardenbergh,
Bell,	Cobb,	Evans, James L.	Harmer,
Blackburn,	Collins,	Evins, John H.	Harris, Benj. W.
Bliss,	Cook,	Ewing,	Harris, John T.
Boone,	Cox, Samuel S.	Finley, Ebenezer B.	Harrison,
Bouck,	Cravens,	Finley, Jesse J.	Hart,
Bragg,	Crittenden,	Forney,	Hartzell,
Bright,	Davidson,	Foster,	Hatcher,
Butler,	Davis, Joseph J.	Franklin,	Henry,
Cain,	Dean,	Garth,	Herbert,

Hooker,	McMahon,	Roberts,	Turner,
Hunton,	Mills,	Robertson,	Turney,
Kimmel,	Money,	Saylor,	Vance,
Knott,	Morgan,	Seale,	Veeder,
Lapham,	Morrison,	Singleton,	Waddell,
Ligon,	Morse,	Smalls,	White, Michael D.
Lockwood,	Muldrov,	Smith, William E.	Williams, Jere N.
Luttrell,	Muller,	Southard,	Willis, Albert S.
Majors,	Patterson, G. W.	Sparks,	Willis, Benj. A.
Manning,	Patterson, T. M.	Springer,	Wilson,
Martin,	Reilly,	Stenger,	Yeates,
Mayham,	Rice, Americus V.	Townshend, R. W.	Young, John S.
McKenzie,	Robbins,	Tucker,	The Speaker.

NAYS—55.

Ballou,	Deering,	McCook,	Shallenberger,
Blair,	Denison,	McKinley,	Stemons,
Brewer,	Frye,	Mitchell,	Smith, A. Herr
Briggs,	Gardner,	Oliver,	Starin,
Burchard,	Garfield,	Phillips,	Stone, Joseph C.
Burdick,	Hiscock,	Pollard,	Stone, John W.
Camp,	Hubbell,	Pound,	Townsend, M. I.
Campbell,	Humphrey,	Price,	Ward,
Candler,	Joyce,	Pridemore,	Whitthorne,
Cannon,	Keifer,	Pugh,	Williams, Andrew
Clark, Rush	Keightley,	Reagan,	Williams, James
Conger,	Lindsey,	Rice, William W.	Williams, Richard
Cox, Jacob D.	Lynde,	Robinson, G. D.	Willits,
Cummings,	Marsh,	Robinson, M. S.	

NOT VOTING—124.

Acklen,	Danford,	James,	Riddle,
Bacon,	Davis, Horace	Jones, Frank	Ross,
Bagley,	Dickey,	Jones, John S.	Ryan,
Bailey,	Dwight,	Jones, James T.	Sampson,
Baker, John H.	Eames,	Jorgensen,	Sapp,
Baker, William H.	Eickhoff,	Kelley,	Sexton,
Banks,	Ellsworth,	Kenna,	Shelley,
Bayne,	Errett,	Ketcham,	Sinnickson,
Benedict,	Evans, I. Newton	Killinger,	Steele,
Bicknell,	Felton,	Knapp,	Stephens,
Bland,	Fleming,	Landers,	Stewart,
Blount,	Fort,	Lathrop,	Strait,
Boyd,	Freeman,	Loring,	Swann,
Brentano,	Fuller,	Mackey,	Thompson,
Bridges,	Gibson,	Maish,	Thornburgh,
Brogden,	Giddings,	McGowan,	Throckmorton,
Browne,	Hale,	Metcalfe,	Tipton,
Backner,	Hanna,	Monroe,	Townsend, Amos
Bundy,	Harris, Henry R.	Neal,	Van Vorhes,
Cabell,	Haskell,	Norcross,	Wait,
Caldwell, W. P.	Hayes,	O'Neill,	Walker,
Caswell,	Hazelton,	Overton,	Walsh,
Chittenden,	Hendee,	Page,	Warner,
Clafin,	Henderson,	Peddie,	Watson,
Clark, Alvah A.	Henkle,	Phelps,	White, Harry
Clymer,	Hewitt, Abram S.	Potter,	Wigginton,
Cole,	Hewitt, G. W.	Powers,	Williams, C. G.
Covert,	House,	Rainey,	Wood,
Crafo,	Hungerford,	Randolph,	Wren,
Culberson,	Hunter,	Rea,	Wright,
Cutler,	Ittner,	Reed,	Young, Casey.

So (two-thirds voting in favor thereof) the bill was passed.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with Mr. HAZELTON.

Mr. EDEN. Mr. KNAPP is paired with Mr. BOYD, Mr. STEELE is paired with Mr. CALKINS, Mr. JONES, of New Hampshire, with Mr. WAIT, of Connecticut, and Mr. BLOUNT with Mr. BAKER, of Indiana.

Mr. GIBSON. I am paired with Mr. CRAFTO.

Mr. MORGAN. Mr. BLAND, who is absent on account of sickness, is paired with Mr. METCALFE.

Mr. NEAL. I am paired with Mr. JONES, of Alabama. If he were here, I would vote "no."

Mr. COX, of Ohio. Mr. MONROE is paired with Mr. CUTLER. If present, Mr. MONROE would vote "no."

Mr. WARD. Mr. LANDERS is paired with Mr. CASWELL, Mr. COLE with Mr. WARNER, and Mr. O'NEILL with Mr. THROCKMORTON.

Mr. BAKER, of Indiana. I am paired with Mr. BLOUNT.

Mr. ROBINSON, of Massachusetts. My colleague, Mr. NORCROSS, is paired with Mr. BENEDICT.

Mr. MITCHELL. My colleague, Mr. OVERTON, is paired with Mr. ROSS.

Mr. KEIFER. Mr. SAPP is paired with Mr. REA.

Mr. CLARK, of Iowa. Mr. FELTON is paired with Mr. CLAFIN.

Mr. THOMPSON. I am paired with my colleague, Mr. CLYMER. Mr. ERRETT is detained at home by indisposition.

Mr. STONE, of Michigan. My colleague, Mr. MCGOWAN, who is absent on account of illness, is paired with Mr. HOUSE.

Mr. BAILEY. I am paired with Mr. COVERT.

Mr. HARDENBERGH. Mr. ROSS is paired with Mr. OVERTON. If present, Mr. ROSS would vote in the affirmative.

Mr. RICE, of Ohio. Mr. DICKEY is paired with Mr. VAN VORHES.

Mr. SPARKS. Mr. WRIGHT is paired with Mr. DWIGHT.

Mr. MAYHAM. I am paired on all political questions with Mr. HENDEE, but I am assured that this is not a political question, and therefore I vote in the affirmative.

Mr. WHITE, of Indiana. Mr. FULLER is paired with Mr. HUNTER.

The SPEAKER. The Chair votes "ay."

The result of the vote was then announced, as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, with amendments in

which the concurrence of the House was requested, the bill (H. R. No. 1326) for the relief of Samuel B. Stauber and others.

The message also announced that the Senate had passed, without amendment, a joint resolution and bills of the House of the following titles:

A joint resolution (H. R. No. 297) authorizing the Secretary of War to send artillery and camp equipage to the soldiers' reunion at Cambridge, Ohio.

A bill (H. R. No. 6250) granting a pension to Morris Dwight; and

A bill (H. R. No. 1475) granting an American registry to the Canadian steam ferry-boat Geneva.

PRINTING OF REPORTS.

The SPEAKER. The Chair desires now to recognize the gentleman from Rhode Island [Mr. BALLOU] to present reports from the Committee on Printing.

Mr. BALLOU. Unless it is desired, I will not detain the House by asking for the reading of the reports which I present from the Committee on Printing. The effect of it will be to order the printing of 300,000 copies of the Agricultural Report; 10,500 copies of the Smithsonian report; 10,000 copies of the report on the cotton-worm; 1,500 copies of the report of the Coast Survey; 13,600 copies of the Paris exposition report; 5,000 copies of the report of the Wheeler survey; 5,000 copies of the Alaska report; 25,000 copies of the education report; and 5,000 copies of the report of the Polaris expedition.

Mr. PRIDEMORE. I want to ask the gentleman from Rhode Island a question in regard to the Agricultural Report.

Mr. BALLOU. The resolution for the printing of 300,000 copies of the Agricultural Report is a Senate resolution. It must fail unless it is passed as it is.

Mr. PRIDEMORE. I wish to ask whether one-fourth of the volume of the Agricultural Report is not occupied with a single article in regard to the culture of timber in Dakota Territory. I desire to call the attention of the House to that fact. But I do not myself object to the resolution.

Mr. SINGLETON. The gentleman from Virginia labors under a great mistake.

The SPEAKER. The gentleman from Virginia does not object.

There being no objection, the reports of the Committee on Printing were adopted.

WITHDRAWAL OF PAPERS.

On motion of Mr. SMITH, of Pennsylvania, by unanimous consent, leave was granted to withdraw from the files of the House papers in the case of H. Mullen, there being no adverse report thereon.

On motion of Mr. BOYD, by unanimous consent, leave was granted to withdraw from the files of the House papers in the case of George A. Wilson, of Peoria, Illinois, there being no adverse report thereon.

On motion of Mr. WILLIS, of New York, by unanimous consent, leave was granted to withdraw from the files of the House papers in the case of William A. Cowles; also a petition; there being no adverse report thereon.

REPORTS FROM COMMITTEE ON PATENTS.

On motion of Mr. SMITH, of Pennsylvania, the Committee on Patents was authorized to present to the Clerk of the House reports of an adverse character, and also of a favorable character, to be placed upon the Calendar.

LEAVE TO PRINT.

Mr. GLOVER asked and obtained leave to print in the RECORD some remarks on the administration of the Mint Bureau. [See Appendix.]

Mr. NEAL asked and obtained leave to print some remarks on the bill H. R. No. 110, and incidental thereto upon the legislation of Congress relating to the industrial interests of the country. [See Appendix.]

ADVERSE REPORT.

On motion of Mr. NEAL, from the Committee on the Territories, leave was granted to make an adverse report upon the bill H. R. No. 1596, and that said bill may lie on the table and the report be printed.

REPORT OF COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT.

On motion of Mr. LOCKWOOD, by unanimous consent, leave was granted to the Committee on Expenditures in the Interior Department to present their report and have the same printed, together with the evidence taken by the committee.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 4228) to promote the education of the blind;

A bill (H. R. No. 4564) for the relief of A. F. Whitman, administrator *de bonis non* of Samuel Kimbro and E. V. Kimbro;

A bill (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman;

A bill (H. R. No. 6242) for the relief of soldiers and sailors becoming totally blind in the service of the country;

A bill (H. R. No. 6270) for the relief of Joseph B. Collins; and

A bill (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes.

PRINTING OF A REPORT.

Mr. WILSON, from the Committee on Foreign Affairs, reported back the letter of the date of February 8, 1879, from the Secretary of the Treasury to the Speaker of the House, in relation to Document No. 76, third session of the Forty-fifth Congress, and asked that the report be printed and recommitted to the committee.

There was no objection, and it was so ordered.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. BLACKBURN, from the Committee on Expenditures in the War Department, asked leave to present report of the majority and the views of the minority on certain matters submitted to that committee.

There was no objection, and it was so ordered.

CONGRESSIONAL RECORD.

The SPEAKER. The Chair desires to say that the copy of speeches intended to be published in the last number of the RECORD for this Congress must be sent to the Printer not later than Wednesday, the 12th instant.

POST-OFFICE, ETC., AT BROOKLYN, NEW YORK.

Mr. COOK. I am instructed, unanimously, by the Committee on Public Buildings and Grounds to report a bill as a substitute for the bill (H. R. No. 2119) to provide for the erection of a public building at Brooklyn, New York, for use as a post-office and United States court, and for the accommodation of United States internal-revenue officials, and for other Government purposes.

The bill was read. It authorizes the purchase of a site and the erection thereon of a building, with fire-proof vaults extending to each story, for the accommodation of the post-office and United States court and United States internal-revenue officials, and for other Government purposes, in the city of Brooklyn, State of New York, which shall not exceed the cost of \$500,000.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. HARTZELL. I call for a division.

The House divided; and there were—ayes 80, noes 13.

Mr. HARTZELL. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Illinois, Mr. HARTZELL, and the gentleman from Georgia, Mr. COOK.

The House again divided; and the tellers reported—ayes 130, noes 19.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER. The Chair asks leave to appoint two additional members on the Committee on Enrolled Bills.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Illinois, Mr. HARRISON, and the gentleman from Illinois, Mr. HENDERSON.

CHARGES AGAINST JUDGE BLODGETT.

Mr. KNOTT. I rise to make a privileged report. I present the report of the Judiciary Committee on the charges against Judge Blodgett, United States district judge for the northern district of Illinois.

I make this proposition to the House. I do not ask that the report, which is very voluminous, be read. I repeat the proposition I made earlier this evening, that the report be printed in the RECORD and in the usual form, and that a vote be simply taken upon the resolution reported by the committee.

The Clerk read the resolution, as follows:

Resolved, That the charges against Henry W. Blodgett, United States district judge for the northern district of Illinois, be laid on the table, and that the House take no further action thereon.

Mr. BRAGG. I call for the reading of the report.

Mr. KNOTT. I move to suspend the rules to dispense with the reading of the report and put the resolution on its passage.

Mr. BRAGG. I understand the Chair to have ruled that when a report is presented upon which the action of the House is called for it is the right of any member to demand its reading.

Mr. SAYLER. The chairman of the Judiciary Committee, as I understand, does not desire the report to be read.

Mr. KNOTT. I am totally indifferent about it.

Mr. SAYLER. How long will it take?

Mr. KNOTT. It will take an hour to read the report.

Mr. TOWNSEND, of New York. I think we cannot occupy the time better than in listening to the reading of the report.

The SPEAKER. The Chair thinks the House ought to act on the yellow fever proposition, which is in charge of the gentleman from Louisiana, [Mr. GIBSON,] and he thinks the reading of the report may endanger that proposition.

Mr. KNOTT. I move that the rules be suspended so as to dispense with the reading of the report and to pass the resolution.

Mr. BANKS. The House does not act upon the report, and the reading of that report cannot be had unless the House shall direct it. We do not pass any judgment on the report, only on the resolution.

Mr. BURCHARD. Two-thirds of the House can suspend the rule that gives the right to have the report read.

Mr. SAYLER. I ask to have the rule read.

Mr. KNOTT. I call for a vote on my motion.

Mr. MILLS. Any gentleman has the right to call for the reading of any report on which he has to vote.

The SPEAKER. The Chair thinks that any member has the right to have the report read.

Mr. KNOTT. Can I not move to suspend the rules—

The SPEAKER. The Chair thinks it is the right of any member called to act upon any proposition to be informed upon the subject.

Mr. BURCHARD. The House can suspend the rule that gives him that right, if two-thirds of the members desire so to do; it is a matter for the House to determine. The gentleman from Kentucky [Mr. KNOTT] could report the resolution without the testimony and demand a vote on it.

The SPEAKER. Why does he not do so, then? He has not done that.

Mr. FRANKLIN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRANKLIN. Is the right of a member to demand the reading of the report such a right that it cannot be taken away from him by a suspension of the rules?

The SPEAKER. The present occupant of the Chair has always decided that where a member is called upon to vote on a question upon the adoption of a resolution, he has a right to hear read the report accompanying that resolution.

Mr. COX, of New York. Is it in order to move that the House take a recess until nine o'clock? If so, I make that motion.

Mr. GARFIELD. I suggest to the gentleman from Kentucky to submit his resolution alone and let that be acted upon. Then he can submit his report and have it printed.

Mr. BRAGG. I would like to inquire if there is anything in parliamentary rules which allows or permits the right of a member to have a report read accompanying a resolution upon which he is called to vote, to be defeated by first introducing the resolution and then afterward introducing the report?

The SPEAKER. The Chair thinks that a member has a right to have the report read.

Mr. SAYLER. I ask to have read the rule to which I referred. It shows the practice of the House from the beginning down to this time. It shows that it is not competent for a member of the House to defeat legislation by demanding the reading of unnecessary and long papers.

Mr. BRAGG. I would like to make this inquiry of the gentleman from Ohio, [Mr. SAYLER.] When a committee has been instructed by the House to investigate a judge, a man clothed with judicial emine, and ascertain whether he has been guilty of any malfeasance in office, or has done anything that has brought disgrace upon the American judiciary, and that committee is prepared to submit to this House a report, accompanied by a resolution, is it right for the gentleman from Ohio to rise in his place and say that it would be a waste of time to read such a useless paper?

Mr. SAYLER. I have not said so.

Mr. KNOTT. I desire to know whether my motion to suspend the rules is in order?

The SPEAKER. The Chair has not entertained that motion, because the Chair has always held that a member has a right to have a report read to which was attached a resolution upon which the member was called to vote.

Mr. KNOTT. I move to suspend the rules so as to take that right away from him.

Mr. WADDELL. And pending that, the gentleman from New York [Mr. Cox] has moved that the House take a recess until nine o'clock.

Mr. BUTLER. Oh, no.

Mr. HARRIS, of Virginia. I think the Committee on Appropriations should make some statement to the House about the public business before we take a recess.

The motion for a recess was not agreed to, upon a division—ayes 46, noes 89.

Mr. WILSON. Is it competent to move to lay the report and resolution on the table?

Mr. TIPTON. And have it printed?

Mr. BURCHARD. That is what the gentleman from Kentucky asks to have done.

The SPEAKER. That will not evade the point, the reading of the report.

Mr. KNOTT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. I have made a motion to suspend the rules—

The SPEAKER. The Chair decides that that motion cannot be made for the purpose of cutting off the personal right of a member.

Mr. KNOTT. Pardon me. I hope the Chair will hear my question.

The SPEAKER. The Chair will hear it.

Mr. KNOTT. When I have made a motion to suspend the rules and put the resolution on its passage, does that not suspend everything else and require a direct vote on the question?

The SPEAKER. It has often occurred—

Mr. WHITTHORNE. The Chair will allow me one moment. The gentleman from Kentucky [Mr. KNOTT] having moved to suspend the rules and put his resolution on its passage, that resolution alone is to be read.

The SPEAKER. Yes; but the resolution accompanies a report.

Mr. BRAGG. And is a part of the report.

The SPEAKER. And is a part of the report. And it is the personal right of a member to have that report read.

Mr. MILLS. We cannot vote on a resolution about charges against this judge when we know nothing about the testimony.

Mr. KNOTT. I demand the regular order.

Mr. CRITTENDEN. I rise to a parliamentary inquiry. Has not the gentleman from Kentucky [Mr. KNOTT] the right to withdraw his report?

The SPEAKER. He has.

Mr. CRITTENDEN. And then will not this House have the right to act upon the resolution independently of the report?

The SPEAKER. Unless the main question is ordered, the gentleman has the right to withdraw the paper at any time before a decision by the House. The report will be read.

The Clerk proceeded to read the report, but was interrupted by

Mr. COX, of New York, who said: I am requested by a great many gentlemen to move that the further reading of this report be dispensed with, and that the House take a recess until nine o'clock.

The motion was not agreed to.

The Clerk resumed the reading.

Mr. SPARKS, (interrupting the reading.) I move that we take a recess until nine o'clock. [Cries of "Oh, no!"] I modify my motion so as to say eight o'clock.

Mr. HAYES. This is a very important document; and I hope the House will let it be read.

Mr. SPARKS. The question is not debatable.

The motion of Mr. SPARKS was not agreed to.

The Clerk resumed the reading of the report.

J. RUSSELL BARBER.

Mr. THOMPSON, (interrupting the reading.) Mr. Speaker, from an oversight in one of the appropriation bills no provision has been made for the pay of a page of one of the committees. At his solicitation, I ask unanimous consent to offer a resolution providing for his payment. He has been serving as messenger for the Committee on War Claims, but from an oversight no provision has been made for his pay. I am sure no gentleman here will object to the consideration of the resolution. It is a matter of pure justice that ought to be attended to. The amount is not large, and it is everything to this boy.

There being no objection,

Mr. THOMPSON introduced a joint resolution (H. R. No. 249) for the relief of J. Russell Barber; which was read a first and second time.

The joint resolution provides that there shall be paid, out of any moneys in the Treasury not otherwise appropriated, to J. Russell Barber \$184 for services as messenger to the Committee on War Claims, third session, Forty-fifth Congress.

The resolution was adopted.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

An act (H. R. No. 5231) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1880, and for other purposes.

Mr. SINICKSON, from the same committee, reported that they had examined and found truly enrolled a bill (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes.

ORDER OF BUSINESS.

The Clerk resumed the reading of the report from the Committee on the Judiciary in regard to the official conduct of Judge Blodgett.

Mr. SPARKS. I move that the House take a recess until eight o'clock.

Mr. ATKINS. It is suggested to me that the House may desire to hear from the Committee on Appropriations as to the propriety of adopting this motion. I have been waiting here for the last ten hours for the announcement to be made that the conference report had been submitted to the Senate and that they had acted on it. There may come in within five minutes a proposition for another conference, or it may not come at all. The Senate may not announce to this House that they have acted upon the report that has already been submitted to them and a copy of which now lies on my desk.

The House can judge for itself as to the propriety of taking a recess. I have no suggestion to make except that in my judgment if gentlemen wish to pass the legislative appropriation bill in any form whatever, it is important for us to remain in session, because if we should pass the bill within the next two or three hours it would be very difficult to complete the enrollment and comparison before the final adjournment.

Mr. CARLISLE. If we should take a recess till eight or nine o'clock, and when we reassemble the gentleman from Wisconsin [Mr. BRAGG] should insist upon the reading of this report, as he probably will do, it will consume the remainder of the session.

The motion of Mr. SPARKS was not agreed to.

PAY OF HOUSE AND SENATE EMPLOYÉS.

Mr. FINLEY, of Ohio. I ask unanimous consent to offer a resolution for the benefit of the page boys. It is similar to the resolution usually passed at the close of the session. It proposes to pay the page boys for the month of March.

Mr. ROBERTS. I move to take from the Speaker's table the Senate resolution providing for this matter.

Mr. SPARKS. When this resolution was before the House awhile ago, I objected to it. The proposition was in the deficiency bill in nearly the shape it is here; and it was defeated. Now, I do not feel disposed by a technical objection to prevent this House from doing as it pleases on this subject. I intend to vote against this measure; but I will not make the technical objection which will prevent other members of the House from voting as they think proper.

The SPEAKER. Unanimous consent is asked to take from the Speaker's table joint resolution No. 71.

A MEMBER. What is it about?

Mr. SPARKS. It is to give certain employés of the House and Senate a month's additional pay. I think it is wrong; but I will not object to its consideration.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives.

Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and directed to pay the committee clerks, pages, messengers, and other employés of the House who do not receive annual salaries, their present rate of compensation, respectively, for thirty days from the date of the adjournment of this Congress, and the money required to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, and shall be immediately available. Further, the provisions in this resolution shall apply to persons holding their respective positions on the day of its approval; and they shall receive no further compensation for the said time than that hereby provided.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FINLEY, of Ohio, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HARRISON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 207) authorizing the Secretary of War to send artillery and camp equipage to the soldiers' reunion at Cambridge, Ohio;

An act (H. R. No. 1475) granting American registry to the Canadian steam ferry-boat Geneva; and

An act (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof.

CHARGES AGAINST JUDGE BLODGETT.

Many members called for the regular order.

The Chair resumed and concluded the reading of the report, which is as follows:

The Committee on the Judiciary having made the investigation authorized by the resolution of the House of Representatives adopted January 7, 1879, requiring them to inquire into the official conduct of Hon. Henry W. Blodgett, United States district judge for the northern district of Illinois, and report what action, if any, the House should take thereon, would respectfully report:

That during the taking of the testimony herewith submitted Judge Blodgett, and Messrs. Cooper, Knickerbocker, and Sheldon, upon whose memorial the resolution cited above was introduced and adopted, were present in person and with counsel. Both parties were permitted to introduce evidence, and the most liberal latitude was allowed to each in the examination of witnesses, to the end that every fact bearing directly or remotely upon the subject under consideration might be clearly ascertained.

In order to facilitate the investigation as much as possible, however, and to enable the committee to confine the testimony within reasonable limits, and present it to the House in something like a systematic form, the memorialists were requested to present their charges and specifications in writing, which was accordingly done, and copies thereof delivered to Judge Blodgett, with the request that he would file written answers thereto if such answers should be deemed by him necessary or desirable.

The substance of the first charge thus exhibited was that Judge Blodgett had entered into a dishonest conspiracy to defraud the creditors of the Germania Insurance Company, a corporation whose estate was then pending in bankruptcy before him as district judge for the northern district of Illinois; and that by means of certain orders secretly and corruptly made by him as such judge in furtherance of that unlawful scheme the same was consummated, and the creditors of the bankrupt defrauded out of a sum of money amounting to more than \$15,000.

It appears from the evidence in relation to this charge that in the years 1873 and 1874 the estate of the Germania Insurance Company was pending in bankruptcy before Judge Blodgett; that among the assets in the hands of the assignee, William Vocke, there were several notes which had been executed by stockholders of the company for stock held by them respectively, and among them two on one A. C. Hesing, amounting, principal and interest, to near the sum of \$30,000, which were secured by a pledge of one hundred and seventy shares, of \$100 each, of the stock of another corporation, known as the Illinois Staats-Zeitung Company; that these several stockholders were also policy-holders in the Germania Insurance Company, who insisted that as they had suffered losses covered by their respective policies, their policies should be set off against their stock notes in the hands of the assignee; that suits were instituted by the assignee against them in the district court for the northern district of Illinois, in two of which, those of Meyer and Jaeger, the question of set-off was made, and judgment rendered in favor of the assignee; that these cases were carried to the Supreme Court of the United States, whereupon a

stipulation was entered into by Mr. Vocke, the assignee, and the remaining stock debtors, among whom was A. C. Hesing, that if the judgments which had been rendered therein should be affirmed the assignee might take judgment against them immediately for the amount of their respective notes; that the judgments were affirmed, and the assignee, on the 20th of January, 1874, immediately upon receiving official notification of that fact, made an urgent demand upon the other parties "to give the matter their earliest attention and call at his office to redeem their notes and avoid judgment;" and that all the parties except A. C. Hesing soon after did so. It appears, moreover, that notwithstanding this peremptory demand and Mr. Hesing's failure to comply with it, the assignee took no step to enforce it, although urged by his counsel to take judgment against Hesing under the stipulation and compel him to pay the amount of his notes as the others had done; but that on the 7th of April, 1874, over three months after the judgments referred to above had been affirmed and his right to take judgment against Hesing under the stipulation became absolute, and over two months after he had given notice that he would proceed to do so, the assignee applied to Judge Blodgett, in chambers, for instructions as to what he should do in the matter, whereupon the following order, which had been previously prepared by his own law partner, General Leake, who had been employed as counsel by Hesing, was presented to the judge, who indorsed it "Enter.—H. W. B.," and which was subsequently entered of record:

"In the matter of the Germania Insurance Company, bankrupt, the assignee having this day made application for instructions as to the matter of the claims of said company against A. C. Hesing, and the court, having fully considered the same, does hereby order and direct that the said assignee do offer the notes and indebtedness of the said Hesing, together with the stock of the Illinois Staats-Zeitung Company, deposited to secure the same, at private sale, to those dealing in such securities in the city of Chicago, and to sell the same to the person making the highest and best bid therefor in cash, first reporting the amount of such bids to this court; and he will not deliver such notes and collaterals until such sale shall be confirmed by this court."

It appears also that at the same time Mr. Vocke, the assignee, presented a petition to Judge Blodgett asking permission to sell a number of other notes, collaterals, and judgments which were among the assets of the Germania Insurance Company, and regarded by him as desperate, in which, however, no reference was made to the claim against Hesing, and asking the court to prescribe the mode in which they should be sold; upon which the judge made the following indorsement:

"Enter order that assignee sell within-named claims at public auction. Notices ten days in Journal and Inter-Ocean."

"H. W. B."

Which order was subsequently entered of record.

It appears, moreover, that a minute of the last-mentioned order was entered, with the proceedings of that day's business, on page 25 of the clerk's minute-book, while a minute of the one first mentioned appears page 24, facing page 25, under the heading "Tuesday, April 7, continued." It also appears that the law reporters of the daily newspapers in Chicago were in the habit of consulting this minute-book every evening after the business hours of the court, and of publishing a report of the various orders appearing therein, in their respective journals the following morning. In addition to this, it appears that there was published at that time in the city of Chicago a paper called the Chicago Daily Law Bulletin, devoted exclusively to the daily publication of the various orders entered, and other proceedings had in all the courts of record, State and Federal, in that city, together with bills of sale, chattel mortgages, &c., recorded, and that the compiler of that publication was not only in the habit of examining the minute-book referred to above twice each day—at noon, and about five o'clock p. m.—and of publishing the various orders therein found in his next day's issue, but whose habit it also was to look back through the proceedings of previous days, in order to be sure that he had overlooked or omitted nothing that had been done. Yet, while each of the daily newspapers, as well as the Law Bulletin, contained a notice of the order directing the assignee of the Germania Insurance Company to sell the "desperate" assets in his hands at public auction, there was no notice or intimation whatever in any of them that an order had been made for the assignee to solicit bids for Hesing's notes and the Staats-Zeitung stock, pledged to secure the same at private sale.

It furthermore appears that Mr. Vocke, the assignee, addressed a circular letter, dated on the same day on which the order was made, to various parties, informing them that he had been ordered by the court to sell at private sale two notes, one for \$10,000, dated September 16, 1869, and the other for \$5,000, dated January 30, 1870, both executed by A. C. Hesing, due on demand, and bearing interest at the rate of 10 per cent. per annum, secured by pledge of one hundred and seventy shares of stock in the Illinois Staats-Zeitung Company, and soliciting bids for the notes and collaterals. The evidence shows, however, that the Illinois Staats-Zeitung Company had paid dividends on its stock of 25 per cent. in April, 1873, and 5 per cent. additional in July of the same year; 15 per cent. in January, 1873, and 20 per cent. in January, 1874, and that Mr. Vocke was a stockholder in the company and drew his dividends as such at the times stated. Yet no allusion was made in his circular letter to the dividends paid by the company as affecting the value of the stock he proposed to sell.

It further appears that the assignee received replies to his circular letter from L. J. Gage, cashier of the First National Bank, who declined to make a bid on the ground that his bank never advanced upon the stock of close corporations, such stock being generally found unsalable in the open market; from George Schneider, cashier of the National Bank of Illinois, who also declined to bid, on the grounds of Hesing's embarrassment, the notes being past due, and a want of acquaintance with the value of the collateral; from E. E. Goodall, president of the Fourth National Bank, who declined to bid on the ground that the bank had as much of Mr. Hesing's paper as it cared to hold; that past-due paper was a hard thing to sell, and upon inquiry outside, he thought 30 per cent. on the face of the notes was the best price that could be had for them; from W. F. Coolbaugh, president of the Union National Bank, who also declined to bid, but gave it as his opinion that a sale for fifty cents on the dollar would be a good and judicious one; from Baird & Bradley, loan and real estate agents, who did not care to buy the notes of Mr. Hesing at any price; from Filsenthal & Kozinski, bankers, who declined to bid because they knew nothing of the value of the stock and had no means of informing themselves upon that point to their satisfaction; from Adolph Loeb, broker, who declined to bid on the ground that he never bought over-due paper, but stated that if he did buy such paper he would not want to pay over \$6,000 for the notes and securities offered; from Jacob Rehm, who offered \$4,500, adding that he knew Mr. Hesing was greatly embarrassed by having indorsed a large amount of paper for the bankrupt Garden City Manufacturing and Supply Company, and that it would be a long time before he would be in a condition to meet his liabilities; from William Sisson, who offered \$3,750 for the notes and stock; from J. N. Withersall, who offered \$4,500; from Henry Greenebaum, who, after stating that he considered the notes and stock as very undesirable property, offered \$5,000 for an absolute transfer of the notes and stock; one from S. Flersheim, who declined to bid.

On the 16th of April the assignee submitted to Judge Blodgett his report, accompanied by the several letters above referred to, upon which the judge made the following indorsement: "Enter order that note and securities be sold for \$5,000 unless objections are filed by Monday morning. H. W. B." The report thus indorsed was filed at three p. m., April 16, and the judge's memorandum quoted above entered on page 36 of the clerk's minute-book, all the other orders made during the day being noted on page 37, and no notice or allusion to the order appeared in any of the daily newspapers or the Daily Law Bulletin the next morning, al-

though the law reporters had made their customary examination the preceding evening and found all the other proceedings had during the day.

On the following Monday, April 29, the sale of the Hesing notes and stock to Henry Greenbaum for \$5,000 became absolute, and on the next morning, for the first time, the fact that such a sale had been ordered or even contemplated found its way into the public prints. On the 23d the facts of the sale were reported by the assignee to the creditor's meeting, which gave rise to great dissatisfaction among the creditors, and a proposition was made to have proper steps taken to have it vacated, but Messrs. Florsheim, Witherall, and Sisson, who were among the largest creditors, having voted against it, the motion was lost. It appears from the testimony of Messrs. Florsheim and Witherall, however, that there was an agreement, or understanding, between them and Mr. Sisson on the one side and Mr. Hesing on the other, that if they would permit him to get his notes and stock at less than their real value, he would pay them the difference between the dividends they might receive from the assets of the Germania Insurance Company and what they would receive if his notes and stocks were sold at their full value, and that he did pay to Florsheim the sum of \$2,500, which in pursuance to that arrangement he divided with Witherall and Sisson about in proportion to their respective claims, and it was evidently in consequence of that understanding not only that they wrote the letters in reply to Mr. Vocke's circular, which are referred to above, but voted against the proposition to have the sale set aside. It is furthermore evident from the testimony of Greenbaum himself that he wrote the letter to Vocke, making the bid of \$5,000, at the instance of Hesing, and with the understanding that Hesing should have the notes and stocks for precisely what Greenbaum should have to pay for them, and that he delivered the notes to Hesing and retained the stock until the \$5,000 advanced by him were refunded. In a word, that Hesing was the real purchaser and Greenbaum merely his instrument.

As to the facts thus far stated there can be neither doubt nor dispute, but as to the real value of the stock hypothecated by Mr. Hesing as security for his notes there may be some contrariety of opinion. It is true that the Illinois Staats-Zeitung Company was a close corporation, and that the amount of its dividends might have depended to a great extent upon the integrity of those who controlled the majority of the stock. Yet when it is considered that the capital stock of this corporation was at that time, as the evidence shows, but \$179,000; that it owned a lot of ground worth then \$80,000, independent of the building and machinery thereon, costing, according to the testimony of Mr. Hermann Raster, \$235,000, incumbered by a mortgage of only \$75,000; besides the good-will of a newspaper with the largest circulation of any paper published in the German language west of the Alleghany Mountains, with a franchise in the Associated Press worth \$25,000 or more; that the floating debt of the company was not over a hundred thousand dollars, while its net earnings for the year 1872 were, according to the evidence of Mr. Pietsch, the secretary, \$65,682.31, and for the year 1873, \$60,256.98; that the dividends declared were in April, 1872, 25 per cent.; January, 1873, 15 per cent., and January, 1874, 20 per cent.; and especially when it is remembered that the one hundred and seventy shares in question belonged to a series when the whole capital stock was only a hundred and four or a hundred and six thousand dollars, and really represented two hundred and sixty-three of the seventy-five hundred and ninety shares of capital stock; and that Hesing actually received \$9,630 in dividends on these shares in 1872, \$5,380 in 1873, and about \$2,000 for the half year ending July 1, 1874, it will not be difficult to conclude that Mr. Medill, Mr. Patterson, Governor Brooks, Mr. Vocke, and others were correct in supposing it worth par, and perhaps that Mr. Raster was not far out of the way when he estimated it at a hundred and fifty. It is true that what these hundred and seventy shares of stock would have sold for, had a full and fair public advertisement been made of all the facts showing their real value, or even had the creditors of the bankrupt known that they were to be sold, can only be a matter of conjecture, yet it is manifest from the evidence that their sale at only \$5,000 was a ruinous sacrifice, to say nothing of abandoning the chances of realizing something on the notes in case the collateral should fail to bring the full amount (nearly \$20,000) due thereon.

The scheme by which that sacrifice was effected, and which can perhaps be imperfectly discerned in the facts already stated, Mr. A. C. Hesing undertakes in his testimony more fully to disclose. It may not be out of place to premise here, however, that Mr. Hesing had long been among the most influential and enterprising German citizens of Chicago; a man of strong will, and more than ordinary capacity, who had to some extent brought Mr. Vocke under obligations to him by certain acts of personal kindness. It is evident that after the judgments in the cases of Meyer and Jaeger had been affirmed by the Supreme Court, Mr. Vocke's counsel, Mr. Peirce, was apprehensive that Hesing was endeavoring to influence Vocke to favor him in some way with regard to the claim he held against him, or, as Mr. Peirce himself expresses it, was trying "to place his immense thumb upon him," and that Vocke "felt a little weak-kneed, and wanted a little backing up." Mr. Hesing testifies, substantially, that after the judgments were affirmed by the Supreme Court he had frequent conversations with Mr. Vocke "as to the best way for him to get the stock back," and that Vocke finally advised him to see Judge Blodgett in person, which he concluded to do, that he visited the judge in his rooms and told him that when he left for Europe in 1870 he had an income of \$30,000 or \$40,000 a year and no debts; that everything he possessed at that time had been laid in ashes, with the exception of a large lumbering concern with which he was connected and which had gone into bankruptcy; that he was on his paper for \$250,000; that he had nothing left except the stock in the hands of the assignee; that he appealed to the judge and said, "Now, can't you assist me in some way or other, and not have this sold at public auction?" That the judge wanted to know the value of the stock, and if it was hypothecated; that he told him the amount for which it was hypothecated was \$15,000, with accrued interest, amounting to nearly \$5,000 more, and that the stock was very valuable; that he considered the newspaper almost as dear to him as his child; that he had helped to bring it up from nothing to one of the largest and most influential papers in the United States; that he had put all his energy into it since 1862; that he had stood by the people and helped to organize the party, and had always been the judge's friend; that thereupon Judge Blodgett said to him, "You are friendly to Mr. Vocke," or "You are friendly with Mr. Vocke; you helped him to get appointed," that he replied, "Yes, he is a friend of mine; he will do anything I want him to;" that the judge said, "Well, let Mr. Vocke procure from different houses here in the city offers for that stock, and then you can arrange matters, so that the offers will not be very great or very high," that he replied, "Of course I can; every banker in Chicago is my friend," that the judge asked him if the stock had any market value; that he told him that some stock had been sold, but that it had no real market value; that it was not quoted; that parties who knew about the stock knew its value; that Mr. Vocke had bought some not long before; that he also told the judge about all the dividends it had paid and was paying, and appealed to him on that account to save him and his family from going to the poor-house; that he told the judge that most of the policies had been bought up by speculators and that the original owners of the policies would lose but little by the transaction if the stock were sold below its value; that he saw Mr. Vocke; went to Mr. Coolbaugh; dictated the letter of Mr. Goodell; saw Mr. Schneider; wrote the letter of Mr. Rehm himself; saw Henry Greenbaum, and asked him to bid \$5,000 for the stock, which he did, and paid it; that the money thus paid by Greenbaum was charged to him (Hesing) and the stock held as collateral for the amount in the German National Bank; that finding that Florsheim, Witherall, and Sisson, who were among the largest creditors of the Germania Insurance Company, "were threatening to kick about this arrangement," he paid them "\$2,500 extra for keeping their mouths shut and making a bid of \$3,000;" that the order for soliciting bids made on the 7th of April and the order of sale *viset* made on the 16th of the same month were both in pursuance of an arrange-

ment between Judge Blodgett, the assignee, and himself to enable him to buy in the stock at less than its real value; and that after the order of April 7 had been made either his counsel, General Leake, or Mr. Vocke, suggested the idea of keeping it off the minute-book, though which it was he was unable to remember.

If there were no further evidence than that already adverted to, your committee would have no hesitation in saying that, in their judgment, the charge was fully sustained, and that Judge Blodgett should be impeached and removed from office as speedily as possible. With nothing to countervail or explain it, it would show, to the exclusion of a reasonable doubt, a cunningly devised and artfully executed scheme to defraud the creditors to the Germania Insurance Company for the benefit of Mr. Hesing, to which Judge Blodgett was not only a party, but which he had himself suggested.

That there was such a scheme, and that it resulted precisely as the beneficiary, Mr. Hesing, desired, there can from no standpoint be any reasonable question; but, without giving full credence to the testimony of Hesing himself, it would be impossible to convict Judge Blodgett of any criminal knowledge or corrupt participation in it whatever. This out of the way, there is nothing to show that Judge Blodgett's action in the matter was different from what any other judge might have done under similar circumstances in perfectly good faith. While the difference in the manner in which the notes and stock of Mr. Hesing and the other assets remaining in the hands of the assignee were ordered to be sold might seem to require some explanation, it is in evidence that the method prescribed for the sale of the former was by no means unusual in that court, and, besides, it appears from the testimony of Mr. Tenney, a lawyer of very extensive practice and experience in such matters, as well as the statement of Judge Blodgett himself, that such a course had been generally found most beneficial to the parties interested, and there can be but little doubt that had the order come to the knowledge of the creditors and general public through the daily prints or otherwise, the stock would have brought far more than it did. The want of that publicity was partly attributable to the manner in which the order had been drawn by Hesing's attorney, omitting a public advertisement for bids which might have been inadvertently overlooked by any judge, and partly to the fact that Mr. Vocke addressed his circular to a very limited number of bankers and capitalists, the names of several of whom, if not all, were suggested to him by Hesing himself, and partly to the fact that notice of the order failed to get into the daily newspapers in the usual way; but whether that failure resulted from a suppression of the order from the minute-book or not, it is not even pretended that Judge Blodgett either suggested or had any knowledge of any such suppression.

The force of Mr. Hesing's testimony is, however, materially impaired by a variety of circumstances. In the first place, it is quite evident that his feelings toward Judge Blodgett are, and have for a long time been, far from a friendly character. However intimate his relations may have been with Judge Blodgett prior to the trial of the whisky cases in Chicago in 1876, it is certain that they have been anything but kindly since; and although Mr. Hesing denies having made any threats against the judge, it appears from the evidence of Mr. Kerfoot, Mr. Stafford, Mr. Ballentyne, Mr. Miller, and perhaps others, that soon after he had been sentenced, on his plea of guilty to an indictment for a conspiracy to defraud the Government, he denounced Judge Blodgett in the most violent and vindictive manner, and hoped to live long enough to get even with him and be revenged on him. Besides, while many of Mr. Hesing's statements are substantially if not fully corroborated by the testimony of other witnesses, as for instance the fact that he had an interview with Judge Blodgett; that he suggested to Vocke the names of persons to whom he should apply for bids; that he afterward saw several of those persons himself; that he suggested the replies received from at least some of them; that he arranged with Florsheim, Witherall, and Sisson to keep their mouths shut, and paid them \$2,500 therefor; that he procured Henry Greenbaum to make the bid of \$5,000 for him, and afterward received his notes and stock back for precisely that sum; yet in other material particulars immediately affecting the question of Judge Blodgett's criminal complicity in the conspiracy he is plainly contradicted by other witnesses. For example, he represents that his appeal to Judge Blodgett was to enable him to get the stock back at less than its real value in order to save himself and his family from the poor-house, after having informed him fully of the dividends it had paid and was paying, and to effect that he begged that the stock should not be sold at public auction; but Mr. Vocke, who claims to have been present, and who undertakes to describe Mr. Hesing's plaintive appeal, and repeats, substantially, much that Hesing himself claims to have said, swears that Hesing insisted, and gave the judge the most positive and solemn assurances, that if the stock "was sold at private sale it would realize very much more than could possibly be gotten for it at public sale, or were it placed in the hands of the marshal," and that he referred to the fact of his having been once sheriff of the county and of having some experience in such matters, and that he knew that valuable papers were often slaughtered at such sales on account of the non-attendance of bidders.

True it may be said that Hesing was in the judge's chambers when Vocke came in, as Vocke says was the case, and that the conversation between him and Judge Blodgett might have taken place before Vocke arrived, and what took place in the presence of Vocke was intended to protect the judge from subsequent criticism. Still, however plausible such a theory might seem, there is no proof that it is true.

Again, Mr. Hesing states that after he had made the arrangement with Judge Blodgett, as detailed in his testimony, he informed the other stockholders of it, and they all wanted him to assist them also. To say the least of it, this would have been a very singular proceeding for a man of Mr. Hesing's sagacity who had just entered into a disreputable conspiracy with a judge for the purpose of defrauding certain parties interested in a matter pending before that judge, when the disclosure could have had no other effect than to defeat the very object for which the conspiracy was entered into. But he says that at the meeting of stockholders in which he made this strange disclosure Mr. Peirce or Mr. Lowenthal or some other stockholder did say that they had no objection to Mr. Hesing getting out of the scrape the best he could on account of the great losses he had sustained, but they had to object to any other debtors doing so as the others were all able to pay. The stockholders mentioned by him as having been present at the meeting referred to, especially Mr. Peirce and Mr. Lowenthal, deny, however, that any such conversation took place, or that they ever heard of any such arrangement between Mr. Hesing and Judge Blodgett.

Besides this the statement made by Judge Blodgett under oath, and the evidence offered by him in corroboration thereof, tend strongly to establish the theory that in rendering the orders referred to he acted in good faith for what he considered the best interests of the creditors as well as of Mr. Hesing, which is directly the reverse of that advanced by Hesing himself. Without, therefore, adding unnecessarily to the volume of this report by referring to other though perhaps less material contradictions of the testimony of Mr. Hesing, or other circumstances appearing in evidence tending to diminish its weight, your committee are of the opinion, that while the facts in the possession of the memorialists as shown in the case made by them, fully justified their demand for an inquiry into the official conduct of Judge Blodgett, yet in view of all the evidence brought out in the investigation an impeachment could not be sustained on this charge.

The second charge presented by the memorialists was to the effect that Judge Blodgett had improperly attempted to prevent the grand jury from finding an indictment against Homer N. Hibbard for perjury in having sworn falsely in making the report required by the nineteenth section of the bankrupt act of June 22, 1874, of the fees and emoluments received or earned by him as register in bankruptcy, and with having wrongfully and willfully procured the suppression of such indictment after it had been found.

Several of the grand jurors were called to testify in relation to this charge, all of whom concurred in the statement that the grand jury had agreed unanimously to indict Mr. Hibbard for perjury in having sworn falsely to the report he was required to make under the law referred to above, and directed Mr. Bangs, the district attorney, to prepare the indictment, which he promised to do; that on the last day of their session—November 22, 1878—they met and adjourned from time to time, waiting for indictments which they had found, to be prepared and presented to them; that at five o'clock in the afternoon Mr. Bangs informed them that he had not yet completed the indictment against Mr. Hibbard, but would have it down by seven o'clock that evening; that at seven o'clock he again appeared before them and stated that he had prepared the indictment, but declined to submit it to them. What occurred upon this statement being made may be gathered from the following quotations from the testimony of several of the grand jurors who were sworn.

Mr. Duley says:
 "Question. Well, you returned that indictment, did you not?
 "Answer. No, sir; we could not get it.
 "Q. Why could you not get it?
 "A. Judge Bangs said he would have it ready by seven o'clock, and we adjourned and went to supper, and when we came back he said that he had been instructed by Judge Blodgett to withhold that indictment and not return it.
 "Q. Who said that to you?
 "A. Judge Bangs.
 "Q. At what time?
 "A. That was about seven o'clock, I think.
 "Q. Where did he say it to you?
 "A. In the grand jury room, sir.
 "Q. What took place there?
 "A. We asked him then—it was asked him, I do not remember by what juror—if he would make that statement in writing. It created a good deal of excitement in the jury-room.

"Q. What made it create excitement?
 "A. Well, I suppose any man would know what created the excitement. [Laughter.]

"Q. Well, we would like to have you tell if you can?
 "A. If after we had found an indictment, and then they had refused to return it to us, we felt that somebody had been doing a wrong—

"Q. Go on and state what took place after you got that information.

"A. We asked Judge Bangs if he would make that statement in writing. He said he would rather not. He said that he had received instructions from Judge Blodgett to withhold that indictment, from the fact that Hibbard had made his report as he construed the law under his direction. That was the amount of it. It may not be exactly the words, but it was the amount of it.

"Q. As who construed the law?

"A. As Judge Blodgett. We then asked him—some of the jury asked him—if we prepared an indictment ourselves would he sign it? He said he could not according to the instructions he had received from Judge Blodgett. So there was the end.

"Q. What took place there when you got as far as that?

"A. It would take a good while to tell it, sir.

"Q. Well, go right along.

"A. Well, I could not tell it, sir; there was so much said.

"Q. Well, tell what you remember of it.

"A. Oh, well, we asked about what we could do, and were talking there an hour or more; and finally we went in at that time when you were having this conversation?

"Q. No, sir; we shut him out. [Laughter.]

"Q. Do you know whether there was any effort made by any of the grand jurors to draft an indictment themselves?

"A. Well, a proposition was made, and we talked that over, and concluded that it was not best and would not amount to anything. There was a great deal of excitement, and we were anxious, because we thought it was a case that should go before the court.

"Q. What made you think so?

"A. From the evidence we had.

Dr. Hamline says:

"Question. What took place then?

"Answer. Well, there may have been several things occurred, but the one thing occupied the entire attention of the grand jury exclusive of everything else.

"Q. What was that one thing?

"A. Judge Bangs came in and informed us that either by the instruction or under the direction of Judge Blodgett, who had advised with Judge Drummond, he should not present the indictment against the register in bankruptcy for perjury.

"Q. Are you through with your answer?

"A. No; if you want a statement of all that occurred I will give it as nearly as I remember. I will say to the committee there was a good deal of excitement on this occasion.

"Q. Go on and describe just what took place and what was said?

"A. He stated that, if I remember correctly, the judge had remained at his rooms, and would remain until our adjournment, in order when we adjourned to discharge us; that the judge, I think, would be pleased to see us and charge us as to the law in this case. Whether there was a formal vote taken—I think there was—to not appear before Judge Blodgett—

Mr. Morrow says:

"Question. What transpired then?

"Answer. When we met at seven o'clock we were informed by Judge Bangs that he was instructed to withhold from us the indictment against Mr. Hibbard on the question of perjury for the reason that it was made under Judge Blodgett's construction of the law.

"By Mr. LAPHAM:

"Question. You say it was made; you mean the report?

"Answer. That the report was made; yes, sir.

"By Mr. KNICKERBOCKER:

"Question. What transpired then?

"Answer. The district attorney was asked to put his objections to returning the indictment or surrendering the indictment to us in writing, which he refused to do.

"Q. Do you know whether or not Mr. Bangs had the indictment with him; and, if so, how do you know it?

"A. He informed us that he had it drawn. I don't think he had the indictment with him in the jury-room.

"Q. That was the indictment for perjury?

"A. Yes, sir; the indictment for perjury.

"Q. Did he inform the jury at that time, seven o'clock in the evening, when he came before them, or at any time before they were discharged, how he came to speak to Judge Blodgett about the matter of withholding this indictment, or how Judge Blodgett came to speak with him?

"A. I don't think he did.

"Q. After he gave you that information and told you what he did, what next transpired?

"A. The district attorney was requested to leave the jury-room, which he did, and the jury consulted over the matter, and there was considerable skirmishing among them over the matter; some considerable feeling on the subject. But we finally abandoned the idea of taking that indictment into court.

"Q. You say considerable feeling existed; what was the feeling about?

"A. The feeling was in relation to this indictment for perjury.

"Q. What about it?

"A. A feeling that the indictment should not be withheld from them. There was some little disposition to continue the session and investigate the matter to know whether or not we could not compel it.

"Q. Was there any attempt made to prepare an indictment?

"A. There was something said about it, and the question was asked of Attorney Bangs something like this: Suppose we should prepare an indictment, what would be the effect? Mr. Bangs informed us that he would have to, under Judge Blodgett's instructions, refuse to sign it; hence it would be of no consequence."

Mr. Farmer says:

"Question. Then what transpired when Judge Bangs came in with reference to this perjury indictment?

"Answer. We were waiting anxiously for the papers to appear for our final closing up of the indictments. We had been waiting all day very anxiously, and he came in apparently without any papers, and he says, 'Gentlemen of the jury, I must inform you, as your attorney, that your proposed action in finding a bill of indictment for perjury cannot be accepted. You cannot sustain it. It will not be accepted by the court, and therefore it is useless to press the matter, for we cannot receive it as such.' That is the effect of it in substance.

"Q. What did the jury do then?

"A. They rather thought the matter up, to see if there was any way that they could press the matter along and get their wishes before the court, but the district attorney said that he had especial instructions from the judge that they would not be received and acted upon if they were presented; and, of course, he should refuse to sign them under those instructions."

The testimony of the other grand jurors who were examined upon this point was substantially the same as that quoted above. And from the whole it is manifest that a high degree of excitement, if not indignation, pervaded the grand jury, growing out of what they perhaps considered an arbitrary if not a corrupt exercise of authority on the part of the judge. And that feeling was possibly intensified to some extent by certain circumstances which had previously transpired.

It appears from the evidence that the question whether, under the ninth clause of the nineteenth section of the bankrupt act of June 22, 1874, a register was required to report the total amount of fees and emoluments received or earned by him during the year in all cases whatever, or only the amount received or earned in cases referred to him during the year, had been discussed by the grand jury while the matter was under investigation, and that Mr. Bradley, the clerk of the court, had testified before them that soon after the law was passed Mr. Hibbard had consulted him with regard to the proper construction of that clause, and that he gave it as his opinion to Mr. Hibbard that he was required to report the amount of fees and emoluments received by him during the year from all cases whatever without respect to the time when they were referred to him; but that Mr. Hibbard had about the same time consulted Judge Blodgett with regard to the matter, and that the judge's construction of the clause was that it related only to cases referred to the register during the year. It appears also that the district attorney felt very uncertain about the proper construction to be given to it, and had taken occasion to ask the opinion of certain lawyers who had been called to testify, as will be seen from the following statement in the evidence of Mr. James Crow:

"Question. Did you send for attorneys and get their legal opinion, as a grand jury?

"Answer. The best of my recollection is, we sent to attorneys to find out what action had been taken in regard to this committee of the bar association. But while they were there Judge Bangs was a little anxious to find out their opinion. I was right close by—I am a little hard of hearing—I was right close to the attorneys. Judge Trumbull was asked what was his construction of the law, and he said that he hadn't examined it, and wasn't prepared to give an answer. Judge Lawrence stated that it would be improper for him to give an answer. Mr. Ayer read the law and stated to the jury that he was not giving any construction upon the law; that Judge Bangs was the proper person to ask for construction; but I do not recollect the jury asking anybody what the construction of the law was. They had the law there printed. I think they took their own construction of it."

And it seems that their construction of it differed from the judge's. What transpired when Judge Blodgett was informed that lawyers had been before the grand jury, Mr. Crow can also tell. He says:

"Answer. Judge Blodgett called to me as I was going up-stairs, and said that he heard that the jury had been sending for attorneys to get their construction upon certain points of law, and if that was the fact, it certainly was very improper. That he would not allow it; that the district attorney was the proper one to apply to for the construction of law, or to the court. If the jury wished his construction of the law, let them come down before him. He said, also, that when he sent us out to our room, he had no idea we were going to be all the fall examining into this matter. He stated that we were wasting a great deal of time in taking irrelevant testimony—that is, testimony, he said, which would be totally inadmissible before a court and traverse jury, and that we were delaying time this way. We were running the Government to a big expense, and delaying, as I understood him, the business of the court, and he hoped that the jury would try and get through with their business. He said if we didn't, and weren't discharged before long there was a way in which they could be discharged, and he asked me if I would not try and impress it on the minds of that jury the importance of closing up their business and being discharged. I listened to him very attentively, and went up and reported to the jury, word for word, what he said. I told him I would make the report, and he said he wished I would do so.

"I went up to the jury-room and called the attention of the foreman; told him I had a message from Judge Blodgett. He called the members to order, and I stated the substance of what Judge Blodgett told me. Mr. Earle made a motion that the jury appoint a committee of three to wait upon Judge Blodgett and state to him that he had been misinformed; that we had not sent for any attorneys and asked their legal opinion; which was a fact, as we had not. I was one of the committee, with Mr. Earle and Mr. Shoop. The next morning we called upon Judge Blodgett, and I told him that I had made a statement of our conversation to the jury and we had been appointed a committee to wait on him. Mr. Earle told him the resolution—read it I believe—of the grand jury, that his honor had been misinformed; that we had not sent for any attorneys to get their legal opinion. I believe we stated that we were pretty near over the business, and the judge said he was very happy to find it out, and he asked one or two questions why we sent for this attorney, and Mr. Earle explained to him—I don't know what it was. I don't recollect it."

Independent of this transaction, it appears that the impression prevailed among the grand jurors that for some reason or other Judge Blodgett was disposed to retard their investigation of this charge, as well as others perhaps, but how or why the evidence does not disclose. It is not strange, therefore, that they were excited and indignant when the district attorney announced his intention to withhold the indictment from them, and assigned as his reason the instructions of the judge. Nor is their indignation to be reprehended, but rather commended under the circumstances as they appeared to them at the time. The question to be considered here, however, is not what the impressions of the grand jury were of Judge Blodgett's actions or motives, but what he really said and did to prevent the finding of the indictment, or to procure its suppression when formed, if anything.

There are but two persons who can answer this, namely, Judge Blodgett himself, and Mr. Bangs, the district attorney, as no one else is known to have witnessed or heard what took place between them. Judge Blodgett's version of the matter, under oath, is as follows:

"Question. From whom did you learn, then?

"Answer. I learned it from the district attorney. At that time I was holding the circuit court for the trial of jury cases. I had a jury trial on during the forenoon of that day. I had been informed, perhaps the day before, that the grand jury would be ready to adjourn that day. When the noon recess was taken I came from the court-room into the hall to pass into my chamber, and met the district attorney in the hall. He asked me if he could see me a moment, and I invited him into my chamber. After he had passed in he said to me, 'The grand jury have voted an indictment for perjury against Mr. Hibbard, and I have great doubts whether it will be ornor, and thought I would come and submit the question to you.' I said, 'What is the point, judge?' and he opened the statutes, I think the Statutes at Large for the session of 1874, turned to the act amendatory of the bankrupt law, approved June 22, 1874, and called my attention to the nineteenth section. He had in his hands a paper which purported to be a certified copy of the reports made by Mr. Hibbard as register under the nineteenth section of this amendatory act. He stated that the perjury was charged to have been committed in not including in that report the fees which he had received during the year mentioned in that report from cases which had been referred to him in previous years, during the year's business which that report purported to represent.

"As soon as he had stated the point in that form, I said to him: 'Why, Judge Bangs, that report was made under a construction which I gave to the law for the benefit of the registers, before these reports were made, I presume.' He then said: 'I thought there was room for doubt, at least as to whether Hibbard was not right in his construction of the law.' I called his attention to some of the reasons which had led me to construe the law as I had, and stated to him the fact that I recollected distinctly having given this construction to Mr. Hibbard and then said to him: 'But, Judge Bangs, whether I was right or wrong in the construction of the law, Mr. Hibbard ought not to be indicted for perjury. If I was right, certainly no perjury was committed anyhow. If I was wrong then the corrupt intent is all taken from the act because he acted under the construction of his superior officer, who had the right to construe the law for him; and you should inform the grand jury of that fact.' He remarked that he was quite inclined to concur with me in the construction of the law, and I said to him: 'You tell the grand jury that this was done under my direction or construction, and say to them that if they want any further information on the subject or the law of the matter to come into the court this afternoon and I will give it to them.' We retired from my chamber, and shortly after Judge Drummond came in and we went to lunch together in the adjoining room, where our lunch was spread. During the meal I mentioned to Judge Drummond that the grand jury had voted an indictment for perjury against Mr. Hibbard, and I had instructed the district attorney to bring them into court for instruction if they did not agree with the district attorney upon the law of the case, and said to Judge Drummond: 'Will you not, after lunch, come into my room and let me explain the point to you?' We walked into my room together; the statute lay open where the district attorney had left it, and I called his attention to the different clauses in this nineteenth section, and said to Judge Drummond that upon consideration of those clauses in connection of the form of the report which the supreme court had prescribed to be used by the registers under that section, I thought there could be no doubt on the law; the law only required the register to report the fees which he had received during the year from the cases referred to him during the year. Judge Drummond, after examining the various clauses some time, said to me: 'Well, judge, there is a great deal of force in what you say, or words to that effect, and I think we perhaps separated at that time. I returned into the court-room and resumed my seat on the bench and the trial of the cause on hand during the afternoon.

"Q. Excuse me, judge. I will ask you to state whether at that interview or not Judge Drummond expressed any opinion about the right of the finding of the indictment?

"A. Yes, sir; after we had discussed the law and after Judge Drummond had made the remark there was great force in my construction, says he 'Whether you are right or wrong it would be a great wrong to Hibbard to indict him for perjury when he was acting under your construction of the law.' I think his language was quite emphatic upon the subject. Then, as I have said, I resumed my duties upon the bench for the afternoon, and at the usual hour adjourned. The grand jury did not come down for instructions during the afternoon, as I expected they would, and when I came out of the court-room—Judge Drummond had been so emphatic in his concurrence with me as to the impropriety of finding an indictment against Hibbard under the circumstances which I had detailed that I felt there was some responsibility on me in the premises. I accordingly spoke to the bailiff of the court, whom I met in the hall, and said: 'Will you step down into Judge Bangs's room and say to him I want to see him?' I then walked into my chambers and left the door open, and a few moments after Judge Bangs came in and I said to him, 'The grand jury didn't come down during the afternoon, and I suppose, therefore, that perjury matter is at an end.' He hesitated a moment and said, 'Well, no.' Said I, 'Did you tell the jury what I said to you upon the subject?' Said he, 'No, I have not yet.' I turned to him and said, 'Judge Bangs, I think you ought to tell them and you ought to say to them that the construction of this law was brought to my attention before this report was made, and that Mr. Hibbard acted under my direction; and say to the grand jury from me that if they have any doubts on the subject I would be happy to have them come in and be informed from the bench as to the whole matter.'

"I further said in that connection, 'Since you were in here at noon I have talked with Judge Drummond, and he agrees with me that it would be a great wrong to find an indictment of perjury under the circumstances.' I said, 'An indictment for taking illegal fee is a trifling matter, but an indictment for perjury is a serious matter and ought not to be found unless there is good reason, when all the facts are understood and laid before the grand jury and in the possession of the prosecuting officer, to justify it.' Judge Bangs then said to me, 'This grand jury have got some considerable feeling on the subject, and suppose they should insist upon finding an indictment after they have come into court?' 'Well,' says I, 'Judge Bangs, it will be time enough to settle that question when we get to it; but my impression would be that should they persist in finding an indictment after the court had told them they ought not to, it might be the duty of the district attorney to withhold it. However, I will settle that when the question arises.' I think that was all that I said. That is all I recollect now."

Mr. Bangs's account of the matter may be gathered from the following:

"Question. Now, Judge Bangs, I want you to state just as definitely and particularly as you can when you went in there what Judge Blodgett said and what you said?

"Answer. The question of the indictment for perjury against Mr. Hibbard came up, and how I do not now recollect.

"Q. Now, hold on; just wait a moment. When you went in there what did Judge Blodgett say to you, as near as you can remember?

"A. Well, I remember distinctly of his asking me what they had assigned perjury on.

"Q. What the grand jury had?

"A. Yes, sir.

"Q. How did he know that they had assigned perjury on anything?

"A. Oh, well, it was common talk that they had found the indictment.

"Q. Had you told Judge Blodgett that they had?

"A. I think it is very likely; I don't remember.

"Q. You had frequent conferences with Judge Blodgett, had you not; that is to say, you were there in the same building during the session of the grand jury?

"A. Oh, I saw him every day, I should think.

"Q. He said what?

"A. He asked what they had assigned the perjury on, or what they had based it upon.

"Q. What did you tell him?

"A. I told him it was upon the report, and I happened to have a copy of it in my side-pocket, and took it out and said, 'Here is a sample of the report; they assigned it upon the jurat to the report.'

"Q. Well, they could not assign perjury on the report without there was some matter in the report that was false. Did you tell him what that was?

"A. I don't remember the exact language.

"Q. Well, the substance of it.

"A. Oh, I gave him to understand that the charge was that he had made a false report of his fees and had sworn to it, and they had assigned perjury upon that oath.

"Q. Now, what did Judge Blodgett say to that?

"A. My recollection is that I told him the report was made under the nineteenth section of the amendment to the bankruptcy act, and I picked up a volume that happened to lay on the table and turned to it, and at once the judge said he recognized the act, and he said it did not seem right, or was wrong, or something of that sort, to indict Mr. Hibbard for perjury for that reason, because the registers had come to him when that law went into force.

"Q. The registers?

"A. Yes, sir; that is the way I understood it—for his construction, and he had given the construction under which Mr. Hibbard had acted and made his report.

"Q. The construction under which Mr. Hibbard had acted? How did he know what construction Mr. Hibbard had acted under?

"A. I don't know, sir; I did not ask him.

"Q. He assumed that, did he?

"A. I don't know whether he assumed it or not.

"Q. Well, didn't he assume it?

"A. I don't know anything about that, Mr. Cooper.

"Q. Didn't he assume it in conversation with you that he knew what Mr. Hibbard—

"A. I have told you his statement.

"Q. Just repeat that over again.

"A. He said it was wrong, or wasn't right—I forget the language; the substance of it was—to charge Mr. Hibbard with perjury upon that, because when the law went into effect, or about the time, or soon after, the registers came to him for a construction with reference to that point.

"Q. To what point?

"A. The point as to the making of the report, and that he gave the construction of the law under which the report of Mr. Hibbard was made.

"By the CHAIRMAN:

"Question. Did he say that he had told Mr. Hibbard that he could lawfully suppress information as to any fees or emoluments he had received during the year for cases referred to him during that year?

"Answer. There was no particularization in those respects at all. The whole conversation occupied but a little time, very little.

"By Mr. COOPER:

"Question. Did you tell him what the grand jury had found in reference to Mr. Hibbard's reports—what the facts were with reference to Mr. Hibbard's fees?

"Answer. I told him they had found an indictment.

"Q. No, no. Did you tell him what facts had been brought before the grand jury with reference to Mr. Hibbard's fees?

"A. I did not tell him anything about that.

"Q. You did not?

"A. No, sir; the whole conversation did not occupy three minutes; five at most.

"Q. And did Judge Blodgett say to you that Judge Drummond agreed with him in the construction of this law?

"A. That question, perhaps—

"Q. I want an answer, yes or no, sir.

"A. I cannot answer it yes or no.

"Q. If you made that statement to the grand jury—that Judge Drummond agreed with Judge Blodgett in this construction of the law—was it true that Judge Blodgett had told you so?

"A. During that conversation—

"Q. Never mind; I want an answer to that question.

"A. I never told the grand jury anything that wasn't true.

"Q. Then, if you told the grand jury that Judge Drummond concurred in this construction, then it was true that Judge Blodgett so told you?

"A. What I told the grand jury that Judge Blodgett told me he did tell me.

"Q. Yes; that is it.

"A. Yes, sir.

"Q. And if you told this to the grand jury, then Judge Blodgett had so told it to you?

"A. Yes, sir.

"By the CHAIRMAN:

"Question. Now, what did you tell the grand jury?

"Answer. That is what I want to get at, if you will allow me.

"Mr. LAPHAM. Well, the committee ask you to state.

"The WITNESS. Yes, sir. After having had the interview with Judge Blodgett I went straight to the grand jury and told them that I had learned directly from Judge Blodgett that the construction of the law under which Mr. Hibbard had acted in making those reports which they had alleged to be false was given to the register by the judge himself upon an express application of the register for that purpose, and that if that was the case, and Mr. Hibbard had acted upon it in good faith, there certainly was not the crime of perjury.

"The CHAIRMAN. You are repeating now—

"The WITNESS. I am telling what I told the jury; and that Judge Blodgett had requested me, if the jury had any doubt on the subject or the question of the law, to ask them to present themselves in open court and he would instruct them from the bench, and I requested the jury to go into court and get instructions from the judge, requested it on my own behalf and on theirs. I was quite solicitous that they should do so. I saw at once that there was some feeling on the part of certain jurors, and some of them stated that they did not want to go before the judge. The grand jury said that they were willing to take my statement of Judge Blodgett's construction of the law, and the fact that he had so instructed Mr. Hibbard, as coming from the judge—take it as if he had delivered it to them in open court; and then some question arose about the indictment, that still they desired to have the indictment presented. I stated to them that I had been advised by Judge Blodgett, having asked him the question: 'Supposing the jury should insist—after having been instructed by the court—should insist upon finding the indictment and having it presented?'—I said to them that Judge Blodgett said to me that in that case it would be my official duty to withhold the indictment.

"By Mr. COOPER:

"Question. Right there, did he so tell you?

"Answer. Yes, sir; and I desire to be understood now. The judge requested that they come into court—the only message that the judge sent to the jury at all was that they come into court if they had the slightest hesitation about the law or the fact—if they were dissatisfied at all, to come into court and he would instruct them from the bench.

"By the CHAIRMAN:
"Question. Did the judge assume that it was his right to instruct them as to the facts from the bench?"

"Answer. No, sir; I don't think he did."

"Q. Then did he say that if they had the slightest doubt about the law or the fact, to come down and he would instruct them?"

"A. Doubt about the law, or his having given that construction of the law, as I understand. This was all said in a very brief time; and knowing the temper of the jury and the earnestness with which they had investigated this matter, I had an apprehension that, notwithstanding, they would insist upon an indictment, and I presented that alternative, that after having been instructed by the court they should insist upon the indictment, what then? and the judge replied that in that event it would be my duty to withhold the indictment. Well, I told the jury that after they had declined to go into court and had accepted my statement as coming from the court, I told the jury the conversation that I had had, and then Mr. Willing arose—I think it was Mr. Willing—and said to me, 'Under all the circumstances, if the jury desire that indictment presented would you feel it your official duty to withhold it?' I said I should."

Discarding the statement of Judge Blodgett, which does not materially conflict with the vague and indefinite recollection of Mr. Bangs as exhibited in the foregoing extract from his testimony, and which would seem the more reasonable of the two when Mr. Bangs's own uncertainty and evident anxiety to elicit the opinions of Judge Trumbull, Judge Lawrence, and Mr. Ayer are recalled, what facts are disclosed?

First. That Judge Blodgett informed the district attorney that he had advised Mr. Hibbard that a proper construction of the ninth clause of the nineteenth section of the bankrupt act of June 22, 1874, only required him to report the total amount of fees and emoluments received or earned by him as register in bankruptcy during the year; a fact which had already been stated to the grand jury by Mr. Bradley.

Second. That Judge Blodgett expressed the opinion that it would be wrong to indict Mr. Hibbard for perjury for having acted under that construction; an opinion in which Judge Drummond testifies that he concurred.

Third. That he requested the district attorney to inform the grand jury of his view of the law, which Judge Drummond says has been the practice, not only in that court but in all the district courts in that circuit for years, or if they were not satisfied with that to request them to come into court where he would instruct them fully from the bench, as it was not only his right but his duty to do if they required instructions.

Fourth. That, when asked by the district attorney, he expressed the opinion that it would be his duty to withhold an indictment if the grand jury should insist on returning one in disregard of the instructions of the court.

While it is true that a willful and corrupt interference with the legitimate functions of a grand jury, either to prevent any proper investigation instituted by them or to suppress an indictment they may lawfully find, may be justly considered one of the most dangerous offenses of which a judge can be guilty, yet it is equally true that it is not only the right but the duty of the judge to instruct the grand jury as to questions of law; and however much he may err in such instructions, unless it can be shown that such error was willfully and corruptly committed, he cannot be held guilty of an offense therein.

Granting, therefore, all the facts that can be deduced from the vague testimony of Mr. Bangs to be true; conceding that Judge Blodgett was wrong in his construction of the clause of the bankrupt act under which Hibbard acted; admitting that he and Hibbard were on terms of the most intimate friendship, as they undoubtedly were; admitting that he erred in telling Mr. Bangs, when asked, that it would be his duty to withhold the indictment if the grand jury should insist on finding one in disregard of his instructions, still your committee are unable to see how it would be possible to convict him of a crime upon the evidence before them; for however much he may have esteemed Mr. Hibbard, it was certainly not wrong in him to instruct the grand jury as to the elements of perjury merely because they were proceeding to indict Hibbard for that crime, and there was nothing obligatory on Bangs to withhold the indictment merely because it was the judge's opinion that it might be his duty to do so. Indeed, so far as this charge is concerned, it would seem that there is as much ground for the impeachment of Bangs as for the impeachment of Blodgett.

The next charge exhibited was that Judge Blodgett, while holding the office of judge of the district court of the United States for the northern district of Illinois, had knowingly borrowed and converted to his own personal use money belonging to or deposited in the registry of his court, under which was the following specification: that while bankruptcy causes in said district were pending in the court presided over by him Judge Blodgett had, by the power and influence of his judicial office, procured divers assignees of estates in such bankruptcy causes to loan to him, the said Blodgett, for his own personal use, large sums of money belonging to such estates and on deposit in the registry of said district court.

In his answer to this charge and specification Judge Blodgett admitted that he had borrowed from Mark H. Kimball, assignee in bankruptcy of the Mutual Security Insurance Company, the sum of \$5,000 on the 10th day of June, 1873, that he repaid with interest in the following November and December; and that he also borrowed from James Long, assignee in bankruptcy of the Equitable Insurance Company, the sum of \$1,300 on the 23d day of November, 1873, and the further sum of \$1,000 on the 16th day of December, 1873, which amounts he also repaid; but denied that either of said funds had ever been deposited in the registry of the court or that he used his official position or influence in any manner to procure either of said loans, and, whatever might be said of the impropriety of a judge's borrowing trust-funds from a fiduciary under the control of his own court, it is certainly not a crime unless such loan was extorted by the corrupt exercise of the judge's official power or influence, or the money be borrowed from the clerk or other officer of a court of the United States and belong to the registry of such court, in which latter case it would be embezzlement under section 5405 of the Revised Statutes. It is therefore sufficient to add here that the evidence fully sustains the answer, showing conclusively that the money in neither case belonged to the registry of the court and that neither loan was procured by any undue influence on the part of Judge Blodgett.

The next charge exhibited was to the effect that Judge Blodgett, while holding the circuit court of the United States for the northern district of Illinois, had willfully employed the power and authority of said court to perpetrate acts of gross judicial oppression upon the rights of a private citizen, and to sanction and direct the commission of a flagrant trespass, which constituted a criminal offense under the laws of the State of Illinois, punishable by fine and imprisonment.

The facts in relation to this charge, as they appear from the specifications, the answer of Judge Blodgett, and the testimony adduced, are these: that there was pending on the chancery side of the United States circuit court for the northern district of Illinois a suit wherein Henry A. Barling *et al.* were complainants, and Henry H. Honoré *et al.* were defendants, to foreclose a mortgage on a lot of ground on which there was situated a valuable building; that one Robert W. Hyman, jr., had been appointed receiver of said property, and placed in possession thereof by proper proceedings in said court; that said receiver had, under the authority of said court, leased room No. 5, in said building, to one George H. Walker for the term of one year, ending April 30, 1873, and put said Walker in possession thereof, where he carried on the business of loaning money; that there was no right of re-entry reserved by said receiver for the purposes of altering or improving that or any other portion of said building; that in October last, the receiver presented a petition to said court representing that in order to properly utilize the upper stories

of said building, it was necessary to put in an elevator for the purpose of carrying passengers to and from them, and asking an order from the court to put in such elevator, and for liberty to construct it through said room No. 5, occupied by said Walker, whereupon the following rule or order was entered:

"UNITED STATES CIRCUIT COURT,
"NORTHERN DISTRICT OF ILLINOIS,
"Friday, October 18, A. D. 1878

"Present, Hon. Henry W. Blodgett, district judge.

"HENRY A. BARLING *et al.* }
vs. } In chancery.
"HENRY H. HONORÉ *et al.* }

"On the reading and filing of the petition of Robert W. Hyman, jr., as receiver herein, it is ordered that George H. Walker therein named be, and he is, within three days after the service of a copy of this order, hereby required to show cause why the said receiver should not have liberty to construct an elevator through the said room No. 5, as prayed for in the said petition, subject to making said Walker reasonable compensation in that behalf."

That between the entry of this rule and the return day thereof, the tenant Walker saw Judge Blodgett, and said to him that he wanted some protection in the matter; that he had a lease from the receiver approved by Judge Blodgett; that his business was of such a character that he could not move out, and that he was opposed to the elevator going through the room, to which the judge replied that Walker should not stand in the way of the improvement, and if he did not permit it to go on peaceably, he would turn him out; that on the return day of the rule, Mr. Walker appeared in court, by his counsel, and made response thereto, exhibiting his lease from the receiver approved by the court, and standing on his legal right not to be disturbed in his possession during his term. Judge Blodgett, however, made the rule absolute, and entered the following order:

"UNITED STATES CIRCUIT COURT,
"NORTHERN DISTRICT OF ILLINOIS,
"Tuesday, October 22, A. D. 1878.

"Present, Hon. Henry W. Blodgett, district judge.

"HENRY A. BARLING *et al.* }
vs. } In chancery.
"HENRY H. HONORÉ *et al.* }

"Now comes Robert W. Hyman, jr., as receiver herein, in the matter of the rule entered against George H. Walker, a tenant of room No. 5, in the Honoré block, so called; and it appearing to the court that said Walker was on the 18th instant duly served with a copy of the order heretofore entered herein, requiring him to show cause, &c.; and said Walker having failed to show cause within three days, agreeably to said order, it is thereupon ordered and directed that the receiver have leave to enter into the said room 5, and, with all the necessary and proper aid and assistance, to construct through the said room, with all convenient speed and without delay, the proper appurtenances for the putting in and operating of an elevator, and said Walker is directed to offer no resistance or impediment thereto; and the question of compensation to be allowed to the said Walker in that behalf is hereby reserved for the further consideration of the court; and the said Walker, or the said receiver, may have leave to apply in that behalf, as occasion may require."

And what took place in carrying it out is related by Mr. Walker himself, as follows:

"Question. Was any of your property destroyed?"

"Answer. It was injured, of course. They had to cut through the ceiling a large place, I should think as large as that, [indicating], up through the three floors. The floors were taken out, and as they shoveled, it all fell down through this hole—came down and sifted into my office. They spoiled the carpets; I had to have them taken away."

"Q. Did it interrupt your business any?"

"A. Certainly; there was no new business that could be done. Those that were obliged to come there to pay money managed to come there some way."

"Q. That was your business—what you depended upon for making your money?"

"A. For making a living."

"Q. What condition did they leave the premises in nights when they did not work?"

"A. They must have worked pretty near all night the day they commenced this operation. They tore out the wall. They had to remove a door, and had to tear out the whole wall, and leave the place open, and when I got there in the morning the floors had been removed and the furniture piled up mostly in one corner, and an overcoat was missing. I went to see if anything was stolen; that is the only thing I could see. They had bricked up the wall, and came there afterward and plastered and calcimined. I could not spread out my papers on the desks or furniture for a very long time afterward."

It may be conceded that Judge Blodgett acted in this instance in excess of his jurisdiction; that the court having directed its receiver to lease the property and approved the lease in which no right of re-entry for such purposes was reserved, the judge had no right to interfere with the tenant's possession during his term; and that the tenant suffered a grievous wrong in the execution of the order, and that such an act done by another would be a misdemeanor under the laws of the State; yet if the judge acted in good faith and not corruptly or maliciously in making the order he cannot be held liable either civilly or criminally. This is a well-settled principle of law, founded upon the most obvious suggestions of sound reason and public policy, and applicable to all superior courts and courts of general jurisdiction, for if the law was such that a judge of such a court should be held responsible in damages or at the bar of criminal justice for every mistake he might make in a case of which he has jurisdiction, if he should be required to stake his fortune or his liberty upon every exercise of his judgment on the bench or in the performance of his official duties it would be impossible to find one who would be willing to assume the responsibilities of such a position at all.

It is time that when a court of limited and special jurisdiction exceeds its powers the whole proceeding is *coram non jure* and void, and no person concerned can claim exemption for any wrong that may be perpetrated therein on the ground that he was acting in the exercise of a judicial function. Yet this principle, so far as your committee are aware, has never been so far extended as to justify even a civil action against a judge of a superior court or a court of general jurisdiction for an act done by him in his judicial capacity, unless the act may have been done maliciously or corruptly, or there was a clear absence of all jurisdiction of the subject-matter. (Randall *vs.* Bingham, 7 Wall., 523; Bradley *vs.* Fisher, 13 Wall., 351.) The same principle was anciently stated in the English courts, thus: such as are made judges shall not be criminally accused or made liable to an action for what they do as judges. (12 Coke, 26.) Where there is no jurisdiction there is no judge. (10 Coke, 65.) It is doubtless true, however, that in some sense the circuit courts of the United States are not courts of general jurisdiction inasmuch as they must look to the acts of Congress for the powers conferred. (Kempster *vs.* Kennedy, 5 Cranch, 173.) Yet in another sense they are. They are courts of record; they proceed according to the course of the common law; they have power to render judgments and decrees binding upon persons before them unless reversed on writ of error or appeal. And besides, they may be properly designated as superior courts inasmuch as they hold an intermediate position between the Supreme Court and courts of an inferior grade, but it has been held that even in inferior courts the judge should be exempt from liability where the subject-matter of the suit is within the jurisdiction of the court and the alleged defect of jurisdiction arises from some other cause. (Savacol *vs.* Boughton, 5 Wendell, 172.) And for a still stronger reason

the same principle should apply to superior courts possessing attributes and exercising functions independently of the persons of the magistrates designated generally to hold them.

Numerous cases in which this doctrine is affirmed might be cited; but it is, perhaps, sufficient here to refer to a recent case directly in point—that of *Lange vs. Benedict*, decided by the court of appeals of New York, March 19, 1878, and reported in the following July number of the *Albany Law Journal*. The defendant was United States district judge for the eastern district of New York; and the plaintiff was tried at a circuit court held by him upon an indictment for embezzling mail bags. The jury found plaintiff guilty, and that the value of the mail bags was less than \$25. The penalty prescribed in such case was a fine of \$200, or imprisonment for one year. Defendant, as judge, sentenced plaintiff to pay a fine of \$200, and be imprisoned for one year. Plaintiff was imprisoned five days, and paid the sum of \$200 to the clerk of the court as a fine, and the same was paid by the clerk into the Treasury. Plaintiff procured a writ of *habeas corpus*, which was returned before defendant, who was holding the same term of court at which plaintiff was sentenced. Defendant, upon the return of the writ, set aside the sentence, and as a part of the same order passed judgment anew on plaintiff, and resentence him to be imprisoned for the term of one year, and plaintiff was imprisoned. Under proceeding taken by plaintiff for that purpose, to which defendant was not a party, the resentence of plaintiff was set aside by the Supreme Court of the United States as being without authority of law. In an action for imprisonment under the resentence, brought by plaintiff against defendant, it was held that the act of defendant was done by him as a judge, and he was protected by his judicial character from the action brought by plaintiff, upon the principle above discussed.

However justly, therefore, Judge Blodgett may be amenable to criticism or censure on account of his action in this matter, in view of the principle above stated it is impossible to see how he can be held liable to impeachment therefor, unless it can be shown that he did not act in good faith for the best interests of those concerned, as he understood them, but with such malice and corruption as to render his act in the premises an official misdemeanor.

This in the opinion of your committee has not been shown by the evidence adduced, and the same may be said of the charge concerning the Bigelow block transaction, it appearing that the order complained of and the one vacating it were both entered by consent of parties, and nothing to indicate that Judge Blodgett was guilty of any criminal participation in or corrupt connivance at anything connected with the entire matter, if indeed there were any wrong perpetrated by any one therein. That charge may therefore be passed here without further comment.

The next charge exhibited was that Judge Blodgett, in administering the bankrupt act, had willfully violated and perverted the letter and spirit of the law by making an unlawful use of the powers vested in him as such district judge for the purpose of enriching his friends and favorites, and has thereby brought the administration of justice in his court as a court of bankruptcy into reproach and scandal.

Under this charge the evidence shows that in repeated instances Judge Blodgett had appointed one of three persons, Robert E. Jenkins, Bradford Hancock, and George W. Campbell, provisional assignee before a regular assignee had been elected by the creditors. Yet, in most if not all these cases it was shown that the assets were of such a nature as demanded immediate attention, or the business of the bankrupt had been of such a character that the interests of all concerned required it be kept in operation. It was moreover shown that the provisional assignees thus appointed were capable men, experienced in such business, and were generally, if not in every instance of the kind, elected by the creditors, while there is nothing showing any corrupt interest in the judge in making such appointments further than his friendship for the parties appointed, nor that any person was injured thereby.

It also appeared that from January 1, 1873, to January 1, 1879, Jenkins had been assignee in five hundred and twenty-seven cases, Hancock in two hundred and thirty-two, and Campbell in three hundred and sixty-two, making in all one thousand one hundred and twenty-one. Yet it also occurred that in a large majority of the cases they had been chosen by the creditors and their election confirmed by the judge, and that they were competent and experienced men, and that no undue or illegal influence had been used upon or by Judge Blodgett to procure their appointment in any case whatever.

It also appeared that Homer N. Hibbard had failed to comply with the rule prescribed by the Supreme Court requiring him as register in bankruptcy to file statements of his fees in each case with the clerk of the court, the fees to be taxed by the clerk, and if any question should arise thereon an appeal might be taken to the district judge from the time the rule was adopted until within quite a recent date, yet there was no evidence that any question had ever been raised or an appeal taken to the judge, or his attention called to the matter in any manner whatever.

In short, it may be said with regard to this particular charge that while the administration of the bankrupt act, of which the country will fortunately soon be entirely relieved, led to the transaction of a large amount of business in chambers by the district court of the northern district of Illinois, which was greatly crowded with causes arising under that act, and consequently afforded opportunities to evil-disposed persons to perpetrate frauds upon others, and gave rise perhaps to suspicions and complaints of favoritism and corruption, whether well or ill founded, your committee are unable to find in the evidence the proofs upon which Judge Blodgett could be impeached on such a charge.

The same may be said in relation to the only remaining charge, which was to the effect that Judge Blodgett was a party to or had corruptly contributed the aid of his official position and conduct to a conspiracy to defraud the stockholders of the Garden City Insurance Company by enabling certain persons to buy up the stock of that company at a discount.

That there was a conspiracy of that character, and that the conspirators resorted to a proceeding in bankruptcy before Judge Blodgett as one of the means for attaining their object, and that such object was successfully accomplished, there can be no doubt from the evidence, but as the testimony bearing upon this particular charge has not yet been returned to them by the Public Printer, they will content themselves with a simple reference thereto, with the remark that however flagitious that fraudulent conspiracy may have been, the proofs before them are not such as to show that Judge Blodgett had any such criminal knowledge of or corrupt participation therein as would warrant his impeachment therefor.

In view, therefore, of all the evidence before them, your committee would respectfully recommend the adoption of the following resolution:

Resolved, That the charges against Henry W. Blodgett, United States district judge for the northern district of Illinois, be laid on the table, and the House take no further action thereon.

J. PROCTOR KNOTT.
D. B. CULBERSON.
E. G. LAPHAM.
WM. P. LYNDE.
JOHN T. HARRIS.
WM. H. FORNEY.
O. D. CONGER.
J. A. MCMAHON.
W. S. STENGER.
WM. P. FRYE.
BENJ. F. BUTLER.

WASHINGTON, March, 1879.

Mr. LAPHAM. I desire to say one word. Although the resolution

is the unanimous conclusion of the Committee on the Judiciary, that there is nothing in the evidence which justifies articles of impeachment against Judge Blodgett, it is due to the case I should say that this report has been prepared by those members of the subcommittee who remained in Chicago until the conclusion of the evidence. I was called away at the close of the first week, and although in the main the recital of facts in the report is such as I would have sanctioned so far as the evidence had been taken up to the time I left, there are some inferences in the report drawn from the facts to which I would not be willing entirely to give my assent. But the general conclusion that there was nothing shown implicating the integrity or impartiality of the judge was one to which we all cheerfully subscribed.

The SPEAKER. The question is on agreeing to the resolution reported by the committee.

Mr. BRAGG. I rise to make a parliamentary inquiry: whether, when a report is ordered to be read, it shall be read, or whether a portion of a report shall be read, and then the concluding pages, leaving a large portion of the report unread?

The SPEAKER. The Chair is not aware that that has been done. But if it has in the opinion of the gentleman from Wisconsin, if he comes forward and indicates the sheets which he thinks have not been read, the Chair will direct them to be read.

Mr. BRAGG. It is impossible for me in the handling of the sheets to tell where the sheets are which have not been read, but it is possible for me to know that when you are in one branch of the evidence recited by the committee you cannot at once jump to the conclusion of the report.

The SPEAKER. The Chair states in good faith if the gentleman will come forward and show any sheet that has not been read the Chair will direct it to be read.

Mr. BRAGG. I will ask the Clerk whether all of that report has been read.

The SPEAKER. The Clerk states he read all of it that he found here.

Mr. BEEBE. It is to be presumed that a public officer discharges his duty; and until the gentleman from Wisconsin is prepared to make some affirmative charge it is not fair to impugn the conduct of an officer of the House.

Mr. BRAGG. I am prepared to make an affirmative charge. I know the Judiciary Committee did not stop in the middle of the evidence they were reciting and jump to a conclusion without finishing their statement of the evidence.

The SPEAKER. The Clerk states he read the report as he found it.

Mr. BRAGG. As he found it!

Mr. BEEBE. What is the question before the House?

The SPEAKER. The question is on agreeing to the resolution reported by the committee.

Mr. BEEBE. I call for the regular order.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution reported from the Committee on the Judiciary was adopted.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Louisiana [Mr. GIBSON] is recognized.

Mr. HARTZELL. I rise to make a parliamentary inquiry: whether in recognizing gentlemen on this floor for the purpose of moving a suspension of the rules the Chair is governed by any rule at all?

The SPEAKER. He is. The Chair, in the first place, is governed by the rule of recognizing gentlemen who are instructed by their respective committees to move a suspension of the rules; and the gentleman from Louisiana [Mr. GIBSON] is instructed by the committee on epidemics to make this motion. The Chair thinks he is warranted in recognizing the gentleman from Louisiana not only because of that order but because of the high importance and necessity of the subject. The Chair follows strictly the rule of recognizing a member of a committee who bears the instruction of his committee. The Chair will ask the gentleman from Louisiana under these circumstances whether he has been instructed by his committee to make this motion?

Mr. GIBSON. Yes, sir.

Mr. HARTZELL. When will others on the list be recognized?

The SPEAKER. As soon as the motions to suspend the rules from committees have been gone through. If the suggestion made last evening by the Chair had been responded to, nearly all would have been recognized by this time.

Mr. SCALES. Does not the list include representatives of a number of other committees?

The SPEAKER. Yes; the gentleman from North Carolina [Mr. SCALES] himself is the next on the list. The Chair will endeavor to give an opportunity to all.

EPIDEMIC DISEASES.

Mr. GIBSON. I am instructed by the committee on epidemic diseases to report the Senate bill with the following bill as an amendment—

The SPEAKER. The gentleman cannot report the bill as a Senate bill. The Senate bill has been voted down.

Mr. SPARKS. That bill was laid upon the table, and a motion to

reconsider the action of the House upon the bill was also laid upon the table.

Mr. GIBSON. This is not a Senate bill. It is offered by the committee on epidemic diseases, and I move to suspend the rules and put it upon its passage.

Mr. SPARKS. Is it not the Senate bill?

Mr. GIBSON. It is not the Senate bill.

Mr. PRIDEMORE. I rise to ask whether or not the bill introduced by the gentleman from Louisiana is not identical in language with the bill which has already been disposed of by the House?

Mr. HOOKER. It is not.

Mr. GIBSON. It is a different bill.

Mr. DUNNELL. Let the bill be read; that will settle the question.

Mr. HOOKER. Could not the gentleman under the motion to suspend the rules put the Senate bill on its passage?

The SPEAKER. The Chair thinks not.

Mr. COX, of New York. I move that the House take a recess until half past eight o'clock. The House has already voted on the Senate bill.

Mr. GIBSON. It is not the Senate bill at all. This is an independent bill, from the committee of the House on epidemic diseases; and as such I offer it, and move to suspend the rules and put it upon its passage.

Mr. TOWNSEND, of New York. Is it not the bill which we have already rejected?

Mr. GIBSON. No, sir.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be established a national board of health, to consist of seven members, to be appointed by the President by and with the advice and consent of the Senate, not more than one of whom shall be appointed from any one State, whose compensation during the time when actually engaged in the performance of their duties under this act shall be \$10 per diem each and reasonable expenses, and of one medical officer of the Army, one medical officer of the Navy, one medical officer of the Marine Hospital Service, and one officer from the Department of Justice, to be detailed by the Secretaries of the several Departments and the Attorney-General respectively, and the officers so detailed shall receive no compensation. Said board shall meet in Washington within thirty days after the passage of this act, and in Washington or elsewhere from time to time upon notice from the president of the board, who is to be chosen by the members thereof, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made such special examinations and investigations at any place or places within the United States or at foreign ports as they may deem best, to aid in the execution of this act and the promotion of its objects.

SEC. 2. The duties of the national board of health shall be to obtain information upon all matters affecting the public health, to advise the several departments of the Government, the executives of the several States, and the commissioners of the District of Columbia, on all questions submitted by them, or whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health. It shall also aid in the work of State boards of health, and of State or municipal quarantine authorities, by such means and to such extent as may seem to it necessary and desirable. And for this purpose it is authorized to pay a certain portion of the expenses of such State boards of health or quarantine authorities, at its discretion: *Provided*, That the amount so paid shall in no case exceed one-half the total expenses for any such board or quarantine authority: *And provided further*, That such reports and information as may be required by the national board of health shall be furnished by the State boards and quarantine authorities thus aided.

SEC. 3. That the board of health, with the assistance of the Academy of Science, which is hereby requested and directed to co-operate with them for that purpose, shall report to Congress at its next session a full statement of its transactions, together with a plan for a national public health organization, which plan shall be prepared after consultation with the principal sanitary organizations and the sanitarians of the several States of the United States, special attention being given to the subject of quarantine, both maritime and inland, and especially as to regulations which should be established between State or local systems of quarantine and a national quarantine system.

SEC. 4. The sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated to pay the salaries and expenses of said board, and the further sum of \$500,000, or so much thereof as may be found necessary, to carry out the purposes of this act.

Mr. COX, of New York. Mr. Speaker—

The SPEAKER. Debate is not in order.

Mr. COX, of New York. I am sure that after the House has passed upon the bill once, and rejected it very decidedly, the gentleman ought not to ask us at this hour of the morning to pass this outrage on State rights.

Mr. GIBSON. It is not an outrage on State rights at all.

Mr. MANNING. It contains the fullest recognition of State rights.

Mr. COX, of New York. The State of New York has spent millions of dollars on her local quarantine; and if the gentleman will say that the State quarantine shall be predominant over these national quarantines, I will not object.

Mr. TOWNSEND, of New York. There is nothing in the bill but provisions which create certain officers with good salaries.

Mr. COX, of New York. I do not want to create a board of that kind, and I hope that we shall not pass the bill.

The question was taken on Mr. GIBSON's motion; and on a division there were—ayes 60, noes 34.

Mr. CAMP. No quorum has voted.

Tellers were ordered; and Mr. GIBSON, and Mr. Cox of New York, were appointed.

The House divided; and the tellers reported—ayes 92, noes 3.

Mr. CONGER. I hope we shall have no filibustering on a serious question of this kind.

Mr. CAMP. No quorum has voted.

Mr. SINGLETON. I desire to make a parliamentary inquiry. Would it be in order now to move to suspend the rules and put the Senate bill on its passage?

Mr. KNOTT. I move that the House take a recess until nine o'clock.

The question was taken on Mr. KNOTT's motion; and it was not agreed to.

Mr. TOWNSEND, of New York. I desire to make a proposition to the House upon the subject of this yellow-fever bill. If the gentleman who made the motion will state to the House that upon a conference with the Senate he will accept the Senate bill, I think we can get a quorum.

Mr. GIBSON. I reply to the gentleman. I will say that with certain modifications of the Senate bill it will be accepted.

Mr. TOWNSEND, of New York. I do not want any modifications of it.

CHARGES AGAINST THE SPEAKER OF THE HOUSE.

The SPEAKER *pro tempore*, (Mr. CARLISLE in the chair.) The present occupant of the chair desires to state to the House that he took the chair for the special purpose of hearing the report from the committee appointed the other day of which Mr. CANDLER, of Georgia, is chairman, on matters relating to the Speaker of this House. The Chair thinks that matter ought to be disposed of.

The report was sent up to the Clerk's desk.

Mr. GIBSON. I demand the yeas and nays upon the passage of the bill.

Mr. TOWNSEND, of New York. Other business has intervened and it is too late.

The SPEAKER *pro tempore*. Another subject is before the House.

Mr. HOOKER. The yeas and nays were called immediately after the announcement was made of the vote by tellers, and before any other measure was before the House. It certainly was in time.

The SPEAKER *pro tempore*. The gentleman from Georgia has already presented a report from a committee.

Mr. COX, of New York. The gentleman from Georgia has already reported and his report is before the House.

The SPEAKER *pro tempore*. The matter to which the gentleman refers is pending and undisposed of for the reason that a quorum did not vote. As soon as this business is disposed of, it will again come up.

Mr. COX, of New York. I make the point of order that you cannot go back to this subject again on a motion to suspend the rules.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from New York [Mr. Cox] to make his point of order after this report has been disposed of. The Clerk will now read the report.

The Clerk read as follows:

The special committee charged with the duty of inquiring into the statements made in the following letter—

[Confidential.]

SPECIAL AGENCY OF THE UNITED STATES TREASURY DEPARTMENT.

Baltimore, Maryland, September 2, 1876.

DEAR MAJOR: After leaving you I got the points, and I think there is no doubt whatever. In fact, the evidence is in the Treasury building to show that two appropriation warrants were illegally signed to get money to continue operations of the Engraving and Printing department, which was directly in the interest of SAMUEL J. RANDALL, who is a large stockholder in the paper-mill which is alone authorized to supply the Bureau of Engraving and Printing with paper for bonds, bank-notes, &c., and was accomplished through the influence of RANDALL, William Hemphill Jones, and George B. McCartee. I understand that Comptroller Robert W. Taylor signed the warrant through the influence and misrepresentations of Jones, and it is said, Conant signed as Acting Secretary in Bristow's absence, and with a full knowledge of the illegality of them. Of this latter I am not prepared to say, but think it true; but that there was two such warrants issued, amounting together to about \$270,000, (\$263,000 is the real amount,) there is no doubt, and the warrants can be produced.

H. L. WILLIAMS, Special Agent.

To Major WILLIAM B. MOORE,

Supervising Special Agent, United States Treasury—

which appeared in the columns of the Commercial Bulletin, of New York, of the 26th, and the Washington Post of the 27th ultimo, submit this report:

Your committee, after a full examination, under oath, of H. L. Williams, the writer of this letter, William B. Moore to whom it was addressed, the officers of the Government having knowledge of the signing of the warrants in question, and every other person that there was reason to believe knew anything of the matter in this letter detailed and the purpose of its publication, all of which is herewith submitted, find that the statements therein made as to the illegality of the warrants, the object of their signing, the interest of Hon. SAMUEL J. RANDALL in the paper-mill which supplied the Bureau of Engraving and Printing with paper for bonds, bank-notes, &c., and the signing of the warrants by the acting Secretary of the Treasury through the influence and misrepresentations of William Hemphill Jones, are absolutely without foundation in fact.

Early in the year 1875 there was due from the Internal Revenue department of the Treasury to the Bureau of Engraving and Printing for stamps the amount covered by the two warrants mentioned.

The Internal Revenue department had exceeded its appropriations for "dies, paper, and stamps," and was without means to pay the Bureau of Engraving and Printing its account for stamps.

There was an unexpended balance of the appropriation of \$1,125,000 of that fiscal year for "labor on and other expenses of engraving and printing notes, bonds, and other securities of the United States."

To meet this deficiency in the appropriations for "dies, paper, and stamps," and make available the balance of the appropriation "for labor and other expenses of engraving and printing notes, bonds, and other securities of the United States" for the payment to the Bureau of Engraving and Printing its accounts for stamps furnished the Internal Revenue department, the Secretary of the Treasury sent to the Forty-third Congress at its second session estimates of these deficiencies, with a statement from the Commissioner of Internal Revenue as to the debt to the Bureau of Engraving and Printing.

The facts thus appearing to Congress, in the two general appropriation acts, approved March 3, 1875, the one "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," and the other "making appropriations to supply deficiencies in the appropriations for the fiscal years ending June 30, 1875, and prior years, and for other purposes," provided as follows:

"To enable the Secretary of the Treasury to adjust the account of the expend-

iture for dies, paper, and stamps for the Internal Revenue department' for the fiscal year ending June 30, 1875, a transfer on the books of the Treasury of such sum as may be necessary is hereby authorized: *Provided*, That the same shall not involve any actual expenditure of money from the Treasury."

"To enable the Secretary of the Treasury to adjust the account of the expenditure 'for dies, paper, and stamps for the Internal Revenue department' for the fiscal year ending June 30, 1874, a transfer on the books of the Treasury of such sum as may be necessary is hereby authorized: *Provided*, That the same shall not involve any actual expenditure of money from the Treasury."

Under these provisions of law the two warrants in question were signed, and at the expiration of that fiscal year the appropriation warrant for the sum covered by the two transfer warrants was issued, adjusting the account of the expenditures for "dies, paper, and stamps" for the Internal Revenue department, and in transferring on the books of the Treasury the amount of the two warrants from one appropriation to another the debt due from the Internal Revenue department to the Bureau of Engraving was discharged.

The entire transaction was in perfect accordance with law intended for the purpose, involved no increased expenditure of money from the Treasury. No personal interest of Hon. SAMUEL J. RANFALL, the officials conducting the transaction, or persons having contracts with the Bureau of Engraving and Printing were or could have been affected thereby.

Whatever may have suggested the writing of this letter by Williams to Moore; whether intended to secure increased favor for both from the President, to whom it was read, as it was nothing more than the product of mindless anxiety in the search of official corruption; or for the appearance of activity in the performance of the duties of their positions, as agents in the secret service of the Government, it is certain that every statement of wrong therein made was without even the semblance of truth, and at no time seemed to have deserved and never received official consideration.

Your committee would be remiss in duty if they should submit their report to the House without calling attention to the fact that this letter containing such grave charges against reputable gentlemen, notably against the Speaker of this House, admitted to be false by its author and its recipient, was hawked about the streets of Washington for sale to the press, the highest price named being \$5; that it was promptly rejected by the Evening Star of this city, its reporter testifying that its falsity was apparent and was slanderous and libelous; that it was published by the Commercial Bulletin, of New York, and the Washington Post, with every avenue of information as to the correctness of its statements open.

Your committee admit that just criticism of official conduct is highly proper and conducive to the public good, but cannot refrain from saying that the publishing of this letter under all the circumstances evinces such a reckless disregard of public right and personal reputation as to entitle it to the severest censure.

MILTON A. CANDLER.
WM. P. LYNDE.
J. W. THROCKMORTON.
WM. P. FRYE.
JAMES MONROE.

Mr. CANDLER. Before calling for a vote, I will yield to the gentleman from Pennsylvania, [Mr. WARD.]

Mr. WARD. I rise not for the purpose of attempting to add anything to the refutation contained in the report which has just been read; that would be impossible. The vindication of my distinguished colleague, the Speaker of this House, has followed swift and sweeping, as we knew it would. He is thrice armed against any such slanders, by his long-continued, honorable, and honest public record, and by his exemplary private life.

I rise for the purpose of endeavoring to avert the suggestion of suspicion from those who are not so well known and not so well able to defend themselves as is my distinguished colleague. The matters contained in the letter point indirectly, at least, to unworthy practices on the part of gentlemen who are constituents of mine, and whose works, at which this paper is manufactured, are located in my district. I allude to Messrs. Wilcox, the proprietors of the Glen Mills.

I want to say here that they are gentlemen who occupy in business circles, in private life as well as in their public pursuits, the highest possible position. For several years they have been in close and confidential relations with the Treasury Department. They have been intrusted with the manufacture of the paper for Government bonds, for currency and notes, the loss of a sheet of which would almost have been followed by a loss to the Government. Of the millions of sheets of this paper which they have manufactured, up to this time not one has escaped the vigilance they have exercised over them; and there has not been one complaint or imputation pointing, directly or indirectly, toward them until the sending out of the letter which was the basis of this inquiry.

I understand that one of the public officers who were connected with this slanderous and libelous production has been removed from office. The other one, a certain Mr. Williams, as I am informed, still remains in the employment of this Government. I stand here to protest against the retaining in public office of men who have no more regard for private character and for business reputation than to lay their ruthless hands upon them in the manner in which it has been done in the letter made public throughout the country. And the time has come when the attention of the superior officers of these men should be invoked, that they may be stopped in their reckless course of action, so that Congress may not be required to take the proper means to shield not only its own officers but private citizens also.

Mr. GLOVER. I desire to inquire of the gentleman from Pennsylvania [Mr. WARD] if he intends to cast any reflection upon Major Moore in connection with this matter, as the gentleman who has been dismissed from the public service?

Mr. WARD. I said that one of them had been dismissed; I believe it is Mr. Moore.

Mr. GLOVER. I will state that Mr. Moore has branded this transaction as infamous from the beginning to the end. It is true he received a letter addressed to him from Mr. Williams, but he is in no sense responsible for Williams's writing that letter. He has always said to me it is a fraud.

Mr. WARD. He should be dismissed from service, as should every-

body else who had anything to do with it. There is nothing in the explanation that his letter was the private communication of a detective to his superior officer, and that its publication resulted from a quarrel between these two detectives. What palliation does this afford to the Speaker and the others whose names have been trailed through the mire, and a public investigation instituted to refute the slanders?

The officer clothed with the badge and authority of a special agent has immense authority in his grasp. He should be an honest and discreet man, understanding how to draw the line between guilt and innocence, and not willing to jeopardize a good name for the sake of creating a sensation or making a point in his own favor. The man who would put on paper such a baseless libel as this one, and allow it to remain in a shape where it could even by accident find its way into circulation, is not fit to be trusted with a special agency.

Mr. BUTLER. I offer the resolution which I send to the Clerk's desk, and ask a vote upon it.

The Clerk read as follows:

Whereas said Williams is now employed in the Treasury Department as a special agent, and his semi-official letter, as found by the committee, shows him to be unfit for Government service: Therefore,

Resolved, That this House do recommend that said Williams be dismissed the service of the Government.

Mr. THOMPSON. The gentleman from Georgia [Mr. CANDLER] yields to me for a moment, and I will use the time for making an inquiry. I will preface that inquiry by saying that I fear the committee in the discharge of their duty in this matter have stepped out of the boundaries they should have occupied, and in their zeal to do their duty they have made a suggestion that ought not to appear in their report. I call the attention of the committee and the House to this:

Whatever may have suggested the writing of the letter by Mr. Williams and Mr. Moore; whether intended to secure the increased favor for both from the President, to whom it was read, &c.

Now, sir, the inference in that sentence, the suggestion plainly made, is that this slanderous and false letter was prepared not for the purpose of injuring the parties against whom it was directed, but for the purpose of securing favor from another to whom it was read. The inference, therefore, is that it was supposed that the President of the United States, with a knowledge of this infamous production, would extend increased favor to the party who was guilty of this admitted slander, simply because it was directed against one prominent in the political party opposed to that with which he is connected.

I think that is unfair; I think it is uncalled for; I think it is unsupported by everything that has appeared here or elsewhere. I suggest to the committee that that phrase ought to be erased from their report.

Mr. CANDLER. The inference is not at all authorized by the language used. It was not intended to suggest that the President had any knowledge at all of any of the matters alleged; but these two men being agents in the secret service, it was supposed, got up this letter intended to be read to the President of the United States in order to show that they were acting zealously in the discharge of their duties of their office; but at the same time it is stated that the matter did not deserve and never received any official consideration. The evidence accompanying the report states this, showing at the same time that no consideration at all was given by the President to the matter.

Mr. THOMPSON. That is the very point, that both the evidence and the report show that the letter was false; that it was known to be false; that it was written for some other purpose than currying favor with any one; yet with this knowledge, clear and uncontradicted, the committee make a report inferentially that the purpose of the letter was to curry favor with the President of the United States, simply because slander was written against an officer of this Government. And the language I have referred to ought not to be in the report.

Mr. CANDLER. The appointment of these men was not made by the President at all; and no such inference can be drawn, I think, from the language used; certainly no such inference was intended.

Mr. THOMPSON. Let me read the sentence again:

Whatever may have suggested the writing of this letter by Mr. Williams and Mr. Moore; whether intended to secure increased favor for both from the President, to whom it was read, or another purpose—

What does that mean?

Mr. CANDLER. It is certain there was no truth in it, and it never received at any time and never deserved official consideration.

Mr. THOMPSON. I know that; but why, then, throw out the suggestion that that was the purpose, notwithstanding it appears that the letter never received notice and never should have received notice?

Mr. CANDLER. The evidence shows, these witnesses testify, (it is true they complain now of each other,) that this letter was gotten up between the two parties in order to show that they were ready to pursue official corruption wherever it might be found—to show that they were actively engaged in the discharge of what was supposed to be the duties of their positions.

Mr. THOMPSON. But the inference is plain and palpable that, according to the understanding of the committee, increased favor

from the President was to be obtained by writing letters of this kind under the guise of following out, ferreting out, and detecting crime, when it was known it was only a cover for an attack upon a citizen of this country.

Mr. CANDLER. Immediately upon the letter being received by Mr. Moore, it was read to the President; it was intended to be read to him at that time. There was no suggestion at all that it was false at that time.

Mr. THOMPSON. The impression left is that this Treasury agent, who knew the President, was willing to prostitute his position to slander a citizen for the purpose of securing favor with the President by slander.

Mr. CANDLER. Not at all.

I yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. The gentleman from Pennsylvania [Mr. THOMPSON] is oversensitive for the President.

Mr. THOMPSON. Not a bit of it.

Mr. FRYE. There is not an intimation anywhere in that report or in the testimony that these men had any other purpose than to show that they were vigilant and careful in the exercise of their official duties in detecting crime; nothing else on earth. I fail to see how any gentleman on reading this report can suppose that any reflection is cast upon the President. Surely, sir, the republican members of the committee, the gentleman from Ohio [Mr. MONROE] and I, would not have consented to cast any reflection upon the President of the United States, either the President who now holds office or his predecessor.

Now as to the resolution offered by the gentleman from Massachusetts [Mr. BUTLER] I desire to say a word. I do not find anything in this evidence which shows malicious wrong upon the part of Williams. Williams was in the employ of the Government, and when he wrote this letter he supposed that it was true; that he had discovered certain things in relation to the transfers and the warrants which justified him in writing the letter. Subsequently to its being written there arose a difficulty between Moore and Jayne and Williams. Williams was employed to detect certain frauds in the kid-glove business in Canada. Jayne and Moore were employed in New York—one as a lawyer, perhaps both as lawyers—lawyers with certain detective inclinations and purposes—in behalf of the New York merchants who were suspected of this kid-glove fraud. There then commenced at once a war between them and Williams. That war we did not investigate; but Williams testified, if I remember the testimony correctly, that as soon as he learned the letter was false he made known that fact. Furthermore, Williams never intended this letter for publication anywhere. He wrote it to Moore as to a person in the same service; he wrote it as a private letter. He had nothing on earth to do with photographing or publishing it. Now it seems to me that under these circumstances Williams is not entitled to the censure which the gentleman from Massachusetts recommends.

If anybody is entitled to censure, and the severest censure, it is the gentlemen of the press who knew the Speaker of the House of Representatives perfectly well, who knew that the avenues of information were entirely open to them, that they could go to him or they could go to the Treasury Department, or they could go to the laws of the United States and find out at once whether the charges in those letters were true or false. But those gentlemen did not take the trouble to look at the laws to see whether transfers and assignments were authorized or not. They deliberately published that letter here, having inquired, as appears in the Washington Post, of the Speaker of the House whether the charges were true, having been informed by him that every word in the letter was false, and not content with that they added to it this poison that the Speaker of this House they understood had obtained the appointment for Mr. Jones, a discharged employé of the Treasury Department, to the clerkship of the Committee of Way and Means. Now, sir, if anybody is to be censured, if anybody is to receive punishment at the hands of this House, let it be the men of the press who thus trifle wickedly, maliciously, without any just cause, with a man in public life.

I say to the gentlemen of this House, your reputations every day are trifled with, and you hold throughout the country to-day a reputation you have no right to hold; you are held up to the public as being led blindly by lobbyists, as being bribed day after day, as selling your votes to the highest bidder, when you, sir, know, and you gentlemen on this floor know, that no man here can put his hand upon a gentleman in this House whom he would suspect for a moment of taking a bribe for his vote, selling it for money or anything else. Why, sir, where in this country can be found a body of men whose reputations are entitled to stand so fairly and so highly before the American people as the Congress of the United States? Bribed to sell their votes for money! What are members of Congress here for? For the money they get as salaries? How many men would come here and serve night and day for the salary they get, the most of which they pay out in the necessary expenses of their service? Is it for honor? It must be for honor alone that men of ability, men of talent, men of education, serve their country in this House. If for honor, will they compromise that honor for money; will they put that reputation into the hands of miserable lobbyists or go-betweens in the streets of Washington—give all they come here for, give that which is dearer to them than anything else on earth, their reputation,

into the keeping of reckless and wicked men? Will they throw it into the hands of the purchasing, bribe-giving lobbyist? Will they thus sell their birthright for a mess of pottage? I tell you no, sir; and the press of this country owes it to Congress that its members shall be treated as men of honor, as men of reputation. If you must censure, let your censure fall where it belongs, and not upon this officer of the Government who thought he was doing his duty, and on learning the falsehood of the charges stated that they were false.

Mr. CANDLER. I call for the previous question.

Mr. WARD. I would like to ask the gentleman from Maine a question. Does he justify Williams in reporting such information without the due inquiry that would enable him to know positively whether it was true or false?

Mr. FRYE. In reply to that inquiry I have to say this: I understand Moore was then or had been in the detective service of the Government?

Mr. GLOVER. He was at the head of the force.

Mr. FRYE. That Williams was also in the force, and that it was no publishing of this information for one member of the force to write it to another, that other his superior; that he had no earthly purpose to injure the reputation of any one when he wrote it, and no earthly knowledge that it would be published to the world.

The SPEAKER *pro tempore*. Does the gentleman yield any further?

Mr. BUTLER. If the committee have found Williams wrote this letter innocently from information that he received, and that the publication is not due to him, that would put a different phase on the matter so far as he is concerned; and while I agree to all that is said by my friend from Maine as to the recklessness with which such slanders are published to the world, yet there is a necessity that the source as well as the vehicle of them should be stopped. The Secretary of the Treasury will know of the action of this House and of this committee, and, after investigation, if he does not choose to see to it that so careless a detective in getting information, to say the least, is unfit for the Government service, the House hereafter will have it in its power to bring the matter to his attention, and therefore I will withdraw my resolution under the circumstances.

Mr. FRYE. I wish to state one other thing. That letter was hawked around the streets of Washington for sale at five dollars. Newspaper after newspaper was visited, and the reporters of the papers were told that here was a good thing; here was carrion on which crows might feed, and they could have it for five dollars. The reporter of the Evening Star, who was a witness on the stand, said that it was offered to him as a good thing and that he looked at it and saw that it was a vile falsehood, slanderous and libelous, and, like a man and a gentleman, he refused to touch it as he would refuse to touch pitch.

Mr. MCKINLEY. Will the gentleman allow me to ask him a question?

Mr. FRYE. Yes, sir.

Mr. MCKINLEY. Did it appear from the testimony where it came from?

Mr. FRYE. I think Moore had it photographed.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution of the committee was agreed to unanimously.

Mr. CANDLER moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. CANDLER. I also move that the report and evidence be printed in the usual way.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GIBSON. I now call for the yeas and nays on the pending proposition.

Mr. CONGER. I rise to a privileged question. I enter a motion to reconsider the vote by which the order was made authorizing the reports from the Committee on Expenditures in the Treasury Department to be printed and recommittees.

Mr. FINLEY, of Ohio. And I move to lay the motion to reconsider on the table.

Mr. CONGER. The gentleman cannot do that when I merely enter a motion to reconsider, to be called up at some future time.

Mr. SPARKS. In the first place, we have a right to know how the gentleman voted.

The SPEAKER *pro tempore*. The recollection of the present occupant of the chair was that this order was made by the unanimous consent of the House.

Some time subsequently.

Mr. GLOVER said: I call for the reading of the motion of the gentleman from Michigan to reconsider the question of printing the report of the Committee on Expenditures in the Treasury Department.

The SPEAKER *pro tempore*. The motion is simply entered and is passed over for the present.

Mr. GLOVER. I did not observe at the time that it applied to the committee with which I am connected.

Mr. ATKINS. I move that the House take a recess until nine o'clock a. m.

Mr. GIBSON. I ask the gentleman to yield to me that I may call for the yeas and nays on the pending proposition.

Mr. ATKINS. I yield for that purpose.
The yeas and nays were ordered.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes; and

An act (H. R. No. 6250) granting a pension to Morris Dwight.

ORDER OF BUSINESS.

Mr. RANDALL, (the Speaker.) I desire to make a statement in reference to a bill reported from the Committee on Naval Affairs by the gentleman from Maryland, [Mr. KIMMEL,] and made a special order for the 30th January; a bill in reference to an increase of the number of boys on naval school ships. It was intended that it should be a special order after the reading of the Journal, but it was journalized so that it read, after the morning hour. The result was that that bill never was reached. There is not a member of this House, as I am advised, who will be against the bill if it should be considered. I am further advised that the Committee on Naval Affairs are unanimous in their recommendation of the bill. I ask that at some time before we adjourn the gentleman from Maryland [Mr. KIMMEL] may have the opportunity of making that report. I ask that in justice to the gentleman and in justice to myself.

Mr. WILSON. I hold in my hand a bill which I consider of much greater importance, and on which I ask the action of the House.

Mr. TOWNSEND, of New York. As regards the business of the House, I feel it is our duty to make provision for the payment of arrearages of pensions before our adjournment; and I shall feel unwilling to consent to anything unless some arrangement is made by which that matter can be brought before the House. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. There is a matter now before the House, and unless the gentleman from Michigan yields the floor or some motion like that made which takes precedence, the business in charge of that gentleman must be proceeded with.

THE DIGEST.

Mr. SAYLER, from the Committee on Rules, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed 2,000 copies of the Digest for the use of the members at the first session of the Forty-sixth Congress.

Mr. TIPTON. I move that the House take a recess until nine o'clock a. m.

The motion was agreed to; and accordingly (at seven o'clock and twenty minutes a. m.) the House took a recess till nine o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House reassembled at nine o'clock a. m., Tuesday, March 4.

EMANUEL KLOSSER.

Mr. EDEN. I ask unanimous consent to take from the Speaker's table the bill (S. No. 1540) to relieve Emanuel Klauser from the charge of mutiny, and give him an honorable discharge. It is a bill which was passed by the House in the Forty-fourth Congress, being reported by the Committee on Military Affairs, and went to the Senate, but did not get through for want of time. It cannot do any one any possible harm.

Mr. WHITE, of Pennsylvania. The only difficulty about these bills is that they give back bounties amounting to several thousand dollars, and I object to its present consideration.

PAY OF HOUSE EMPLOYÉS.

The SPEAKER laid before the House the following resolution; which was read, considered, and agreed to:

Ordered, That the Clerk of the House be, and he is hereby, authorized and directed, immediately after the adjournment, to issue to the employes of the House borne on the annual rolls their respective salaries for the month of March.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. AIKEN to print some remarks in the RECORD upon a patent case upon which a report was made. [See Appendix.]

SIGNAL STATION, BLOCK ISLAND.

Mr. EAMES, by unanimous consent, presented resolutions of the State of Rhode Island, in relation to a signal station on Block Island; which were referred to the Committee on Appropriations.

REPORTS FROM COMMITTEE ON NAVAL AFFAIRS.

By unanimous consent, leave was granted to the Committee on Naval Affairs to file with the Clerk of the House the reports on bills and resolutions referred to that committee, and that the same be printed.

GENERAL A. S. WILLIAMS.

The SPEAKER also laid before the House resolutions of the board of education of Detroit, Michigan, in respect to the memory of the late Hon. Alpheus S. Williams; which were laid on the table.

Mr. BANNING, by unanimous consent, from the Committee on Mil-

itary Affairs, reported a joint resolution (H. R. No. 250) to donate condemned cannon to the Williams Monument Association of Detroit.

The joint resolution is as follows:

Resolved by the House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to donate to the Williams Monument Association of Detroit, Michigan, ten condemned cannon for a monument to the late General A. S. Williams.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PROPERTY DESTROYED IN CYNTHIANA, KENTUCKY.

Mr. KEIFER, from the Committee on War Claims, by unanimous consent, reported adversely the bill (H. R. No. 1030) for property in Cynthiana, Kentucky, destroyed by fire in June, 1864; which was laid on the table, and the report ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. KIMMEL, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2240) to amend sections 1417, 1418, 1419, 1420, and 1624, of the Revised Statutes of the United States relating to the United States Navy.

The bill was read. It provides that section 1417 of the Revised Statutes of the United States be amended so as to read as follows:

SEC. 1417. The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, and coal-heavers, and including seven hundred and fifty apprentices and boys, hereby authorized to be enlisted annually, shall not exceed eight thousand two hundred and fifty. *Provided*, That no person shall be appointed a warrant officer in the naval service of the United States who has not been discharged upon the expiration of an enlistment as an apprentice or boy, to serve during minority, and re-enlisted to serve during the term of three years, except under the provisions of section 1407 of the Revised Statutes of the United States.

That section 1418 be amended so as to read as follows:

SEC. 1418. Boys between the ages of fifteen and seventeen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President.

That section 1419 be amended so as to read as follows:

SEC. 1419. Minors between the age of fifteen and seventeen years shall not be enlisted for the naval service without the consent of their parents or guardians.

That section 1420 be amended so as to read as follows:

SEC. 1420. No minor under the age of fifteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service.

That article 19 of section 1624 be amended so as to read as follows:

SEC. 1624. Article 19.—Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of fifteen and seventeen years without the consent of his parents or guardian, or any minor under the age of fifteen years, shall be punished as a court-martial may direct.

Mr. PRICE. Where does that bill come from?

Mr. HANNA. It comes from the Committee on Naval Affairs, and received its unanimous approval. If we expect to have an American Navy it ought to pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CENTENNIAL EXPOSITION.

The Speaker laid before the House the following message from the President; which was laid on the table and ordered to be printed.

To the Senate and House of Representatives:

I have received from the United States centennial commission their final report, presenting a full exhibit of the result of the United States centennial celebration and exhibition of 1876, as required by the act of June 1, 1872.

In transmitting this report for the consideration of Congress, I express, I believe, the general judgment of the country, as well as my own, in assigning to this exhibition a measure of success gratifying to the pride and patriotism of our people, and full of promise to the great industrial and commercial interests of the nation.

The very ample and generous contributions which the foreign nations made to the splendor and usefulness of the exhibition, and the cordiality with which their representatives took part in our national commemoration, deserve our profound acknowledgments.

At this close of the great services rendered by the United States centennial commission and the centennial board of finance, it gives me great pleasure to commend to your attention, and that of the people of the whole country, the laborious, faithful, and prosperous performances of their duties which have marked the administration of their respective trusts.

R. R. HAYES.

WASHINGTON, March 3, 1879.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 1827) for the relief of D. W. McClung, of Wooddale, Butler County, Ohio.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 3690) to relieve the churches of the District of Columbia and to clear the title of the trustees to such property.

The message also announced that the Senate further insisted upon its amendments, disagreed to by the House, to the bill of the House (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; had agreed to the conference upon the disagreeing votes of the two Houses

thereon, and had appointed as the conferees on the part of the Senate Mr. WINDOM, Mr. ALLISON, and Mr. BECK.

The message also announced that the Senate further insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1880, and for other purposes; had agreed to the conference upon the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. BLAINE, Mr. ALLISON, and Mr. WITHERS.

KLAMATH RESERVATION, CALIFORNIA.

Mr. LUTTRELL. I hold in my hand a joint resolution, unanimously recommended by the Committee on the Public Lands, to protect the settlers on an old Indian reservation which has been abandoned for more than sixteen years.

The SPEAKER. The joint resolution will be read.

The joint resolution, which was read, provides that all the lands embraced within the limits of the abandoned Indian reservation in the State of California known as the Klamath River reservation, abandoned in 1855, when the tribe was removed to another reservation established for its use, shall be subject to entry as other public lands in said State under the homestead and pre-emption laws; and that all persons, including Indians, owning improvements on said reservation at the time of the passage of this act shall have a prior right to enter the same within six months after this act shall go into effect.

Mr. ALDRICH. I object.

Mr. LUTTRELL. I hope the gentleman will not object. Every officer, Federal, State, and county, asks that this be done; and the Commissioner of Indian Affairs some years ago invited settlements on this reservation.

Mr. ALDRICH. It is too late to pass any joint resolution now.

The SPEAKER. The Chair will recognize the gentleman later in the day.

BOUNDARY LINE BETWEEN MARYLAND AND VIRGINIA.

Mr. ROBERTS. I ask unanimous consent to take from the Speaker's table for consideration and action at this time the bill (S. No. 1691) giving the consent of Congress to an agreement or compact entered into between the States of Virginia and Maryland respecting the boundary between said States.

Mr. WHITE, of Pennsylvania. That is all right.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

WARD B. BURNETT.

Mr. RICE, of Ohio. I ask unanimous consent to take from the Speaker's table at this time for action the bill (S. No. 1852) granting an increase of pension to Ward B. Burnett. This bill would have been passed last Friday night but for an oversight.

The bill directs the Secretary of the Interior to place on the pension-roll the name of Ward B. Burnett and pay him a pension of \$50 a month in lieu of what he now receives, nothing in this act to entitle him to arrears of pension.

Mr. WHITE, of Pennsylvania. What war was he wounded in?

Mr. RICE, of Ohio. In the Mexican war. He has had forty-five years of service. It is a very meritorious case. Mr. HEWITT, of New York, recommends it, and it should have been passed last Friday night.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

PUBLIC LANDS IN FLORIDA.

Mr. WHITTHORNE. The Committee on Naval Affairs unanimously recommend that Senate bill No. 184, to authorize the Secretary of the Navy to transfer to the Secretary of the Interior for entry and sale all lands in the State of Florida not needed for naval purposes, be passed by the House.

Mr. LUTTRELL. I rise to a question of privilege. I have been seeking to have justice done to the settlers in my State.

The SPEAKER. The Chair will recognize the gentleman, as soon as a quorum is here, to move a suspension of the rules.

Mr. WHITTHORNE. I ask that the bill I have indicated be now passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized to cause an examination to be made of the condition of all lands in the State of Florida which have been set apart or reserved for naval purposes, excepting the reservation upon which the navy-yard at Pensacola is located, and to ascertain whether or not such reserved lands are or will be of any value to the Government of the United States for naval purposes.

Sec. 2. That all of said lands which, in the judgment of the Secretary of the Navy, are no longer required for naval purposes shall, as soon as practicable, be certified by him to the Secretary of the Interior, and be subject to entry and sale in the same manner and under the same conditions as other public lands of the United States: *Provided,* That all persons who have in good faith made improvements on said reserved lands at the time of the passage of this act, and who occupy the same, shall be entitled to purchase the part or parts so occupied and improved by them, not to exceed one hundred and sixty acres to any one person, for such sum or sums as may be fixed by the Secretary of the Interior; but such price shall in no case be less than \$1.25 per acre.

Sec. 3. That the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Navy to carry out the provisions of this act.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSOCIATE JUSTICE IN DAKOTA.

Mr. KIDDER. I ask unanimous consent to take from the Speaker's table and put upon its passage the bill (S. No. 1582) providing for an additional associate justice of the supreme court of Dakota. This bill has been examined by the Committee on the Territories of this House. The gentleman from Pennsylvania, [Mr. TURNEY,] a member of that committee, has charge of the bill.

Mr. TURNEY. The bill is unanimously recommended by the Committee on the Territories.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

TREATY WITH MEXICO.

Mr. WILSON. I ask unanimous consent to report from the Committee on Foreign Affairs a joint resolution providing for a treaty with the Republic of Mexico.

The joint resolution was read.

Mr. PRICE. Is that a House joint resolution?

The SPEAKER. It is.

Mr. BAKER, of Indiana. Is it presented for action now?

The SPEAKER. It is.

Mr. PRICE. I must object to it.

Mr. WILSON. Its passage is requested by the Secretary of State and demanded by the commercial and manufacturing interests of the country. I move to suspend the rules to put the resolution on its passage.

The SPEAKER. There is no quorum here now.

THOMAS B. HUNT.

Mr. STRAIT. I ask unanimous consent to take from the Speaker's table and have passed the bill (S. No. 174) for the relief of Thomas B. Hunt.

There being no objection, the bill was taken from the Speaker's table and read a first and second time. It provides that the provisions of law regulating appointments in the Army by promotion in the line be suspended for the purposes of the act, and only so far as they affect Thomas B. Hunt; and the President is authorized to nominate and, by and with the advice and consent of the Senate, appoint Thomas B. Hunt, late captain and assistant quartermaster in the United States Army, to the same grade and rank of captain and assistant quartermaster held by him prior to February 26, 1874; but it is provided that his pay shall commence only from the date of his reappointment under the act.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

GEORGE HEARD.

Mr. CRITTENDEN. I ask unanimous consent to take from the Speaker's table the bill (S. No. 1535) for the relief of George Heard.

There being no objection, the bill was taken from the Speaker's table and read a first and second time. It directs the proper officers of the Interior Department to prepare and cause to be issued and delivered to George Heard, assignee of Chester Hebner, a bounty-land warrant, in pursuance of an act of Congress of 1847, for one hundred and sixty acres of land, in lieu of bounty-land warrant No. 61178, burned and destroyed, in such form that the same can be located by Heard or assigned and transferred by him and located by his assignee.

Mr. CRITTENDEN. This bill passed the Senate without objection. I hope it will not be objected to here.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

SAMUEL B. STAUBER.

Mr. ROBBINS. I wish to make my last request of the House.

The Clerk read as follows:

Mr. ROBBINS makes his last request of the House. He asks unanimous consent that the House take up and concur in the Senate amendment to a bill on the Speaker's table—House bill No. 1336 for the relief of Samuel B. Stauber and others. The bill proposes merely to refund a few hundred dollars of overpaid taxes.

Mr. WHITE, of Pennsylvania. I object.

CHEYENNE AND BLACK HILLS RAILWAY AND TELEGRAPH COMPANY.

Mr. SHELLEY. By the direction of the Committee on Public Lands, I ask the House to take from the Speaker's table for present consideration the bill (S. No. 655) to incorporate the Cheyenne and Black Hills Railway and Telegraph Company.

Mr. TOWNSEND, of New York. I object to this bill, as I will to all other bills until the arrears of pension bill can be reached.

ARREARS OF PENSION.

The SPEAKER. Is there objection to taking up for consideration the Senate amendments to the bill (H. R. No. 6462) making appropriations for the payment of arrears of pension?

Mr. McKENZIE. I object to that bill. If it be passed I shall insist on a quorum.

Mr. WHITE, of Pennsylvania. This may be the last chance we may have to pass the bill.

Mr. McKENZIE. There will have to be a quorum for that bill.

Mr. SPARKS. I move to suspend the rules and concur in the Senate amendments.

Mr. CARLISLE. I have no disposition to obstruct the wishes of the gentleman from Illinois, [Mr. SPARKS,] but there is already pending a motion to suspend the rules, made by the gentleman from Louisiana, [Mr. GIBSON,] for the purpose of passing the yellow-fever bill.

Mr. SPARKS. This is an appropriation bill which has already passed this House with very little objection. It has been amended in the Senate.

CONTAGIOUS AND INFECTIOUS DISEASES.

The SPEAKER. The gentleman from Kentucky [Mr. CARLISLE] raises the point of order that one motion to suspend the rules is already pending. As soon as the Chair can dispose of that motion he will recognize the gentleman from Illinois to move to take up the arrears of pensions bill. Is there any one here to take charge of the yellow-fever bill?

Mr. CHALMERS. Yes, sir.

Mr. CARLISLE. On the yellow fever bill the gentleman from Louisiana [Mr. GIBSON] had demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BAKER, of Indiana. There are some gentlemen who do not know what the question is.

The SPEAKER. It is a motion to suspend the rules and pass the bill known as the McGowan health bill.

Mr. BAKER, of Indiana. Is it the same bill which has been under consideration heretofore in the House?

Mr. GOODE. It is not the same bill, but a bill which has been indorsed and approved by the committee on this subject and by the executive committee of the American Health Association.

Mr. BAKER, of Indiana. I call for the reading of the bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I rise to make a report from the committee of conference on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Chair will recognize the gentleman from Tennessee, [Mr. ATKINS.]

The gentleman from Tennessee is recognized.

Mr. ATKINS. I send to the desk a report from the committee of conference on the legislative, &c., appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1880, having met, after full and free conference, have been unable to agree.

J. D. C. ATKINS,

M. J. DURHAM,

CHARLES FOSTER,

Managers on the part of the House.

WILLIAM WINDOM,

W. B. ALLISON,

JAMES E. BECK,

Managers on the part of the Senate.

Mr. ATKINS. I move that the House insist on its disagreement and agree to the further conference asked for by the Senate; and upon that I call the previous question.

Mr. BAKER, of Indiana. I move that the House recede from its disagreement.

Mr. HALE. Does the gentleman from Tennessee give way for the motion indicated by the gentleman from Indiana?

Mr. McKENZIE. Pending the motion of the gentleman from Indiana I move that the House take a recess for twenty minutes.

The SPEAKER. The gentleman from Tennessee is on the floor.

Mr. HALE. Let me ask the gentleman from Tennessee a question. Is he willing, in order to have a test vote in the House, to yield to the motion indicated by the gentleman from Indiana that the House recede?

Mr. BAKER, of Indiana. I would like to make an inquiry of the chairman of the committee: whether or not, if the House shall agree to the motion of the gentleman from Tennessee and a new conference is appointed, there is a likelihood of agreement before the close of the session?

Mr. ATKINS. In response to the question of the gentleman from Maine, I have to say that the Senate has appointed another committee of conference and asked the House to meet them again in conference. I therefore made the motion which I did just now to insist upon our disagreement and agree to the further conference asked for by the Senate.

Mr. HALE. That is right.

Mr. BAKER, of Indiana. If the gentleman will yield, I desire to ask him a question.

Mr. ATKINS. I am not willing that debate should continue.

Mr. McKENZIE. If the gentleman from Indiana insists on his motion that the House recede, I insist on my motion that we take a recess.

Mr. BAKER, of Indiana. With the understanding that it is the desire of the gentleman from Tennessee that there should be a further conference, with a view, if possible, to an agreement being arrived at, I withdraw my motion.

The previous question was seconded and the main question ordered; and under the operation thereof the motion of Mr. ATKINS was agreed to.

Mr. ATKINS moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. ATKINS, Mr. DURHAM, and Mr. FOSTER.

ENROLLED BILL SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 6126) to establish post-routes.

NATIONAL BOARD OF HEALTH.

Mr. GIBSON. I call for the regular order.

The SPEAKER. The yeas and nays have been ordered on the motion of the gentleman from Louisiana [Mr. GIBSON] to suspend the rules and pass the bill known as the McGowan health bill; the bill to prevent the introduction of infectious or contagious diseases into the United States and to establish a national board of health.

Mr. KNOTT. I rise to a question of order. Is there not a motion pending to have a recess?

Mr. SHELLEY. I move that the House take a recess for thirty minutes.

Mr. GOODE. I hope that will be voted down so that we may pass this bill.

The question being taken on Mr. SHELLEY's motion, the Speaker stated that in the opinion of the Chair the yeas had it.

Mr. McKENZIE. I call for the yeas and nays.

On the question of ordering the yeas and nays only thirteen members voted therefor.

So the yeas and nays were refused, and the motion that the House take a recess was not agreed to.

The SPEAKER. The question recurs on the motion to suspend the rules and pass the bill known as the McGowan health bill, on which the yeas and nays have been ordered.

Mr. McKENZIE. I demand the reading of the bill.

The bill was again read.

The question was taken; and there were—yeas 170, nays 64, not voting 56; as follows:

YEAS—170.

Atkins,	Dibrell,	Jones, John S.	Robinson, M. S.
Bagley,	Dickey,	Joyce,	Ryan,
Banning,	Dunnell,	Keightley,	Sampson,
Bell,	Dwight,	Kelley,	Sapp,
Blackburn,	Earnes,	Kenna,	Saylor,
Blair,	Edon,	Ketcham,	Scales,
Bliss,	Errett,	Knapp,	Sexton,
Boone,	Evans, James I.	Lathrop,	Shallenberger,
Brewer,	Evins, John H.	Ligon,	Shelley,
Briggs,	Ewing,	Loring,	Singleton,
Bright,	Felton,	Luttrell,	Slemmons,
Browne,	Finley, Ebenezer B.	Mackey,	Smith, William E.
Buckner,	Finley, Jesse J.	Maish,	Southard,
Bundy,	Forney,	Manning,	Sparks,
Burdick,	Fort,	McKenzie,	Springer,
Cabell,	Franklin,	McKinley,	Steele,
Cain,	Gardner,	McMahon,	Stenger,
Caldwell, John W.	Garfield,	Metcalfe,	Stephens,
Caldwell, W. P.	Garth,	Mills,	Stewart,
Candler,	Gause,	Money,	Stone, John W.
Carlisle,	Gibson,	Monroe,	Stone, Joseph C.
Chalmers,	Glover,	Morrison,	Thompson,
Chittenden,	Goode,	Morse,	Throckmorton,
Clatlin,	Hamilton,	Muldrow,	Townsend, Amos
Clark of Missouri,	Hanna,	Norcross,	Townsend, R. W.
Clark, Rush,	Hardenbergh,	Oliver,	Turney,
Clymer,	Harmer,	O'Neill,	Vance,
Cole,	Harris, Benj. W.	Overton,	Van Vorhes,
Collins,	Harris, Henry R.	Patterson, T. M.	Waddell,
Conger,	Hartzell,	Peddle,	Wait,
Cox, Jacob D.	Haskell,	Phelps,	Ward,
Crapo,	Hatcher,	Phillips,	White, Michael D.
Cravens,	Hazleton,	Pollard,	Whitthorne,
Crittenden,	Henderson,	Pound,	Wigginton,
Cummings,	Henkle,	Price,	Williams, C. G.
Cutler,	Henry,	Pugh,	Williams, Jere N.
Danford,	Herbert,	Randolph,	Williams, Richard
Davidson,	Hooker,	Reilly,	Willis, Albert S.
Davis, Horace,	Hungerford,	Rice, Americus V.	Willits,
Davis, Joseph J.	Hunter,	Robbins,	Yeates,
Dean,	Hunton,	Roberts,	Young, John S.
Deering,	Ittner,	Robertson,	
Denison,	Jones, Frank	Robinson, G. D.	

NAYS—64.

Aiken,	Bouck,	Campbell,	Cox, Samuel S.
Aldrich,	Boyd,	Cannon,	Culbertson,
Bailey,	Bragg,	Caswell,	Fleming,
Baker, William H.	Brentano,	Clarke of Kentucky,	Fuller,
Ballou,	Bridges,	Cobb,	Giddings,
Beale,	Burchard,	Cook,	Gunter,
Becknell,	Walkeins,	Covert,	Harris, John T.

Harrison,
Hart,
Hayes,
Hendee,
Humphrey,
James,
Keifer,
Knott,
Lapham,

Marsh,
Martin,
Mayham,
Mitchell,
Morgan,
Muller,
Page,
Patterson, G. W.
Pridemore,

Rea,
Reagan,
Ross,
Smalls,
Smith, A. Herr
Starin,
Strait,
Townsend, M. I.
Tucker,

Veeder,
Warner,
Watson,
White, Harry
Williams, Andrew
Williams, James
Willis, Benj. A.
Wilson,
Wood,

NOT VOTING—56.

Acklen,
Bacon,
Baker, John H.
Banks,
Bayne,
Beche,
Benedict,
Bland,
Blount,
Brogden,
Butler,
Camp,
Clark, Alvah A.
Durham,

Eickhoff,
Elam,
Ellis,
Ellsworth,
Evans, I. Newton
Foster,
Freeman,
Frye,
Hale,
Hewitt, Abram S.
Hewitt, G. W.
Hiscock,
Houss,
Hubbell,

Jones, James T.
Jorgensen,
Killingier,
Kimmel,
Landers,
Lindsey,
Lockwood,
Lynde,
Majors,
McCook,
McGowan,
Neal,
Potter,
Powers,

Rainey,
Reed,
Rice, William W.
Riddle,
Sinnickson,
Swann,
Thornburgh,
Tipton,
Turner,
Walker,
Walsh,
Wren,
Wright,
Young, Casey.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

During the roll-call the following announcements were made:

Mr. DAVIS, of North Carolina. I am paired with Mr. LINDSEY, of Maine, but I am informed by his friends that he would not object to my voting. I therefore vote "ay."

Mr. JONES, of Alabama. I am paired with Mr. NEAL, of Ohio.

Mr. CAMP. I am paired with my colleague, Mr. BEEBE. If he were here, I would vote "no."

Mr. MONEY. Mr. YOUNG, of Tennessee, is absent on account of sickness.

Mr. CLARKE, of New Jersey. On this question I am paired with Mr. BAYNE.

Mr. BAKER, of Indiana. I am paired with Mr. BLOUNT. If he were present, I should vote "no."

The result of the vote was announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. No. 71) in relation to committee clerks, pages, and other employees of the Senate and House of Representatives.

Mr. HARRISON, from the same committee, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1827) for the relief of D. W. McClung, of Wooddale, Butler County, Ohio.

ORDER OF BUSINESS.

Mr. SPARKS. I move to concur in the Senate amendments to the bill (H. R. No. 6462) making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes.

Mr. CLARKE, of Kentucky. I object.

The SPEAKER. The Chair thinks the gentleman's objection comes too late.

Mr. CLARKE, of Kentucky. I have a right to hear the amendments of the Senate read.

The SPEAKER. The Chair asked if there was objection, and there was none.

Mr. MCKENZIE. I move that the House take a recess for thirty minutes, and upon that motion I call for the yeas and nays.

Mr. KNOTT. I move that the House adjourn, and upon that motion I call for the yeas and nays.

Mr. SPARKS. Can I be taken off the floor for that purpose?

The SPEAKER. The rule states that pending a motion to suspend the rules one motion to adjourn is in order.

The question was taken upon ordering the yeas and nays, and twenty-two members voted therefor—not one-fifth of the last vote.

Mr. MCKENZIE. I call for tellers upon the yeas and nays.

Tellers were not ordered, only twenty members voting therefor.

So the House refused to adjourn.

The question recurred on Mr. SPARKS's motion to concur in the Senate amendments to the bill.

The amendments of the Senate were read, as follows:

On page 1, after line 18, insert "the pension agents shall receive for their services and expenses in paying the arrears upon pensions allowed previous to January 25, 1879, including postage on the vouchers and checks sent to the pensioner thirty cents for each voucher, and the sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated for the payment of the same."

Page 2, strike out all after "pensions," in line 4, down to and including "pensions," in line 5.

Page 2 at the end of line 8, insert "and before being mustered out: *Provided*, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability."

At the end of the bill add the following section:

SEC. 2. All pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to the discharge; and if such disability occurred after the discharge, then from the date of actual disability or from the termination of the right of the party having prior title to such pension: *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the

1st day of July, 1880, otherwise pensions shall commence from the date of filing the application, but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

SEC. 3. Section 4709 of the Revised Statutes is hereby repealed.

Mr. MCKENZIE. I demand a separate vote on the amendments of the Senate.

The SPEAKER. The motion is to suspend the rules and agree to the amendments of the Senate.

Mr. MCKENZIE. Then I demand the reading of the bill as it will be amended.

The SPEAKER. The amended bill is not before the House.

Mr. KNOTT. I demand the reading of the bill.

The SPEAKER. The motion of the gentleman from Illinois is to suspend the rules and pass the bill with the amendments of the Senate.

Mr. SPARKS. I demand a vote upon that motion.

Mr. MILLS. How much money does the bill appropriate?

The SPEAKER. The Chair is not competent to answer that question, for he does not know.

Mr. MILLS. We ought to know and let the people of the United States know.

Mr. CLARKE, of Kentucky. This bill takes a large amount of money out of the pockets of the people, and I demand the yeas and nays.

The question was put upon ordering the yeas and nays, and thirty-six members voted therefor, not one-fifth of the last vote.

Mr. MILLS. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. MCKENZIE and Mr. SPARKS were appointed.

Mr. HANNA. I hope we will have the yeas and nays, and make a record on this bill.

The House again divided; and the tellers reported that there were 57 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 61, net voting 26; as follows:

YEAS—203.

Aldrich,
Bacon,
Bagley,
Bailey,
Baker, John H.
Baker, William H.
Ballou,
Banks,
Banning,
Bayne,
Benedict,
Bicknell,
Blair,
Bouck,
Boyd,
Bragg,
Brentano,
Brewer,
Bridges,
Briggs,
Browne,
Buckner,
Bundy,
Burchard,
Burdick,
Butler,
Cain,
Calkins,
Camp,
Campbell,
Cannon,
Caswell,
Chalmers,
Chittenden,
Claffin,
Clark, Alvah A.
Clark of Missouri,
Clark, Rush,
Clymer,
Cobb,
Cole,
Collins,
Conger,
Covert,
Cox, Jacob D.
Cox, Samuel S.
Crapo,
Crittenden,
Cummings,
Cutler,
Danford,

Davis, Horace
Dean,
Deering,
Denison,
Dickey,
Dunnell,
Dwight,
Eames,
Eden,
Errett,
Evans, I. Newton
Evans, James L.
Ewing,
Finley, Ebenezer B.
Fleming,
Fort,
Foster,
Franklin,
Freeman,
Frye,
Fuller,
Gardner,
Garfield,
Gibson,
Glover,
Hale,
Hamilton,
Hanna,
Hardenbergh,
Harmer,
Harris, Benj. W.
Harrison,
Hart,
Hartzell,
Haskell,
Hatcher,
Hayes,
Hazelton,
Hendee,
Henderson,
Henkle,
Hewitt, Abram S.
Hiscock,
Hubbell,
Humphrey,
Hungerford,
Hunter,
Itner,
James,
Jones, Frank
Jones, John S.

Jorgensen,
Joyce,
Keifer,
Keightley,
Kelley,
Kenna,
Ketcham,
Kimmel,
Knapp,
Landers,
Lapham,
Lathrop,
Lindsey,
Loring,
Luttrell,
Lynde,
Mackey,
Maish,
Majors,
Marsh,
Martin,
Mayham,
McCook,
McKinley,
McMahon,
Metcalfe,
Mitchell,
Money,
Monroe,
Morgan,
Morrison,
Morse,
Neal,
Oliver,
O'Neill,
Overton,
Page,
Patterson, G. W.
Patterson, T. M.
Peddie,
Phelps,
Phillips,
Pollard,
Potter,
Pound,
Powers,
Price,
Pugh,
Rainey,
Randolph,
Rea,

Reilly,
Rice, Americus V.
Rice, William W.
Robertson,
Robinson, G. D.
Robinson, M. S.
Ross,
Ryan,
Sampson,
Sapp,
Saylor,
Sexton,
Shallenberger,
Sinnickson,
Smalls,
Smith, A. Herr
Southard,
Sparks,
Springer,
Starin,
Stenger,
Stephens,
Stewart,
Stone, John W.
Stone, Joseph C.
Strait,
Thompson,
Tipton,
Townsend, Amos
Townsend, M. I.
Townsend, R. W.
Turner,
Turney,
Van Vorhes,
Wait,
Ward,
Warner,
Watson,
White, Harry
White, Michael D.
Wigington,
Williams, Andrew
Williams, C. G.
Williams, Richard
Willis, Benj. A.
Willits,
Wilson,
Wood,
Wren,
Wright.

NAYS—61.

Aiken,
Bell,
Blackburn,
Boone,
Bright,
Cabell,
Caldwell, John W.
Caldwell, W. P.
Candler,
Cardinal,
Clarke of Kentucky,
Cook,
Cravens,
Culberson,
Davidson,
Davis Joseph J.

Dibrell,
Durham,
Eickhoff,
Elam,
Evins, John H.
Felton,
Finley, Jesse J.
Forney,
Garth,
Giddings,
Goode,
Gunter,
Harris, Henry R.
Harris, John T.
Herbert,
Hooker,

Hunton,
Jones, James T.
Knott,
Ligon,
Manning,
McKenzie,
Mills,
Muldrow,
Muller,
Pridemore,
Reagan,
Robbins,
Scales,
Shelley,
Singleton,
Siemons,

Smith, William E.
Steele,
Throckmorton,
Tucker,
Vance,
Veeder,
Waddell,
Whitthorne,
Williams, James,
Williams, Jere N.
Willis, Albert S.
Yeates,
Young, John S.

NOT VOTING—26.

Acklen,	Brogden,	Killinger,	Swann,
Atkins,	Ellis,	Lockwood,	Thornburgh,
Beale,	Ellsworth,	McGowan,	Walker,
Beebe,	Gause,	Norcross,	Walsh,
Bland,	Henry,	Reed,	Young, Casey.
Bliss,	Hewitt, G. W.	Riddle,	
Blount,	House,	Roberts,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had chosen Hon. T. W. FERRY, a Senator from the State of Michigan, as President *pro tempore*.

The message also announced that the Senate had passed without amendment a joint resolution and bills of the following titles:

Joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller;

An act (H. R. No. 916) for the relief of Isaiah Pickard;

An act (H. R. No. 1167) for the relief of Peter G. Mills;

An act (H. R. No. 1209) for the relief of the legal representatives of John W. Gall, deceased, late of Company E, One hundred and thirtieth Regiment, Illinois Volunteers;

An act (H. R. No. 2217) for the relief of D. R. Frazer;

An act (H. R. No. 2457) for the relief of A. F. Rockwell, aid-camp on the staff of General Buell;

An act (H. R. No. 4803) donating four condemned cannon and sixteen cannon balls to Monongahela Cemetery, to be placed in a lot held as a free burial-ground for ex soldiers, sailors, and marines, and for other purposes;

An act (H. R. No. 5333) for the removal of the political disabilities of John MacIntosh Kell, of Georgia; and,

An act (H. R. No. 5803) for the relief of William Johnson and John R. Francis, of Tucker County, Illinois.

LEAVE TO PRINT.

Mr. RAINEY, by unanimous consent, obtained leave to have printed in the RECORD remarks on the contested-election case of Richardson vs. RAINEY. [See Appendix.]

Mr. HANNA, by unanimous consent, obtained leave to have printed in the RECORD remarks on House bill No. 3388 for the relief of Hon. WILLIAM M. SPRINGER. [See Appendix.]

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted in the following cases, no adverse report having been presented:

To Mr. CARLISLE, papers accompanying House bill No. 4143 for the relief of John Adams and others, and papers accompanying House bill for the relief of certain citizens of Cynthiana, Kentucky;

To Mr. ALDRICH, in the case of Emily Parsons;

To Mr. PHILLIPS, in the case of William Watson;

To Mr. HARRIS, of Virginia, in the case of Newman & Van Hoff-man;

To Mr. BLAIR, in the case of Colonel J. B. Batchelder;

To Mr. LINDSEY, in the case of the claim of the owners of the brig Olive Francis; also, in the case of George W. Lawrence, and in the case of the claim of John H. Merrill;

To Mr. DICKEY, in the case of J. Clark Smith; and

To Mr. HARMER, in the case of Charles Holbrook, assignee of John Hammond.

TRANSPORTATION OF ANIMALS.

Mr. FINLEY, of Ohio. I move to suspend the rules and pass the bill (S. No. 84) relative to the transportation of animals, with amendments agreed upon by the Committee on Agriculture.

The bill was read.

The question being taken on the motion to suspend the rules, it was not agreed to, less than two-thirds voting in favor thereof.

LEGISLATIVE, &C., APPROPRIATION BILL.

Mr. ATKINS. I rise to make a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6340) making appropriations for the legislative, executive, and judicial expenses of the Government, for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have been unable to agree.

J. D. C. ATKINS,
M. J. DURHAM,
CHARLES FOSTER,
<i>Managers on the part of the House.</i>
WILLIAM WINDOM,
W. B. ALLISON,
JAMES B. BECK,
<i>Managers on the part of the Senate.</i>

Mr. ATKINS. I move that the House adhere to its disagreement; had upon that motion I call for the previous question.

The previous question was seconded and the main question ordered.

The question being taken on the motion to adhere, it was agreed to.

THANKS TO SPEAKER RANDALL.

Mr. GARFIELD. Mr. Speaker, [Mr. CARLISLE in the chair as Speaker *pro tempore*,] I take pleasure in offering for the action of the House the following resolution:

Resolved, That the thanks of this House are hereby tendered to Hon. SAMUEL J.

RANDALL, Speaker of the House of Representatives, for the prompt, efficient, and impartial discharge of the arduous duties of his office during the Forty-fifth Congress.

I need not support this resolution by any remarks. It carries on its face its own recommendation. I demand the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was unanimously adopted.

THANKS TO READING CLERKS.

Mr. DUNNELL submitted the following resolution; which was unanimously adopted:

Resolved, That the thanks of this House are due, and are hereby tendered, to Thomas S. Pettit and Neil S. Brown for the gentlemanly, efficient, and impartial manner in which they have discharged their duties as reading clerks of this House.

ADMISSION OF LADIES TO THE FLOOR.

Mr. CRITTENDEN. There are quite a number of ladies, the wives of members of Congress, at the east door, and they ask to be allowed to come upon the floor during the closing hours. I move by unanimous consent that they be admitted to the Hall.

Mr. STEPHENS, of Georgia. I submit the following resolution: *Resolved*, That the ladies of members' families be admitted to the floor of the House during the closing scenes of the session.

There was no objection, and the resolution was adopted.

The SPEAKER. The ladies admitted under the resolution thus adopted will occupy places outside of the railing, and will not occupy any of the chairs of members.

ALLOTMENT OF LAND IN SEVERALTY TO INDIANS.

Mr. SCALES, by unanimous consent, from the Committee on Indian Affairs, reported back, with amendments, the bill (H. R. No. 6268) to authorize the Secretary of the Interior to allot land in severalty to the Indians residing upon the various reservations within the United States, and to issue patents therefor; which was referred to the Committee of the Whole on the state of the Union, and, with the amendments, ordered to be printed.

REPORTS OF COMMITTEES.

Under previous orders of the House reports from committees were made as follows:

AMENDMENT OF REVISED STATUTES.

Mr. MAISH, from the Committee on Coinage, Weights, and Measures, reported back, with a favorable recommendation, the bill (H. R. No. 3888) to amend section 5459 of the Revised Statutes; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

FLEET MARINE OFFICERS.

Mr. CRITTENDEN, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 5112) regulating the rank and pay of fleet marine officers in the United States Navy; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

JOHN S. CUNNINGHAM.

Mr. CRITTENDEN, from the same committee, also reported favorably upon the memorial of Pay Director John S. Cunningham; which report was ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

CHARLES W. ABBOTT AND W. W. BARRY.

Mr. JONES, of New Hampshire, from the Committee on Naval Affairs, reported back, with an amendment, the bill (H. R. No. 5885) for the relief of Charles W. Abbott, a pay-director, and W. W. Barry, a passed assistant paymaster, in the United States Navy; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JABEZ BURCHARD.

Mr. JONES, of New Hampshire, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 5642) for the relief of Jabez Burchard, assistant engineer on the retired list of the United States Navy; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BENJAMIN C. BAMPTON.

Mr. JONES, of New Hampshire, from the same committee, also reported, as a substitute for House bill No. 5789, a bill (H. R. No. 6527) for the relief of Benjamin C. Bampton; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

CHARLES O. ALLIBONE.

Mr. GOODE, from the Committee on Naval Affairs, reported back, with an amendment, the bill (H. R. No. 4525) for the relief of Charles O. Allibone; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GREENLEAF CILLEY.

Mr. KIMMEL, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (S. No. 1305) for the relief

of Greenleaf Cilley; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

OWNER OF STEAMER DE SOTO.

Mr. KIMMEL, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 2052) for the relief of the owner of the steamer De Soto; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ADDITIONAL RATIONS TO NAVAL APPRENTICE BOYS.

Mr. KIMMEL, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 3345) to add additional articles to the rations issued to apprentice boys in the Navy; which was referred to Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

DR. THOMAS OWENS.

Mr. KIMMEL, from the same committee, also reported a bill (H. R. No. 6528) authorizing the President to appoint Dr. Thomas Owens a surgeon on the retired list of the Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL CHASE BURNEY.

Mr. HANNA, from the Committee on Naval Affairs, reported a bill (H. R. No. 6529) for the relief of Samuel Chase Burney; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JONES, of New Hampshire, from the Committee on Naval Affairs, reported adversely upon the following; which was laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 5239) for the relief of William N. King, jr.

Mr. CRETTENDEN, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A joint resolution (H. R. No. 186) for the relief of William C. Heacock; and

The memorial of Henry W. Birkey.

Mr. KIMMEL, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 5863) to restore Commander Robert Boyd, of the United States Navy, to his original position on the navy register; and

The memorial of Rear-Admiral Stembel.

Mr. HANNA, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 4895) to place Master W. M. Wood, United States Navy, in his proper position on the navy register;

A bill (H. R. No. 5565) for the payment of John Holroyd for the use of his patent and inventions by the Government;

A bill (H. R. No. 5144) for the relief of Anthony S. Hope, of the city, county, and State of New York;

A bill (H. R. No. 4786) for the relief of Lieutenant Commander James H. Sands, United States Navy; and

The memorials of merchants of Annapolis, Maryland, and of George W. Lawrence.

CHIPPEWA INDIANS, WISCONSIN.

Mr. SCALES, from the Committee on Indian Affairs, reported back, with amendments, the bill (H. R. No. 6334) for the relief of the Lac de Flambeau, Lac Court Oreilles, and Bad River bands of Chippewa Indians in the State of Wisconsin; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

RELIGIOUS DENOMINATIONS ON INDIAN RESERVATIONS.

Mr. SCALES, from the same committee, also reported back, with a favorable recommendation, the bill (H. R. No. 4718) giving to all religious denominations equal rights and privileges in the Indian reservations; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

PROPERTY IN METAL CASTINGS.

Mr. VANCE, from the Committee on Patents, reported back, with a favorable recommendation, the bill (H. R. No. 4665) for the security of property in metal castings; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

Mr. SMITH, of Georgia, from the same committee, submitted the views of the minority on the above bill; which were ordered to be printed with the report of the majority.

W. C. DODGE.

Mr. VANCE, from the same committee, reported a bill (H. R. No. 6530) for the relief of W. C. Dodge; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATENT REISSUE NO. 6535.

Mr. VANCE, from the same committee, also reported a bill (H. R. No. 6531) to allow the Commissioner of Patents to extend the patent No. 6535 of reissues; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDGAR HUSON.

Mr. WILLITS, from the Committee on Patents, reported back, with a favorable recommendation, the bill (H. R. No. 3065) for the relief of Edgar Huson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LUTHER HALL.

Mr. CUTLER, from the Committee on Patents, reported adversely upon the bill (S. No. 879) for the relief of Luther Hall; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report, with the views of the minority, ordered to be printed.

ALBERT FULLER.

Mr. CUTLER, from the same committee, also reported back, with a favorable recommendation, the petition of Albert Fuller, with a report in writing recommending the passage of a bill, (none furnished); and the same was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

IRA GILL.

Mr. CUTLER, from the same committee, also reported back, with a favorable recommendation, the petition of Ira Gill; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE H. COOK AND JAMES JENKINS.

Mr. AIKEN, from the Committee on Patents, reported back, with a favorable recommendation, the bill (H. R. No. 2542) for the relief of George H. Cook and James Jenkins; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. SMITH, of Georgia, from the same committee, submitted the views of the minority; which were ordered to be printed with the majority report.

ADVERSE REPORTS.

Mr. WILLITS, from the Committee on Patents, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of Angeline C. Pusey;

The petition of W. W. Hanes;

The petition of James D. Sarvins;

The petition of Moses Marshall; and

The petition of Christian Shunk.

Mr. BRIGGS, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2324) for the relief of John C. Birdsell;

A bill (H. R. No. 4239) for the relief of James O. Haight; and

A bill (H. R. No. 4707) to extend for the term of seven years a patent No. 34377, granted to Alba F. Smith.

Mr. AIKEN, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 918) for the relief of Olivia C. Reed, of Charleston, Vermont;

A bill (H. R. No. 4584) for the relief of Florian Grosjean; and

The petition of Jearum Atkins.

Mr. CUTLER, from the same committee, reported adversely upon the following; which was laid on the table, and the accompanying report ordered to be printed:

The petition of Charles J. E. Thompson.

Mr. BOUCK, from the Committee on Private Land Claims, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1302) for the relief of certain citizens of the United States relative to a private land claim; and

A bill (H. R. No. 1390) relative to the Santillan grant, a private land claim in the State of California.

Mr. KEIFER, from the Committee on War Claims, reported adversely upon the following; which was laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 1030) for the relief of certain citizens of Cynthiana, Kentucky, whose property was destroyed by fire on the 11th day of June, 1864.

Mr. NEAL, from the Committee on the Territories, reported adversely upon the following; which was laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 1596) to provide for the organization of the Territory of Oklahoma.

INTEREST ON TONNAGE DUES.

Mr. WILSON, from the Committee on Foreign Affairs, submitted the views of a subcommittee in relation to the payment of interest on tonnage dues by certain steamship companies, [see Ex. Doc. No.

76, third session, Forty-fifth Congress;] and the same were ordered to be printed and recommitted.

EXPENDITURES IN INTERIOR DEPARTMENT.

Mr. LOCKWOOD, from the Committee on Expenditures in the Interior Department, submitted a report in writing in relation to the expenditures of said Department; which was ordered to be printed and recommitted.

ADVERSE REPORTS.

Mr. SMITH, of Georgia, from the Committee on Patents, reported adversely upon the following; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1489) to authorize the Commissioner of Patents to hear and determine the application of Frederic Cook.

Mr. VANCE, from the same committee, submitted the views of the minority on the said bill; which were ordered to be printed with the majority report.

Mr. SMITH, of Georgia, from the same committee, reported adversely upon the following; which was laid on the table, and the accompanying report ordered to be printed:

A bill (S. No. 187) authorizing the Commissioner of Patents to rehear the application of Stephen V. Benét for patent for cartridges.

Mr. POLLARD, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2195) for the relief of Jacob A. Conover; and The petition of Mary Ann James.

Mr. WARD, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1945) for the relief of Calvin Adams; and

A bill (H. R. No. 4485) for the relief of Lyman F. Munger, of Rochester, New York.

PENSION BILLS, ETC.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported the following; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6532) granting a pension to Martha A. Jones;

A bill (H. R. No. 6533) granting an increase of pension to Robert Cary;

A bill (H. R. No. 6534) granting a pension to James T. Christian;

A bill (H. R. No. 6535) granting a pension to George Prince; and

A bill (H. R. No. 6536) granting an increase of pension to Eli C. Francis.

Mr. RICE, of Ohio, from the same committee, also reported, as a substitute for House bill No. 3524, a bill (H. R. No. 6537) to increase pensions in certain cases; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. RICE, of Ohio, from the same committee, also reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1700) to place on the pension-roll the name of Hiram Johnson, late a private in Company A, Seventy-ninth Illinois Volunteers;

A bill (H. R. No. 3174) granting a pension to Edward Heinzel, private in Company B, Twenty-third New York Cavalry;

A bill (H. R. No. 3630) granting a pension to Hattie J. Rossen;

A bill (H. R. No. 4821) granting a pension to Mary Joyce;

A bill (H. R. No. 5055) granting a pension to Ann Jane Wendell;

A bill (H. R. No. 5129) granting a pension to Anson K. Young;

A bill (H. R. No. 5314) granting a pension to Benjamin Franklin;

A bill (H. R. No. 5388) for the relief of Philip Flood;

A bill (H. R. No. 5487) for the relief of Jacob Fry; and

A bill (H. R. No. 5587) for the relief of Julia Follansbee.

Mr. MACKEY, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 3601) granting a pension to Helena McDonald, widow of Captain Hugh A. McDonald, of Company D, First Regiment of Pennsylvania Volunteers;

A bill (H. R. No. 3675) granting an increase of pension to Samuel H. Johnson;

A bill (H. R. No. 4220) granting a pension to Mrs. Catharine White;

A bill (H. R. No. 5241) granting a pension to Ann M. Paulding, widow of Rear-Admiral Hiram Paulding;

A bill (H. R. No. 5308) to amend chapter 261 of the laws passed during the second session of the Forty-fifth Congress, increasing the pensions of certain pensioned soldiers and sailors;

A bill (H. R. No. 5557) granting a pension to Mary N. De Haven;

A bill (H. R. No. 5912) granting a pension to John Ryan;

A bill (H. R. No. 5963) to increase the pension of Captain Samuel C. Schoyer, late of Company G, One hundred and Thirty-ninth Regiment Pennsylvania Volunteers; and

A bill (H. R. No. 6252) granting an increase of pension to Edward H. Leib.

Mr. HEWITT, of Alabama, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1057) restoring to the pension-roll Emmett Langston;

A bill (H. R. No. 5482) to increase the pension of Elizabeth Ann Porter; and

A bill (H. R. No. 6036) granting an increase of pension to William Hamill.

Mr. RAINEY, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 108) granting a pension to Lawrence W. Smith;

A bill (H. R. No. 3887) for the relief of John A. Innes;

A bill (H. R. No. 4849) granting a pension to Merritt H. Cram, private Company F, First Regiment United States Sharpshooters; and

A bill (H. R. No. 5336) for the relief of Matthew McDonnell.

Mr. JOYCE, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2290) granting a pension to Samuel Wilson, Company F, One hundred and sixteenth Ohio Volunteers;

A bill (H. R. No. 4764) granting a pension to Mrs. Adeline A. Turner;

A bill (H. R. No. 4480) granting a pension to John Pratt, of Worcester, Massachusetts, of Company C, Fifty-first Regiment Massachusetts Volunteers;

A bill (H. R. No. 5246) for the relief of James B. Furman, of Austinville, Bradford County, Pennsylvania;

A bill (H. R. No. 5276) granting a pension to John N. Brady, late a private in Company G, Forty-eighth Regiment Indiana Volunteer Infantry; and

A bill (H. R. No. 5539) granting an increase of pension to Charles H. Ordway.

Mr. POWERS, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2025) granting a pension to Sydney Sanders, late first lieutenant Company K, Fourteenth Ohio Volunteers;

A bill (H. R. No. 4577) granting a pension to Elizabeth H. Pierce;

A bill (H. R. No. 4620) granting a pension to Salome Smith;

A bill (H. R. No. 5340) for the relief of Simon C. Chamberlin, of Susanville, Lassen County, California; and

A bill (H. R. No. 5641) granting a pension to Mary E. Simmons.

Mr. METCALFE, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2540) to grant a pension to Mrs. Sarah J. Chipman;

A bill (H. R. No. 5472) granting a pension to Charles H. Fox; and

A bill (H. R. No. 5811) for the relief of George Huggins, of Menard County, Illinois.

Mr. SINICKSON, from the same committee, reported back, with a favorable recommendation, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2122) granting a pension to Elizabeth T. Dubois;

A bill (H. R. No. 4014) granting a pension to J. Howard Willetts, late colonel Twelfth New Jersey Volunteers; and

A bill (H. R. No. 5327) granting a pension to Serepta M. I. Henry, widow of James W. Henry.

Mr. POWERS, from the same committee, reported back, with an amendment, the bill (H. R. No. 4613) granting a pension to Joseph Manner, late private Company —, Kansas Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. METCALFE, from the same committee, reported back, with an amendment, the bill (H. R. No. 2498) granting a pension to Mrs. Ann Heinrici; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. MACKEY, from the same committee, reported bills of the following titles; which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6538) for the relief of William Hughes;

A bill (H. R. No. 6539) granting a pension to Anson K. Young; and

A bill (H. R. No. 6540) granting a pension to Francis Watt.

Mr. RAINEY, from the same committee, reported the following bill; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed:

A bill (H. R. No. 6541) granting a pension to George Foster.

Mr. SINICKSON, from the same committee, reported, as substitutes for House bill No. 5658 granting a pension to William H. Scribner, and House bill No. 6324 for the relief of Thomas Pettijohn, the following bills; which were severally read a first and second time,

referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6542) granting a pension to William H. Scribner; and

A bill (H. R. No. 6543) for the relief of Thomas Pettijohn.

Mr. MACKEY, from the Committee on Revolutionary Pensions, reported back, with a favorable recommendation, bills of the following titles: which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2759) granting a pension to Margaret A. Spencer;

A bill (H. R. No. 4647) for the relief of Roswell Scovill, private soldier of the war of 1812;

A bill (H. R. No. 4741) granting a pension to Parker Kemp, of Palmyra, Missouri;

A bill (H. R. No. 4949) for the relief of Caroline M. Barnard, legal heir of Colonel A. C. W. Fanning, deceased, United States Army;

A bill (H. R. No. 5004) granting a pension to Jacob Strite, of Georgia, a soldier of the war of 1812;

A bill (H. R. No. 5408) granting a pension to George W. Corn, of Polk County, Tennessee;

A bill (H. R. No. 5613) granting a pension to Nancy Hall; and

A bill (H. R. No. 5628) granting a pension to Zachaeus Fuller.

Mr. MACKEY, from the same committee, also reported back, with amendments, bills of the following titles: which were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2120) granting a pension to Jane Ann Roof;

A bill (H. R. No. 5354) to amend section 4742 of the Revised Statutes of the United States, relating to revolutionary pensions, and for other purposes; and

A bill (H. R. No. 5364) for the relief of Mary B. Kirby.

Mr. MACKEY, from the same committee, also reported back, with a favorable recommendation, bills of the following titles: which were referred to the Committee of the Whole on the state of the Union, and the accompanying reports ordered to be printed:

A bill (H. R. No. 4312) granting pensions to teamsters and Indians who were in the service of the United States in the war of 1812 and to widows who remarried;

A bill (H. R. No. 4909) extending the provisions of the act of March 9, 1878, to certain soldiers of the war of 1812;

A bill (H. R. No. 5353) to amend section 3 of the act of March 9, 1878, relating to pensions for service in the war of 1812;

A bill (H. R. No. 5629) to amend an act amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows, and for other purposes, approved March 9, 1878; and

A bill (H. R. No. 5710) granting pensions to certain teamsters and expressmen of the war of 1812.

Mr. MACKEY, from the same committee, reported the following bills: which were severally read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6544) granting a pension to Lewis Roderick;

A bill (H. R. No. 6545) for the relief of the legal heirs of Charles Frier;

A bill (H. R. No. 6546) granting a pension to Mrs. Ann Atkinson;

A bill (H. R. No. 6547) granting a pension to Olive Stephenson; and

A bill (H. R. No. 6548) granting an increase of pension to Joseph Burt.

Mr. MACKEY, from the same committee, reported back the following bills and memorials, and the committee were discharged from their further consideration, and the same were laid upon the table and the accompanying reports ordered to be printed:

A bill (H. R. No. 703) granting a pension to John Ross, of Captain Beehler's company of Pennsylvania Militia, war of 1812;

A bill (H. R. No. 1063) to amend section 4736 and section 4738 of the Revised Statutes, granting pensions to surviving officers and soldiers of the war of 1812, and to the surviving widows of deceased officers and soldiers of said war;

A bill (H. R. No. 1087) granting a pension to James Saunders, a soldier of the war of 1812;

A bill (H. R. No. 2035) granting a pension to Susan Adams, widow of Isaac Adams;

A bill (H. R. No. 2495) to extend the provisions of existing laws relating to soldiers and sailors of the war of 1812;

A bill (H. R. No. 2553) to amend section 4736 of the Revised Statutes, relating to pensions to the soldiers of the war of 1812;

A bill (H. R. No. 3139) granting a pension to George Smith, a soldier of the war of 1812;

A bill (H. R. No. 3370) supplementary to an act granting relief to certain officers and soldiers of the Revolution;

A bill (H. R. No. 4905) for the relief of Henson Short, a soldier of the war of 1812;

The petition of John Winchell;

The petition of Drury Dunnaway; and

The petition of Roger Mathew and others.

Mr. RICE of Ohio, from the Committee on Invalid Pensions, reported back the following: which was laid on the table, and the accompanying report ordered to be printed:

The petition of Charlotte E. Myers.

Mr. RAINEY, from the same committee, reported back the following: which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 963) to grant a pension to Wesley Jones, of Pickens County, Georgia;

A petition for the relief of the legal representatives of French Graham; and

The petition of Frank Deicher.

GREGORIAN CALENDAR.

Mr. DWIGHT, from the Committee on Coinage, Weights, and Measures, reported back the following bill: which was laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. No. 6074) to reform the Gregorian Calendar, and to establish a uniform measure of time.

WITHDRAWAL OF PAPERS.

Unanimous consent was granted for the withdrawal of papers from the files of the House, as follows:

To Mr. ALDRICH, in the case of Amelia S. Parsons;

To Mr. BANKS, in the case of Mrs. Agnes W. Hills;

To Mr. BANNING, in the cases of John A. Lynch, John C. Beck, and Mrs. Mary B. Hook;

To Mr. BLAIR, in the case of Colonel John B. Batchelder;

To Mr. BUCKNER, in the case of Eugene Lubensdorfer;

To Mr. CARLISLE, in the cases embraced in House bills No. 1030 and No. 4193;

To Mr. CUTLER, the communication from the Commissioner on Agriculture relative to forestry, (presented to the House February 8, 1879,) and accompanying papers;

To Mr. DICKEY, in the case of J. Clark Smith;

To Mr. HARRIS, of Virginia, in the case of Neuman and Van Hoffman;

To Mr. HARMER, in the case of Charles Holbrook, assignee of John Hammond;

To Mr. HENKLE, in the case of George Calvert;

To Mr. LINDSEY, in the cases of George W. Lawrence, of John H. Merrill, and of the owners of the brig Olive Francis; and

To Mr. PHILLIPS, in the case of William Watson.

FAILURE OF APPROPRIATION BILLS.

Mr. ATKINS. Mr. Speaker, after our exhausting labors I promise that I shall detain the House but a few moments. Members will bear me witness that I am not in the habit of occupying the floor long at a time, indeed as seldom as my duty will permit.

I regret that the conference committee upon this bill, which I regard the most important of the appropriation bills, have utterly failed to agree. We have had three sittings; we have discussed the question in every possible phase of it, and we have found it impossible to come to any agreement.

What might have been effected if the whole subject had been left to the conferees themselves, and to themselves alone, it is not necessary for me here to say; nor am I warranted in saying even that they could have come to a conclusion. But they each felt that there was a power behind them which would admit of no agreement. The disagreement between them is radical. As you know, Mr. Speaker, the House has demanded in, I may say unmistakable terms, free elections, untrammelled elections. The House has demanded also intelligent juries, and that jurors should not be subjected to test oaths while members of Congress coming from the Southern States and representing the majesty of the people upon this floor are not subjected to such oaths.

Upon glancing at the clock I am reminded that I must be very brief. I had designed to discuss these subjects somewhat more at length than I will now do on account of the limited time, and because I owe to my colleagues on the conference committee a courtesy which I am determined to pay. I must therefore be as concise as possible.

There were about one hundred amendments to the legislative, executive, and judicial appropriation bill. We were enabled to agree in regard to most of these amendments. We did not agree to the salaries of the officers and employés of the Senate and House of Representatives. I believe it is but candid to say, however, that if we could have agreed upon the other points we might have agreed upon that.

Mr. Speaker, the deliberate action of this House in attaching the repealing clause to the legislative, executive, and judicial appropriation bill of certain sections of the Revised Statutes has been respected and firmly maintained by the majority members of the House conferees. Upon so grave a question, one not measured by a mere appropriation of money but involving the rights and liberties of American citizens, the majority of the House conferees did not hesitate a moment to resolutely stand by the injunctions and carry out the action of the body which created our functions. Whatever individual opinions of mere policy in the beginning I or any other Representative may have entertained, and upon which it is usual to exercise the broadest latitude and the most liberal discretion in conference, here is a question involving the most sacred rights and privileges of the citizen, around which this House has thrown theegis of its pro-

tection and over which this committee has been intrusted a special guardianship, and one which they had no disposition to disregard.

The committee could not agree upon that feature of the bill which proposes to repeal the test oath now applied to Federal jurors. The importance of selecting juries from among the most intelligent of the people is too plain to admit of argument. The rights of property, the well-being of society, and the safety of the best interests of the State require the abrogation of a law which drives intelligence from the jury-box and installs it with ignorance and prejudice.

What public or private harm can result from the repeal of such a law is to my mind inexplicable. Without its repeal the substantial ends of justice will continue to be defeated and the sanctity of the verdicts and judgments of juries and of courts will sink into ridicule and contempt. Surely, any law which becomes contemptible in its execution and irritates rather than appeases and assuages popular sentiment is radically wrong and ought to be repealed.

The conference committee were equally unfortunate in not agreeing upon the provisions of the bill which repeal the laws authorizing the appointment of supervisors and deputy marshals. So far as the supervisors are intended to supervise elections and see that a fair count is had, I have heard no complaint. These officers are selected from both political parties, and if confined to simply supervising elections to prevent fraud, there is not any special objection.

But when these officers are used for police purposes—to make arrests and otherwise interfere with the rights of citizens—there is a vital and fundamental objection. There is no warrant in the Constitution for clothing supervisors with police powers; that power is lodged with the States. But grant that the Constitution clothes them with police duties and powers, why should they, aided by an army of deputy marshals, turn upon that Constitution and rend it by defeating a fair election? That such has been the unvarying and oft-repeated result for years past is not seriously denied that I am aware of. These deputy marshals are invariably selected on account of their known partisanship and efficiency in manipulating and managing elections; they are appointed by the Administration on account of their facility and readiness to work for the attainment of party ends.

Realizing that the language of the Constitution (article I, section 4) only confers the power upon Congress to decide when, where, and how the elections of members of Congress may be held and conducted, but does not extend to the qualifications of voters except such as are made necessary under State constitutions to render a citizen eligible as an elector for members of the most numerous branch of the State Legislature, this House and the country feel that the system of laws which should protect the sanctity of the elective franchise may be and has been converted into an ingenious engine to deny and even overthrow the purity of the ballot-box, which lies at the base of the very citadel of freedom. All agree that in America a free, unobstructed, and unintimidated ballot is fundamentally essential to free institutions, and any supervision which prevents its voluntary and unfettered exercise is at war with the spirit of the Constitution, no matter though its empty forms may be complied with.

The practical effect of these laws has been to prevent fair elections and arouse in the public mind the gravest apprehensions for that purity and legality without which elective government becomes a simple mockery. If intimidation and the fear of arrest drive electors from the polls or force them to vote against their will, in what does the plebiscit of France which elevated Napoleon to be the supreme ruler of that country differ from our boasted rights of suffrage? No more violent assault was ever made upon the freedom of the elective franchise in France during that period of simulated liberty to which I have just referred, when to have refused to support this mock hero of republicanism was equivalent to incarceration in the Bastille, than was made in the great city of New York and other places on the day of the election in November last, when thousands of American citizens were arrested and imprisoned with the sole view of preventing them from voting. That such acts of tyranny so utterly subversive of liberty may not be repeated this House has taken its stand in the sacred name of freedom, and demands the repeal of the laws under the cover of which these wrongs were perpetrated.

The right of the Representatives of the people to withhold supplies is as old as English liberty. History records numerous instances where the common feeling that the people were oppressed by laws that the lords would not consent to repeal by the ordinary methods of legislation obtained redress at last by refusing appropriations unless accompanied by relief measures.

This is not an ordinary affirmative proposition which is here sought to be ingrafted upon this bill to be carried through by virtue of its momentum, but it is simply a relief measure, a repeal of a bad law.

The system of laws so ingeniously blended to obstruct the free exercise of the elective franchise, and against which the majority in this House is now arrayed, grew out of the military ideas which have dominated the legislation of this country since the war. But the time has now come when these measures of injustice and inequality, so long and so patiently endured, must give way to the advancing and well-grounded sentiment of free elections in all the States of this Union, and the equal rights of all men at the ballot-box.

As long as these relics of military domination remain upon the statute-book just so long will the public mind continue to be agitated. As long as statutory contrivances continue to be used to defeat the popular will, so long will the people struggle to wipe them out. As

long, too, as these measures incumber the statute-book economic questions of administration will retire before their presence. For what matters any given line of policy if the people are denied the right of suffrage, or if the chosen Representatives of the people are ejected by arbitrary power from the places to which they have been elected? We therefore submit the general disagreement, and now relegate to the House the trust imposed by the expression of its judgment and action.

Speaking for myself alone, it seems to me that the majority, having demanded the repeal of these iniquitous laws, have reached a point where retreat is impossible, and where it will be easier to go through than retrace their steps. Whatever responsibility attaches to either House or either party, or the individual members of each, either the one or the other, for the failure of these appropriation bills, the people will fix it where it belongs. That the majority of this House should be blamed for demanding the repeal of statutes which are unjust and unconstitutional, is hardly probable. Believing, therefore, that the repeal is justified by every consideration of fairness and right, the majority can well afford to submit this issue to the verdict of the people.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following Senate bills; in which concurrence was requested:

A bill (S. No. 1756) granting an increase of pension to James H. Reeve;

A bill (S. No. 1473) granting a pension to Sallie Murray Buchanan; and

A bill (S. No. 1863) granting an increase of pension to Eugene O'Sullivan.

It further announced the passage of the following bills, with amendments in which concurrence was requested:

A bill (H. R. No. 471) granting a pension to Martha J. Robinson, widow of James H. Robinson;

A bill (H. R. No. 711) granting a pension to John S. Corlett;

A bill (H. R. No. 2858) granting a pension to Hermann Nettlefield;

A bill (H. R. No. 848) for the relief of Francis B. McNamara, of Condersport, Potter County, Pennsylvania; and

A bill (H. R. No. 4360) granting a pension to Isaac Winans, of the Ohio militia in the war of 1812.

It further announced the passage of the following bills without amendment:

An act (H. R. No. 1946) granting a pension to John McIntyre;

An act (H. R. No. 4967) granting a pension to Calvin E. Pratt, late brigadier-general of volunteers;

An act (H. R. No. 3879) for the relief of certain pensioners;

An act (H. R. No. 3737) for the relief of V. H. McCormick;

An act (H. R. No. 4565) for the relief of Lieutenant George M. Wells, of the Marine Corps;

An act (H. R. No. 1704) for the relief of Daniel M. Frost and the heirs and executors of William McPherson, of the State of Missouri; and

An act (H. R. No. 4365) granting increase of pension to Mary F. McKeever.

ENROLLED BILLS.

Mr. SAMPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 916) for the relief of Isaiah Pickard;

An act (H. R. No. 1167) for the relief of Peter G. Mills;

An act (H. R. No. 1209) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One Hundred and Thirtieth Regiment Illinois Volunteers;

An act (H. R. No. 5803) for the relief of William Johnson and John R. Francis, of Edgar County, Illinois; and

Joint resolution (H. R. No. 63) requiring the assembling of a court of inquiry in the case of Major Granville O. Haller, late of the Seventh Infantry, United States Army.

Mr. RAINEY, from the same committee, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2217) for the relief of J. Fraser;

An act (H. R. No. 2457) for the relief of A. F. Rockwell, aid-de-camp on the staff of General Buell;

An act (H. R. No. 4803) donating four condemned cannon and sixteen cannon-balls to Monongahela Cemetery, to be placed in a lot held as a free burial-ground for ex soldiers, sailors, and marines, and for other purposes; and

An act (H. R. No. 5333) for the removal of the political disabilities of John McIntosh Kell, of Georgia.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. WOOD. I move that there be appointed a committee of three members to join with such committee of the Senate as they may appoint, to wait upon the President of the United States and inform him that the two Houses are about to adjourn *sine die* and inquire if he has any further communication to make to Congress.

The resolution was agreed to.

The SPEAKER announced as the committee Mr. WOOD of New York, Mr. BLACKBURN of Kentucky, and Mr. GARFIELD of Ohio.

VISITORS TO WEST POINT AND NAVAL ACADEMY.

The SPEAKER. The Chair announces the appointment under the law as visitors at West Point, of Mr. BLOUNT of Georgia, Mr. MILLS of Texas, and Mr. HALE of Maine; and as visitors to the Naval Academy Mr. DURHAM of Kentucky, Mr. KNAPP of Illinois, and Mr. FREEMAN of Pennsylvania.

FAILURE OF APPROPRIATION BILLS.

Mr. FOSTER. I do not propose to take but a moment of the time of the House. I want to say once for all that if our democratic friends would have consented to any reasonable adjustment, no necessity would now exist for an extra session of Congress, and I now, Mr. Speaker, offer what I send to the desk to be read as a part of my remarks; and if it can be passed now at this moment, under a suspension of the rules, we can yet avert an extra session.

The Clerk read as follows:

An act to provide temporarily for the expenditures of the Government.
Be it enacted, &c. That for a period not exceeding six months from and after the 30th day of June, 1879—

Mr. FOSTER, (interrupting the reading.) The bill need not be read. It is a copy, verbatim, of the act introduced in 1876 by the then chairman of the Committee on Appropriations for the extension of the appropriations of the various Departments of the Government for a few days, with only this difference, that this provides for an extension for six months and covers two appropriation bills. If I can have unanimous consent, I will move that that bill be now put upon its passage.

[Cries on the democratic side of "No!" "No!"]

Mr. FOSTER. If I can offer that, an extra session can be averted.

Mr. SOUTHARD. I do not object to the reading of the resolution, but I object to its being offered for the purpose of being considered at this time.

Mr. BANKS. Let it be read.

Mr. FOSTER. I only want that it shall be printed as part of my remarks.

The SPEAKER. It may as well be read.

Mr. WILSON. I think it would be better to have the paper read.

The Clerk read as follows:

An act to provide temporarily for the expenditures of the Government.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That for a period not exceeding six months from and after the 30th day of June, 1879, unless the regular appropriations shall have been previously made for the service of the fiscal year ending the 30th day of June, 1880, it shall be lawful to use for the necessary service of the Government any unexpended balance which may exist of the appropriations made for the service of the fiscal year ending June 30, 1879; and in case no sufficient balance remains at the conclusion of the fiscal year ending June 30, 1879, to the credit of any appropriation, the necessary amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and no greater amount shall be expended under this act than such proportional sum of the appropriation of the fiscal year ending June 30, 1879, as six months' time bears to the whole of said fiscal year, and such expenditure shall be only for the necessary operations of the Government under existing laws. All sums expended under this act shall be charged to and deducted from the appropriations for like service for the fiscal year ending June 30, 1880; and this act shall apply only to expenditures upon subjects which are embraced under the provisions of the acts making appropriations for the legislative, executive, and judicial expenses of the Government and for the support of the Army for the fiscal year ending June 30, 1879.

Mr. FOSTER. I now renew my request that I may be permitted to move to suspend the rules and pass the bill. I have no doubt that if it pass this House it would pass the Senate in two minutes.

Mr. SOUTHARD. It will not pass this House.

Mr. FOSTER. Then take the responsibility if you want to do so.

Mr. SOUTHARD. We will take the responsibility and appeal to the verdict that will be rendered by the country.

Mr. HOOKER. The paper which has been read is the argument of the gentleman from Ohio why he did not yield to the amendments which we put on the appropriation bills. It is an excuse, and a lame one, for his not having done what he ought to have done in the committee of conference, that is, assented to the amendments.

Mr. ATKINS. I yield to the gentleman from Kentucky [Mr. DURHAM] five minutes.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 6462) making appropriations for the payment of arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes;

An act (S. No. 174) for the relief of Thomas B. Hunt;

An act (S. No. 184) to authorize the Secretary of the Navy to transfer to the Secretary of the Interior, for entry and sale, all lands in the State of Florida not needed for naval purposes;

An act (S. No. 1582) providing for an additional associate justice of the supreme court of the Territory of Dakota;

An act (S. No. 1691) giving the consent of Congress to an agreement or compact entered into between the States of Virginia and Maryland respecting the boundary between said States; and

An act (S. No. 1852) granting an increase of pension to Ward B. Burnett.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, an-

nounced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1864) to remove the political disabilities of Richard H. Anderson; and

A bill (S. No. 1791) for the relief of Mark Walker.

The message further announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. No. 2633) for the relief of Amanda M. Cook; and

A bill (H. R. No. 4143) for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased, Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased.

The message further announced that the Senate had appointed Mr. ANTHONY and Mr. THURMAN as a committee on the part of the Senate to join such committee as may be appointed by the House to wait on the President of the United States and inform him that Congress, having finished its business, is now ready to close the session by adjournment.

ENROLLED BILLS SIGNED.

Mr. RAINEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 1346) for the relief of William C. Edmonston;

A bill (H. R. No. 1704) for the relief of Daniel M. Frost, and the heirs and executors of William M. McPherson, of Missouri;

A bill (H. R. No. 3879) for the relief of certain pensioners;

A bill (H. R. No. 4365) granting an increase of pension to Mary F. McKeever;

A bill (H. R. No. 4967) granting a pension to Calvin E. Pratt, late brigadier-general of volunteers; and

A bill (H. R. No. 6500) to prevent the introduction of infectious or contagious diseases into the United States, and to establish a national board of health.

Mr. SAMPSON, from the same committee, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 3737) for the relief of V. H. McCormick; and

A bill (H. R. No. 4565) for the relief of Lieutenant George M. Wells, of the Marine Corps.

FAILURE OF APPROPRIATION BILLS.

Mr. DURHAM. I shall not detain the House more than a very few moments, and I certainly should not have said anything but for the fact that I have had to bear my share of responsibility in the difficulties of the situation that now surround not only this Congress but the whole people of the United States.

Every member upon this floor, Mr. Speaker, knows what have been my ideas on the subject of putting general legislation upon appropriation bills. Anticipating a result of this kind it is known to all that in the regular course of legislation a bill repealing all these laws was introduced by myself, referred to the proper committee of this House, and matured by that committee; and the gentleman from Wisconsin, [Mr. BRAGG,] and myself have prepared a report in the regular course of business of this House. That report is now in print. That report gives expression to my sincere and honest sentiments. I believe and have ever believed that the States, and the States alone, have a right to regulate their own elections, and that the Government of the United States has no right to interfere in any election or in any of the domestic affairs of any of the States unless the States prove themselves insufficient to preserve order and carry out and maintain the laws of the country.

Whenever, Mr. Speaker, insurrection exists, whether it be at the ballot-box, at the polls, or at any other place, and the constituted authorities of that State are insufficient to quell insurrection, to secure every individual that right which is granted to him, not only by the constitution of his State, but by the Constitution of the United States, then it may be proper for the Federal Government to interfere; but I do not believe such a state of case has existed anywhere, either North or South. I believe, Mr. Speaker, that these supervisors, these deputy marshals who are employed under the pretext of preserving order at the polls, have been more corrupting to the ballot-box and have thwarted the will of the American people more than would have been done had those officers never been created.

I believe it is one of the cardinal principles of the democratic party—certainly it is one with myself—that the States must regulate these matters for themselves, and believing so, I had no hesitation in saying from the beginning that all these obnoxious statutes should be wiped and blotted from the statute-book.

I would have preferred, Mr. Speaker, that these matters should have come in the regular course of legislation, as I said a moment ago; but if that could not be accomplished, then, when it was put on this appropriation bill by the majority of the House, I felt that as the organ, in part, of the House I was in honor bound to stand by the instructions given to me; and I should have stood by those instructions until the hands on that dial pointed to the hour of twelve. But if the session had continued one month longer I would have obeyed them. Unless the House had directed me to surrender, I never would have surrendered, but would have stood by the action of

the House. [Applause on the democratic side of the House and in the galleries.]

Only one or two words more. I believe local self-government is the cardinal principle involved in State sovereignty. I believe that it lies at the foundation of all free institutions. Believing, as I said a moment ago, that all these laws in regard to supervisors and marshals corrupt the ballot-box rather than preserve its purity, I am glad that, as I perhaps shall never stand in the American Congress again, that as I shall within a few minutes step out of the position which I have occupied here for the last six years, in the last declaration I shall probably ever utter in the American Congress, the opportunity is presented to me to raise my voice for free elections, free ballots, for State rights, and for unrestricted local self-government. [Great applause on the democratic side.]

NOTIFICATION OF THE PRESIDENT.

Mr. WOOD, from the committee appointed to wait upon the President of the United States, reported that, in conjunction with the committee appointed on behalf of the Senate, they had performed that duty, and that the President had requested them to inform the two Houses of Congress that he had no further communication to make to them, except as to the signing of bills.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 1475) granting an American registry to the Canadian steam ferry-boat Geneva;

An act (H. R. No. 2518) granting jurisdiction and authority to the Court of Claims in the case of the schooner Don Pedro;

An act (H. R. No. 4228) to promote the education of the blind;

An act (H. R. No. 4564) for the relief of A. T. Whitman, administrator *de bonis non* of Samuel Kimbro and E. V. Kimbro;

An act (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. H. Waterman;

An act (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes;

An act (H. R. No. 6270) for the relief of Joseph B. Collins;

An act (H. R. No. 6242) for the relief of soldiers and sailors becoming totally blind in the service of the country;

An act (H. R. No. 6250) granting a pension to Morris Dwight;

An act (H. R. No. 6362) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof;

An act (H. R. No. 6436) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes;

An act (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes;

An act (H. R. No. 6463) making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes;

An act (H. R. No. 6512) for the allowance of certain claims reported by the accounting officers of the Treasury Department, and for other purposes;

An act (not numbered) to establish post-routes;

A joint resolution (H. R. No. 191) releasing the reversionary claim and interest of the United States in and to certain lands in the State of Kansas; and

A joint resolution (H. R. No. 207) authorizing the Secretary of War to send artillery and camp equipage to the soldiers' reunion at Cambridge, Ohio.

ELECTION CONTEST—NUTTING VS. REILLY.

Mr. CANDLER, from the Committee of Elections, submitted a report in the contested-election case of Nutting *vs.* Reilly, from the thirteenth congressional district of Pennsylvania; which was laid upon the table, and ordered to be printed.

Mr. PRICE submitted the views of the minority of the Committee of Elections on the same case; which were ordered to be printed with the report of the majority.

Mr. REILLY (the contestee) asked and obtained leave to print some remarks in the RECORD upon the subject. [See Appendix.]

FAILURE OF APPROPRIATION BILLS.

Mr. ATKINS. I now yield to the gentleman from Maine, [Mr. HALE,] a member of the Committee on Appropriations, for five minutes.

Mr. HALE. Mr. Speaker, I do not think there is a sane man in the country who wants an extra session of Congress. The embarrassments that will follow from it are grave and many. The inflammation of political issues and discussions, the possible conflict between the executive and legislative branches of the Government, above all the great financial and currency questions, touching nigh the business interests of all the people, which will be disturbed and kept in an uncertain condition, altogether nothing more calamitous could befall the country.

This side of the House has sat here every day since this session

began trying to urge forward the needed legislative business. We have been willing to pass appropriation bills, pure and simple, and to adjourn and let the country have the peace which it needs.

The other side of the House has, without need, forced political amendments upon appropriation bills, and the responsibility is theirs. I have faith to believe that there are many moderate, prudent, and patriotic men on the other side, who dread the result of this, who are not satisfied with it. But the spectacle presented is not a rare one in history, where the revolutionary and reactionary elements in a great party, though in a minority as to numbers, have obtained such control of it as to drive the entire force of the party toward revolution. If the people of the North do not appreciate the situation now, they never will appreciate it. If the people of the whole country do not appreciate it now, they never will appreciate it.

The gentleman from Kentucky [Mr. DURHAM] has said that it was necessary to put upon the appropriation bills this political legislation. Sir, my comment upon that statement is to say that I hold in my hand a bill passed seventy-four days ago by a republican Senate repealing the test oath so much insisted on by this democratic House. That bill is very brief and in these words:

Be it enacted, &c., That section 820 of the Revised Statutes of the United States be, and the same is hereby, repealed, saving the application of the same to all offenses committed prior to April 20, 1871, and all proceedings for prosecution of offenses pending on the said 20th day of April, 1871.

Passed the Senate, December 20, 1878.

Attest:

By WM. E. SPENCER, Chief Clerk.

GEO. C. GORHAM, Secretary.

Seventy-four days have gone by since that bill came to us from the Senate, and no attempt has been made to take it from the Speaker's table and pass it, so as to give the gentleman from Kentucky [Mr. DURHAM] and his associates "an honest and an intelligent jury." [Applause on the republican side.]

Instead of that, a democratic caucus has taken this matter into its own hands, has ignored a proper bill passed by a republican Senate, and has demanded that this and other measures, which they declare to be of vital importance, shall be forced through Congress upon appropriation bills. It has attempted to array this House against a coordinate branch of the National Legislature, the Senate of the United States, as I believe with the intention on the part of some men belonging to the reactionary and revolutionary portion of that party to precipitate an extra session of Congress. That is what I have charged from the beginning, and in proof of the correctness of my assertion is this bill passed by a republican Senate, but which this democratic House has persistently refused even to take up and consider. [Great and continued applause on the republican side of the House.]

Mr. SOUTHARD. I ask the gentleman from Tennessee to yield to me for a minute or two.

Mr. ATKINS. I will yield to the gentleman from Ohio for a minute.

Mr. SOUTHARD. As the mover of a part of these amendments, I desire to say that it was with the highest, the purest, and the most patriotic motives. The positions taken are incontestably right, and will be maintained until these odious laws cease to exist. Laws prescribing test oaths for jurors and those creating marshals and supervisors of elections, clothed with the arbitrary power of arrest without warrant, should cease to exist in this free country, and the polling-places of elections should be free from the presence of the military. As it has been in England since the dawn of her civilization, so shall it be in America. The democratic party have considerably and firmly planted themselves upon these truths. They now appeal to the people of these United States, confidently trusting in their patriotism, their intelligence, and their integrity. [Applause on the democratic side of the House.]

Mr. ATKINS. I believe the gentleman from Maine [Mr. HALE] will remember that there was a motion made to suspend the rules and pass these very measures, and the other side of the House voted against it and defeated it. [Applause on the democratic side.]

Mr. MANNING. Yes, Mr. Speaker, three weeks ago I made a motion to suspend the rules and put upon its passage a bill repealing the test oath and certain election laws. One hundred and twenty-six democrats voted for the passage of the bill and one hundred and thirteen republicans voted against it; the democrats standing solidly for it and the republicans solidly against it.

Mr. HALE. Bring out the record; let us see the record.

Mr. MANNING. It will be seen by reference to the RECORD of the 11th ultimo, page 20, that I introduced the following bill in the due course of business:

Be it enacted, &c., That sections 820 and 821 of the Revised Statutes of the United States and also the sections from 2041 to 2049, both inclusive, and all other sections authorizing the appointment and payment of supervisors of elections and special deputy marshals to aid and assist said supervisors, be, and the same are hereby, repealed.

All the sections referred to were read to the House. It was my purpose in introducing it to afford a full vindication to the democratic party in the event of the present threatened emergency that it could not be truthfully said we were undertaking to coerce the repeal of these statutes until we had exhausted all ordinary means. So important a fact so recently transpiring could hardly have been forgotten by either the gentleman from Ohio or the gentleman from Maine, as they were both present and voted against the bill.

VALEDICTORY OF THE SPEAKER.

The SPEAKER. Representatives, in a moment this Congress will expire. Its acts, whether for weal or woe, are indelibly inscribed upon the pages of history. In this Hall party has been arrayed against party and interest against interest in fierce and bitter struggle; but it is due to truth to say that on every side there has been honest ambition to win popular esteem by seeking, each in his own way and according to his best judgment, the general welfare. Whether or not the desired end of the public good has been successfully attained is for time to prove; but that such has been the aim of both sides cannot justly be disputed.

Genuine concord between all the States and the citizens thereof is the corner-stone of our national prosperity. What prostrates or elevates one at the expense of the other inevitably inures to the ultimate injury of all. Although each Representative has championed the wishes of his immediate constituency with earnestness and energy, yet during the whole period of the existence of this House there has not been a single breach of legislative decorum. That noble respect born of generous rivalry in a common good cause has softened all asperities.

I feel that mere words are inadequate to thank fully this House for its resolution of approval of the manner in which I have discharged the duties of Speaker, always responsible and onerous, and often most delicate and difficult. I have done my best.

Long service here has taught me that hate or vengeance has never raised any cause to enduring honor, while, on the contrary, justice and mutual regard have often given the weaker side an easy victory. With two great parties dividing the people, each holding an important share in government, with strict accountability on the part of public servants and vigilant eyes watching all, with reviving business and restored confidence, may we not look hopefully to the early dawn of a new era of increased prosperity and greater happiness for the country? Such is my fervent prayer.

To each and every Representative here I desire to tender my heartfelt acknowledgment for the kindly forbearance extended to me as presiding officer of this House, and to say that I shall ever gratefully cherish the honor of which I have been the recipient.

With the expression of the wish that you all may return safely and in health to your homes, it only remains for me to declare that, in accordance with the Constitution of the United States, this House stands adjourned without day. [Applause on the floor and in the galleries.]

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BRAGG: Resolutions of the Legislature of Wisconsin, asking for a survey of the proposed harbor at Kewaunee, Wisconsin—to the Committee on Commerce.

Also, resolutions of the Legislature of Wisconsin, relative to improvement of rivers and harbors—to the same committee.

By Mr. CAMP: The petition of Grange 33, New York, for the passage of the bill to regulate interstate commerce—to the same committee.

By Mr. FENN: Memorial of the Legislative Assembly of Idaho Territory, relative to the purchasing of silver bullion at Boise City assay office, Idaho—to the Committee on Appropriations.

Also, memorial of the Legislative Assembly of Idaho Territory, asking for compensation for volunteers serving in said Territory in the Nez Percé war, in 1877, and the Bannock and Shoshone war, in 1878—to the Committee on Military Affairs.

By Mr. GOODE: The petition of David Boyd, of Portsmouth, Virginia, for a pension adequate for his support—to the Committee on Invalid Pensions.

By Mr. HART: The petition of 112 women of Rochester, New York, for legislation to make more effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. HENDERSON: The petition of Mrs. Fleharty and other women, of Wyoming, Illinois, of similar import—to the same committee.

By Mr. HUBBELL: The petition of Thomas B. Woolliscraft, E. R.

Penberthy, and 96 others, citizens of Baraga County, Michigan, for the location of the court-house for the northern division of Michigan at L'Anse, in that county—to the Committee on Public Buildings and Grounds.

Also, the petition of John McGrath, Daniel Sheax, and 15 others, citizens of Baraga County, Michigan, of similar import—to the same committee.

Also, the petition of Alfred Mead, A. J. Rich, and 27 others, citizens of Baraga County, Michigan, of similar import—to the same committee.

Also, the petition of N. S. Pennock, W. T. Chase, and 11 others, citizens of Baraga County, Michigan, of similar import—to the same committee.

Also, the petition of C. Mueller, Ralph Austin, and 40 others, citizens of Baraga County, Michigan, of similar import—to the same committee.

By Mr. HUMPHREY: Memorial of the Legislature of Wisconsin, for resurvey of the harbor at Kewaunee, Wisconsin—to the Committee on Commerce.

Also, resolution of the Legislature of Wisconsin, in relation to lake and harbor improvements—to the same committee.

Also, the petition of Mrs. J. H. Moulton, P. P. Davidson, M. E. Davis, and other ladies, of La Crosse, Wisconsin, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. JONES, of New Hampshire: The petition of Martin L. Lord and 12 others, of Dover Grange, New Hampshire, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of ladies of Hampstead, New Hampshire, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. LAPHAM: The petition of Academy Grange, Ontario County, New York, for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. PEDDIE: Memorial of the representatives of the religious Society of Friends, of Pennsylvania, New Jersey, and Delaware, against the transfer of the management of the Indians within the United States from the Interior Department to the War Department—to the Committee on Indian Affairs.

Also, the petition of the women of Newark, New Jersey, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. PHILLIPS: Resolutions of the Legislature of Kansas, for legislation to protect the frontiers from Indian outrages—to the Committee on Military Affairs.

Also, the petition of women of Jefferson County, Kansas, for legislation to suppress polygamy in Utah—to the Committee on the Judiciary.

By Mr. POTTER: The petition of women of New Rochelle, New York, for anti-polygamy legislation—to the same committee.

By Mr. POUND: Resolution of the Legislature of Wisconsin, in relation to lake and harbor improvements—to the Committee on Commerce.

By Mr. REAGAN: The petition of Panola Grange, Panola County, Texas, for the passage of the bill to regulate interstate commerce introduced by Mr. REAGAN—to the same committee.

Also, the petition of Panola Grange, Panola County, Texas, for the passage of the bill reducing the tax on tobacco to sixteen cents per pound—to the Committee of Ways and Means.

By Mr. RICE, of Ohio: The petition of George L. Covert, for an increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Martin Noonan, for a pension—to the same committee.

By Mr. SAMPSON: The petition of Mrs. M. C. Truax, E. Moore, and other women, of Davis County, Iowa, for such legislation as will make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. SAPP: The petition of Mrs. McKee and 119 other women, of Page County, Iowa, of similar import—to the same committee.

By Mr. WILLIS, of New York: The petition of the Saint James Lutheran church, New York City, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on Education and Labor.

